

Central Water Authority (Water Supply for Non-Domestic Purposes) Regulations 2011

GN No. 239 of 2011

THE CENTRAL WATER AUTHORITY ACT

Regulations made by the Central Water Board, with the approval of the Minister,
under section 49 of the Central Water Authority Act

1. These regulations may be cited as the **Central Water Authority (Water Supply for Non-Domestic Purposes) Regulations 2011**.

2. In these regulations-

“acquired *prise* supply” means a water supply-

- (a) acquired before the coming into operation of Ordinance No. 26 of 1891; or
- (b) acquired after the coming into operation of Ordinance No. 26 of 1891 but before 14 January 1895;

“Act” means the Central Water Authority Act;

"agricultural consumer" means a person to whom the Authority has agreed to supply water for -

- (a) the cultivation of vegetables, flowers, fruit trees or other crops; or
- (b) breeding livestock or poultry,

for commercial purposes;

"aquaculture consumer" means a person to whom the Authority has agreed to supply water to farm aquatic organisms, including fish and aquatic plants, for commercial purposes;

"bill" means a notice of payment issued by the Authority under regulation 19;

"business consumer" means a person who carries out a business specified in the First Schedule;

"charitable or religious institution" means an institution which is registered as a charitable or religious institution under an enactment;

“commercial consumer”-

- (a) means a person to whom the Authority has agreed to supply water for the purposes of distributive or retail trade, for professional business or for providing a service to the public, whether or not a charge is made; but
- (b) does not include a business consumer;

"communication pipe" means that portion of the service which lies between the main and the meter or stopcock of the Authority located within or near the boundary of the property of the consumer;

"*concession prise* supply" means a water supply acquired by a consumer in the district of Port Louis before 1 July 1969;

"consumer "means a person-

- (a) to whom the Authority agrees to supply or supplies water for non-domestic purposes; and
- (b) who is the owner or occupier of the property where water is supplied;

"domestic purpose" has the same meaning as in the Central Water Authority (Water Supply for Domestic Purposes) Regulations 2011;

"drink" means any alcoholic and non-alcoholic drink, including water;

"ground water licence" means a licence issued under section 7 of the Ground Water Act;

"industrial consumer" means a person to whom the Authority has agreed to supply water for the purpose of manufacturing goods;

"main" means a pipe, other than a communication pipe or supply pipe, which is laid by the Authority to provide water through the water supply networks;

"meter" means a device which measures and records the volume of water supplied to a consumer;

"monthly metered water supply" means the volume of water supplied by the Authority to a consumer for a period not exceeding 35 days and registered by such meter as may be approved by the Authority;

"non-domestic purpose" means a purpose other than a domestic purpose;

"public sector agency" includes any Ministry or Government department, local authority or statutory body;

"service" means the pipe system which comprises all the pipes, valves and other fittings which are used to supply water from the water works to a consumer;

"stopcock" means a valve which regulates or stops the flow of water through a pipe;

"supply pipe" means any part of a service, not being a main or a communication pipe;

"water charges" means the amount payable for the monthly metered water supply at the rate specified in Part D of the Second Schedule;

"water works" means the different system of canals, conduits, mains, communication pipes, wells, dams, reservoirs, fountains, treatment works, machine and other appliances of the Authority, for supplying and measuring water, and includes all works, structures, rights of way and other appurtenances held by the Authority for the purpose of carrying into effect these regulations.

3. Every person who is the owner or occupier of a property and who wishes to have water supplied to that property for non-domestic purposes shall -
 - (a) make a written application to the Authority in the form set out in the Third Schedule; and
 - (b) pay the non-refundable processing fee specified in Part A of the Second Schedule at the time of making the application.
4. An application made under regulation 3 shall be accompanied by-
 - (a) 2 site plans of the property referred to in regulation 3;
 - (b) the original and one photocopy of the applicant's National Identity Card;
 - (c) information relating to the daily water requirements of the applicant and his arrangements for disposing of waste water; and
 - (d) such other information as the authority may require.

5. On receipt of an application made under regulation 3, the Authority may cause the property referred to in that regulation to be inspected.
6. (1) Where the Authority grants the application and agrees to supply the property with water, it shall-
 - (a) notify the applicant in writing of its decision; and
 - (b) inform him of the fees, deposit and such other costs as the Authority has incurred or will incur to supply the property with water.(2) The minimum amount payable under paragraph (1) (b) shall be the minimum fee for a new supply and where applicable, the minimum road reinstatement fee specified in Part A of the Second Schedule.
7. The consumer shall -
 - (a) pay the costs, deposit and fees referred to in regulation 6;
 - (b) provide and set up, at his own cost, such supply pipe as may be approved by the Authority,before the Authority carries out any works to supply water to him.
8. Where the consumer fails to pay the costs, deposit and fees referred to in regulation 6 within 6 months from the date of a notification under regulation 6(1)(b), he shall be deemed to have abandoned his application.
9. Where the Authority refuses or is unable to supply water to the property of the applicant, it shall, as soon as reasonably practicable, inform the applicant, in writing, of the reasons for its refusal or inability to supply the water.
10. Where the Authority agrees to supply water to the consumer, it shall provide and set up, at the cost of the consumer, a communication pipe which shall at all times remain the property of the Authority.
11. (1) The volume of water supplied to every consumer shall be measured by a meter provided and set up by the Authority at the consumer's cost.
 - (2) The meter shall, at all times, remain the property of the Authority.
 - (3) Every meter shall-
 - (a) be fixed in or as near as possible to the consumer's property;
 - (b) be enclosed in a chamber made of cement or other material acceptable to the Authority and in accordance with such specifications as it may determine;

(c) where the Authority so determines, be locked by means of a padlock the key of which shall remain in the custody of the Authority.

(4) Where, at the request of a consumer, the Authority makes, provides or installs the chamber referred to in paragraph (3) (b), any costs incurred by the Authority for making, providing or installing the chamber shall be borne by the consumer.

(5) Every consumer shall pay the meter rent specified in Part B of the Second Schedule;

(6) Every consumer shall be personally liable to the Authority for any damage caused to a meter.

(7) (a) Where the Authority has reasonable grounds to believe that a meter installed at the place of a consumer is not functioning properly, it shall replace or repair the meter, as the case maybe.

(b) The volume of water supplied to a consumer during a period when a meter was not functioning properly or was removed by the Authority shall be calculated by reference to the average daily rate of consumption by the consumer.

(8) (a) A consumer who is dissatisfied with the functioning of his meter may, on payment of the examination fee specified in Part A of the Second Schedule, make a written application to the Authority to have the meter examined.

(b) Where, after the examination of the meter, the Authority is satisfied that the meter was not functioning properly, it shall-

(i) reimburse to the consumer the examination fee paid by him under subparagraph (a);
and

(ii) make the necessary adjustments to any amount payable by the consumer.

(9) For the purpose of this regulation-

(a) "average daily rate of consumption" means the volume of water calculated by reference to the last 2 consecutive readings of an accurate meter;

(b) a meter shall be deemed to be accurate if the volume of water recorded from a calibrated meter gives a tolerance of plus or minus 5 per cent.

12 (1) Every person who holds a *concession* or acquired *prise* shall have his water supply metered by the Authority.

(2) Subject to paragraph (3), a consumer to whom water is supplied by means of a metered supply shall be entitled to receive, in a month.-

(a) 70 cubic metres, free of charge, where he was the owner of a *concession prise*;

(b) 85 cubic metres, where he holds a water *prise* acquired before the coming into

operation of Ordinance No. 26 of 1891;

- (c) 50 cubic metres, where he holds a water *prise* acquired after the coming into operation of Ordinance No. 26 of 1891 but before 14 January 1895.

(3) A consumer shall not be entitled to any claim for compensation or abatement of water charges where the volume of water supplied is less than the volume specified in paragraph (2).

13. (1) No person, except the Authority, shall alter, extend, repair or relocate a communication pipe.

(2) Every consumer who wishes to have a communication pipe which is within or near the boundary of his property or the property he occupies, relocated or extended, shall make a written application to the Authority.

(3) On receipt of an application under paragraph (2), the Authority may -

- (a) require the consumer to furnish such information as it may require, including a site plan of the property, the original and a photocopy of his National Identity Card; and
- (b) cause the property to be inspected.

(4) Any relocation or extension of a communication pipe shall be made at the cost of the consumer and, as far as reasonably practicable, in accordance with the requirements of the consumer.

(5) Where the Authority is of the opinion that the cost of the relocation or extension is likely -

- (a) to be 500 rupees or less, it shall provide the consumer with an estimate of the cost;
- (b) to exceed 500 rupees, it shall provide the consumer with a detailed estimate of the cost.

(6) The consumer shall pay to the Authority an estimate provided to him under paragraph (5) before any works relating to the relocation or extension are carried out.

(7) The Authority shall, on completion of the works referred to in paragraph (6), provide to the consumer a statement of the actual cost incurred by the Authority and -

- (a) may recover any balance in excess of the estimated cost from him;
- (b) shall refund to him any amount paid in excess of the actual costs.

14. Where a consumer installs, alters, extends or repairs a supply pipe, he shall -

- (a) use such pipe, and fittings to be used with the pipe, as are approved by the Authority and are capable of withstanding a minimum test pressure of 6 Bar;
- (b) use a pipe and fittings of a material and quality acceptable to the Authority;

(c) fix a stopcock or sluice valve, as appropriate, and a non-return valve as near as possible to the meter;

(d) not connect any pump or similar device on any part of the supply pipe which is directly connected to the meter unless the pump or device is connected on that part of the supply pipe which is located after the water tank.

15. (1) Every consumer shall keep his supply pipe in a good state of repair to the satisfaction of the Authority.

(2) Where a supply pipe of a consumer is defective or in need of repair or its material or quality is not in accordance with the requirements of the Authority, it may serve a written notice on him -

(a) requiring him to take such remedial action within the period specified in the notice; and

(b) informing him that, if he fails to comply with the notice, the Authority may discontinue the supply of water to him.

(3) Where a consumer fails to comply with a notice served on him under paragraph (2), the Authority may, at the cost of the consumer, discontinue supply of water to him.

16. (1) Subject to paragraph (2), the deposit paid by a consumer under these regulations shall be returned to him on his application for the termination of water supply to him.

(2) The Authority may use the deposit to settle any amount due by the consumer to it.

(3) Where the Authority has discontinued water supply to a consumer for non-payment of water charges or waste water fees, charges or rates, it shall not re-establish the supply of water, unless he pays the difference between his existing deposit, if any, and the deposit specified in Part C of the Second Schedule to the Authority.

17. (1) The Authority shall cause the meter of every consumer to be read in order to obtain the monthly metered water supply.

(2) Where the Authority is unable in any month to obtain a reading on the meter of a consumer for the month or the monthly metered water supply, the Authority shall calculate the volume of water supplied during that month by reference to the average daily rate of consumption.

(3) Where the Authority considers that the water charges are excessive on account of unnoticed leaks from the supply pipe or any other valid reason, the Authority may adjust the water charges and, where applicable, the waste water fees, charges and rates.

18. (1) Subject to paragraph (2), every consumer shall pay the water charges specified in Part D of the Second Schedule.

(2) Every consumer shall pay the minimum water charge specified in Part D of the Second Schedule.

(3) A consumer shall not pay the minimum water charge referred to in paragraph (2) where he has given at least one month's written notice, in the form set out in the Fourth Schedule, to the Authority to have his water supply discontinued.

19. (1) For the purposes of these regulations, sections 20(2)(m) and 21A of the Act and section 25 of the Waste Water Management Authority Act, the Authority shall issue to every consumer a single bill comprising –

- (a) the water charges payable under these regulations;
- (b) the waste water fees, charges or rates, where such fees, charges or rates are payable; and
- (c) any fees or charges payable to the Authority under any other enactment.

(2) A consumer who is issued with a bill under paragraph (1) shall pay the bill within 21 days of the date the bill is issued and any payment made after that delay shall be subject to a surcharge of 10 per cent.

(3) Where the amount payable under paragraph (2) is not a multiple of 10 cents, it shall be increased to the nearest multiple of 10 cents.

20. Where a consumer wishes to have his water supply discontinued, he shall make a written application to the Authority in the form set out in the Fourth Schedule and produce his National Identity Card together with a receipt of payment in respect of the bill for the month preceding the month in which he makes the application.

21. (1) A consumer who fails to receive his bill for the current month shall, as soon as reasonably practicable, inform any Customer Service Centre of the Authority.

(2) (a) Where a bill remains unpaid after 60 days from the date of its issue, the Authority may discontinue the supply of water to the defaulting consumer.

(b) The onus of proof of payment of the alleged unpaid bill shall rest with the consumer.

(3) The Authority may discontinue the supply of water of a consumer who fails to pay, within such time as may be specified in a notice, any other amount due to the Authority under these regulations.

(4) Where a consumer wishes to have his water supply reestablished after the water supply has been discontinued following an application made by him under regulation 20 or where the Authority has discontinued water supply to him under paragraph (2) or (3), he shall make a written application to the Authority in the form set out in the Fourth Schedule.

(5) Where the Authority agrees to re-establish the water supply, it shall inform the consumer of its

decision and request him to settle any amount due by him to the Authority.

(6) Subject to paragraph (7), the Authority shall not re-establish the water supply, unless the consumer pays-

- (a) where the water supply is discontinued at meter, the re-establishment fee specified in Part A of the Second Schedule;
- (b) where the water supply is discontinued from main, the minimum fee for a new supply and the minimum road reinstatement fee, where applicable, specified in Part A of the Second Schedule;
- (c) any amount due by him to the Authority; and
- (d) the difference between his existing deposit, if any, and the deposit specified in Part C of the Second Schedule.

7) Where the consumer is unable to effect a single payment for the amount payable under paragraph (6), the Authority may, on written application made by him, re-establish the water supply on payment of not less than 25 per cent of the arrears of water charges and waste water fees, charges and rates, where applicable, the remaining balance being payable in 4 monthly instalments.

22. (1) No person shall, without lawful authority or reasonable excuse –

- (a) abstract, consume or use water from water works;
- (b) tamper, interfere with, damage or destroy a meter or any other installation or device set up by the Authority to record the provision of water in connection with supply of water from the water works;
- (c) open or close any cock, valve, sluice or any other similar device in the water works;
- (d) install or cause to be installed a pump or other similar device on any part of the supply pipe which is directly connected to the meter and before a water tank.

(2) No person shall-

- (a) do or cause to be done any act which is likely to impede the flow of water or to pollute water in the water works, or render it unfit for consumption;
- (b) trespass on any land held by the Authority for the purpose of carrying into effect these regulations and on or near which a notice giving adequate warning to trespassers has been posted.

23. The Central Water Authority (Water Supply for Non-Domestic Purposes) Regulations 1992 are revoked.

- 24.** Any application received by the Authority before the coming into operation of these regulations, and in respect of which the Authority has not yet agreed to supply water to the applicant, shall be processed in accordance with these regulations.
- 25.** These regulations shall come into operation on 1 January 2012.

Made by the Central Water Board on 28 December 2011 and approved by the Minister on 28 December 2011.

FIRST SCHEDULE

[Regulation 2]

TYPES OF BUSINESS

Banking

Bookmaking

Business Process Outsourcing

Casino

Gaming house

Guesthouse

Horse racing

Hotel

Hypermarket

Insurance

Integrated resort development

Management of commercial complex

Management of gardens, parks, waterfronts and open spaces, open and dedicated to the use of or used by the public, excluding where the management is by a public sector agency

Manufacture of drinks

Provision of water to ships

SECOND SCHEDULE

[Regulations 2, 3, 6, 11, 16, 18 and 21]

FEES, DEPOSITS, METER RENT AND WATER CHARGES

Part A - Fees

	(Rs)
1. Processing fee for new water supply	500
2. Minimum fee for new water supply	1,300
3. Minimum road reinstatement fee	500
4. Examination fee for testing meter	200
5. Re-establishment fee	500

Part B – Meter rent

	(Rs)
Meter of nominal diameter -	
(a) of 12 or 18 mm	10
(b) of 25 mm	30
(c) of 37 mm	45
(d) of 50 mm	60
(e) of 75 mm	90
(f) of 100 mm	150
(g) greater than 100 mm	200

Part c - Deposits

	(Rs)
Meter of nominal diameter -	
(a) of 12 mm	400
(b) of 18 mm	1,000
(c) of 25 mm	1,500
(d) of 37 mm	2,500
(e) of 50 mm	5,000
(f) of 75 mm	10,000
(g) of 100 mm and above	25,000

Part D – Water charges

	(Rs)
1. Concession <i>prise</i> supply or Acquired <i>prise</i> supply	
(a) <i>Prise</i> supply acquired before the commencement Of Ordinance No.26 of 1891 (Tariff 12)	
(i) First 85 cubic metres consumed	245.00
(minimum charge)	
(ii) Every additional cubic metre consumed	30.00 per Cubic metre
(b) Acquired <i>prise</i> supply after the commencement Of Ordinance No.26 of 1891 but before 14 January 1895 (tariff 13)	
(i) First 50 cubic metres consumed	245.00
(minimum charge)	
(ii) Every additional cubic metre consumed	30.00 per Cubic metre
(c) Concession <i>prise</i> supply acquired in Port Louis before 1 July 1969 (Tariff 14)	
(i) first 70 cubic metres	Nil
(ii) Every additional cubic metre	35.00 per Cubic metre
2. Business consumers (Tariff 14)	
(a) first 33 cubic metres (minimum water charge)	1122.00
(b) Every cubic metre	34.00 per Cubic metre
3. Public sector agency consumers (Tariff 15)	
(a) First 17 cubic metres (minimum water charge)	391.00
(b) Every cubic metre	23.00 per Cubic metre
4. Industrial consumers (Tariff 16)	
(a) First 25 cubic metres (minimum water charge)	450.00
(b) Every cubic metre	18.00 per Cubic metre
5. Agricultural consumers (Tariff 17)	
(a) First 20 cubic metres (minimum water charge)	220.00
(b) Every cubic metre	11.00 per Cubic metre

6. Commercial consumers (Tariff 18)	
(a) First 17 cubic metres (minimum charge)	391.00
(b) Every cubic metre	23.00 per
	Cubic metre
7. Charitable or religious institution (Tariff 53)	
(a) Minimum charge up to 10 cubic metres	60.00
(b) First 10 cubic metres	6.00 per
	Cubic metre
(c) Next 10 cubic metres	8.00 per
	Cubic metre
(d) Next 30 cubic metres	17.00 per
	Cubic metre
(e) Every additional cubic metre	32.00 per
	Cubic metre
8. <i>Compagnie thermique de Belle Vue Ltee</i> Supply (Tariff 71)	
Every cubic metre	3.90
9. Aquaculture consumers (Tariff 81)	
Every cubic metre	1.00
10. Un-chlorinated water (Tariff 91)	
Every cubic metre	10.00

THIRD SCHEDULE

[Regulation 3]

APPLICATION FOR WATER SUPPLY (NON-DOMESTIC PURPOSES)

1. Name of applicant
2. National Identity Card No.
3. Address of property to be
supplied with water
4. Address for delivery of
accounts and service of notices
5. Estimated volume of water
to be consumed monthly
6. Date on which supply is
required
7. Arrangements for disposal
of waste water
8. Where the applicant is a
body corporate or *société*,
name of directors/*associés*
authorised to sign on behalf
of the body corporate or *société*
9. I hereby apply for water supply from the Central Water
Authority as detailed above, and undertake to use and pay
regularly the water supplied to me in accordance with the
Central Water Authority (Water Supply for Non-Domestic
Purposes) Regulations 2011.

Note: Where the applicant is a body corporate or *société*, you are required to submit a copy of the constitution of the body corporate or *société*, as applicable.

Date : Signature of Applicant:

FOURTH SCHEDULE

[Regulations 18, 20 and 21]

**APPLICATION FOR DISCONNECTION OR FOR RE-
ESTABLISHMENT OF WATER SUPPLY (NON-DOMESTIC
PURPOSES)**

1. Name of applicant
2. National Identity Card No.
3. Address of property where water supply is to be discontinued or re-established (*)
4. Account number
5. Address for delivery of accounts
6. Date on which water supply is to be discontinued or re-established (*)

7. I,, residing at hereby apply for the disconnection/re-establishment (*) of water supply from the Central Water Authority as detailed above.

8. I undertake to use and pay regularly for the water supplied to me in accordance with the Central Water Authority (Water Supply for Non-Domestic Purposes) Regulations 2011. (*)

Date : Signature of Applicant:

(*) Delete if not applicable.

