



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Local Authorities Act 23 of 1992
section 94(2) read with section 94(1)

Model Water Supply Regulations

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Definitions

1. (1) In these regulations any word or expression to which a meaning has been assigned in the Local Authorities Act, 1992 (Act 23 of 1992) shall bear that meaning and, unless the context otherwise indicates -

“accommodation unit”, in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for residential, business or industrial purposes or any other purpose;

“Act” means the Local Authorities Act, 1992 (Act 23 of 1992);

“approved” means approved by the Engineer in writing;

“connection pipe” means a pipe provided and installed by the Council on a water main for the purpose of supplying water to the premises of a consumer;

“consumer” means the person to whom water is supplied by the Council under a contract of supply or a special agreement referred to in regulation 68;

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“contract of supply” means a contract concluded between the Council and any person in terms of regulation 4 for the supply of water by the Council to such person;

“Council”, in relation to a local authority area, means the municipal council, town council or village council, as the case may be, of that area;

“Engineer” means the official of the Council charged with the function of exercising control over the supply of water by the Council;

“local authority area”, means the area comprising the municipality, town or village, as the case may be, to which these regulations are applicable by virtue of the provisions of section 94(2)(b);

“occupier”, in relation to any premises, means -

- (a) the person in actual occupation thereof;
- (b) the person legally entitled to occupy the premises;
- (c) the person having the charge or management of the premises; or
- (d) the agent of any such person who is absent from Namibia or whose whereabouts are unknown;

“owner”, in relation to any premises, means the person in whose name the premises is registered, and includes -

- (a) if the owner is deceased, insolvent, mentally ill, a minor or under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or in any other capacity;
- (b) if the premises are leased and registration in a deeds registry is a prerequisite for the validity of the lease, the lessee;
- (c) the owner’s authorized agent or a person receiving the rent of the premises in question on behalf of the owner; or
- (d) where the premises are beneficially occupied under a servitude or similar right, the person in whom such right is vested.

“residential premises” means any premises used or intended for use solely for domestic purposes and which is not used for trade, business, manufacturing or industrial purposes;

“service pipe” means the pipe provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

“water connection” means a water connection provided by the Council on a water main by means of a connection pipe, water meter and isolating valve for the supply of water to any premises;

“water installation” means the pipes and water fittings installed on, and vesting in the owner of, any premises for the purpose of the use on the premises of water supplied by the Council;

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“water main” means a pipe forming part of the Council’s water reticulation system, but does not include a connection pipe;

“water tariff”, in relation to a local authority area, means the tariff of charges, fees and other moneys determined by the local authority Council concerned under section 30(1)(u) of the Act, or applicable to the local authority area by virtue of the provisions of section 95(5) of the Act, in respect of the supply of water by the Council and the rendering of other services in connection therewith;

(2) In these regulations “SABS” followed by a number or a number and a title, is a reference to the specification of the indicated number published by the Council of the South African Bureau of Standards, and all amendments thereof, and which are available for inspection at the office of the Engineer at any time during official office hours.

CHAPTER 1
SUPPLY OF WATER BY COUNCIL

Council’s sole right to supply water from water main

2. No person shall obtain the supply of water or take any water from a water main other than by means of a water connection provided by the Council pursuant to a contract of supply concluded in accordance with the provisions of these regulations.

Prerequisites for supply of water by Council

3. (1) The Council shall not be obliged to supply water to any premises in the local authority area, whether for household, business or industrial purposes, unless -

- (a) the owner or occupier of such premises has concluded with the Council a contract of supply; and
- (b) all other requirements prescribed by these regulations for procuring such supply have been complied with by such owner or occupier.

(2) Notwithstanding subregulation (1), the Council shall not be obliged to conclude with any person a contract of supply if a supply main is not available at a point within the close proximity of such premises of such owner or occupier from where it is reasonably possible to provide a service connection to the premises.

Application for the supply of water

4. (1) Application may be made to the Council by or on behalf of the owner or occupier of any premises -

- (a) for the initial connection of such premises to a water main; or
- (b) for a reconnection of the supply of water where a previous contract of supply in respect of the premises has been terminated, whether for the supply of water to the previous consumer or to any subsequent owner or occupier of the premises.

(2) An application in terms of subregulation (1) shall be made in a form provided by the Council for the purpose, and shall be submitted to the Council -

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- (a) in the case of an application for an initial connection, at least 14 days; and
- (b) in the case of an application for a reconnection, at least 7 days,

before the date on which the supply of water to the premises in question is required.

(3) Where application is made for the initial connection of any premises to a water main, the applicant shall, if he or she is not the registered owner of the premises, lodge, together with the application, the written permission of the registered owner that such connection may be made.

(4) When submitting an application in terms of subregulation (1), the applicant shall -

- (a) sign a contract for the supply of water; and
- (b) pay to the Council the fee determined in the water tariff for an initial connection or a reconnection of the supply of water, whichever is applicable.

(5) If the requirements of subregulation (4) have been complied with, the chief executive officer, or any other employee of the Council authorised by the chief executive officer for that purpose, shall sign on behalf of the Council the contract of supply bearing the applicant's signature.

(6) The supply of water by the Council to the premises of a consumer shall be subject to the provisions of these regulations and the conditions contained in the relevant contract of supply.

Payment of deposit

5. (1) Every consumer, other than the Government of the Republic of Namibia, shall, before the supply of water is given by the Council, deposit with the Council a sum of money equal to the estimated charge for an average month's supply of water as determined by the Council.

(2) The Council may from time to time review the sum of money deposited by a consumer in terms of subregulation (1) and, in accordance with such review -

- (a) require that an additional amount be deposited by the consumer; or
- (b) refund to the consumer such amount as may be held by the Council in excess of the reviewed deposit.

(3) If a consumer fails to deposit an additional amount in accordance with subregulation (2)(a) within 30 days after being required by the Council in writing to do so, the Council may suspend the supply of water to such consumer until such additional amount, and the fees determined in the water tariff for such suspension and the subsequent restoration of the supply, are paid.

(4) Subject to subregulation (5), an amount deposited with the Council in terms of subregulation (1) or (2), shall not be regarded as being in payment or part payment of an account due for the supply of water.

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(5) If, upon the termination of a contract of supply in terms of regulation 19, an amount remains due to the Council in respect of water supplied to the consumer, the Council may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.

(6) No interest shall be payable by the Council on the amount of a deposit held by it in terms of this regulation.

Connection to water main

6. (1) Where a contract of supply has been concluded, the Council shall, subject to regulation 4(2) -

- (a) in the case of an initial connection, provide and install from the water main a water connection pipe to the premises at such position on the water main as the Engineer may determine;
- (b) in the case of a reconnection of the supply of water, cause such reconnection to be made.

(2) The Council may, either of its own accord or at the request of a consumer, alter the position of a connection on the water main.

(3) Where a water connection is provided by the Council to any premises, it shall be the responsibility of the consumer concerned, and not of the Council, to provide and install and maintain, in accordance with the provisions of these regulations, and at his or her own cost, the water installation on the premises.

(4) The charges payable for -

- (a) the provision of a water connection, including a water connection pipe, isolating valve and water meter;
- (b) the alteration of the position of a water connection on the water main at the request of a consumer,

shall, subject to subregulation (5), be as determined in the water tariff.

(5) Where the Council is required to provide a water connection by means of a water connection pipe of a size or length for which no charge is determined in the water tariff, or if, because of any special circumstances, the amount so prescribed is insufficient to cover the actual costs of providing and installing such water connection pipe, water meter and isolating valve, the consumer shall be liable to pay to the Council an amount equal to the actual costs incurred by the Council in respect of material, labour and transport for providing the water connection, plus 15% of the amount of such costs to cover additional indirect costs.

(6) Any charge payable in terms of subregulation (4) shall be paid to the Council in advance and, in a case contemplated in subregulation (5), an amount estimated by the Engineer to cover the sum payable in terms thereof shall be deposited by the consumer with the Council before the work is commenced by the Council.

Provision of common water connection for supply to several consumers on same premises

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7. (1) Subject to subregulation (4), only one water connection on the water main shall be provided for the supply of water to any premises, irrespective of the number of accommodation units of consumers located on such premises.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Council may, in its discretion, provide and install either -

- (a) a common water meter in respect of the premises as a whole or any number of such accommodation units; or
- (b) separate water meters for the different accommodation units or any number thereof.

(3) Where the Council has installed a common water meter as contemplated in subregulation (2)(a), the owner or the person having the charge or management of the premises, as the case may be, shall -

- (a) if the Engineer so requires, install and maintain on each branch pipe extending from the service pipe to the different accommodation units -
 - (i) a separate water meter; and
 - (ii) an isolating valve; and
- (b) be liable to the Council for the charges leviable for all water supplied to the premises through such common water meter, irrespective of the different quantities consumed by the different consumers served by such common water meter.

(4) Notwithstanding subregulation (1), the Council may authorise that more than one water connection be provided on the water main for the supply of water to any premises comprising sectional title units or if, in the opinion of the Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one water connection.

(5) Where the provision of more than one water connection is authorised by the Council under subregulation (4), the charge determined in the water tariff for the provision of a water connection shall be payable in respect of each water connection so provided.

(6) An owner of any premises shall ensure that no interconnection exists between the water installation on the premises of such owner and the water installation on any other premises or, in the case of premises on which more than one accommodation unit is located, between the water installations of two or more of such accommodation units.

(7) Where two or more erven are consolidated, only one water connection shall be permitted for the consolidated erf, unless the consolidated erf comprises sectional title units, and the owner or occupier shall be responsible for the removal of any such water connections not authorised.

Provision of water meter

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8. (1) The capacity of the water meter to be provided and installed by the Council on a water connection to any premises shall be determined by the Engineer.

(2) If so required by the Engineer, the consumer shall provide on the premises an approved place for the installation of the water meter.

Ownership of water connection pipe, water meter and isolating valve

9. The water connection pipe, water meter and isolating valve provided and installed by the Council on any premises, shall at all times remain the exclusive property of the Council and be under the sole control of the Council.

Safeguarding of water meters

10. (1) Every consumer shall take such measures as are reasonably necessary to prevent any damage to be caused to the water meter installed by the Council on the premises of the consumer.

(2) Where, by reason of any failure on the part of a consumer to comply with the provisions of subregulation (1), the water meter installed on the premises of such consumer is damaged or destroyed, such consumer shall be liable to pay to the Council the amount prescribed in the water tariff for the repair or substitution of such water meter.

(3) Every consumer shall ensure that free and unimpeded access to the water meter on the premises is available at all times.

(4) Where, in the opinion of the Engineer, the space where the water meter is installed is no longer reasonably accessible, the consumer shall, at the request of the Council, provide a suitable space at a different approved position to which the water meter can be moved, and the consumer shall in such a case bear all costs incidental to such removal.

Tampering with or damage to water meter

11. (1) No person other than the Engineer or a person duly authorised thereto by the Council shall -

- (a) disconnect or attempt to disconnect from the water connection pipe any water meter installed by the Council;
- (b) where the supply of water to any premises has been disconnected or suspended by the Council for any reason, make or attempt to make a reconnection of such supply or restore or attempt to restore the supply in any manner; or
- (c) in any other way tamper or interfere with the water meter installed by the Council on any premises,

and no owner or occupier of such premises shall cause or permit any other unauthorised person to disconnect or reconnect or in any other way tamper or interfere with such water meter.

(2) Where a contravention of any of the provisions of subregulation (1) occurred on the premises of any consumer the Council may, without prejudice to any other power conferred by these regulations -

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- (a) cause the water meter installed on such premises to be moved to a position on the sidewalk or any other place outside the premises; and
- (b) recover from the consumer concerned the cost thereof.
- (3) Any person who -
 - (a) contravenes any provision of subregulation (1); or
 - (b) wilfully damages the water meter, the water connection pipe or isolating valve installed by the Council on any premises,

shall be guilty of an offence.

Repair or substitution of water meter

12. (1) In the event of any repairs to any water meter on any premises being found necessary, such repairs shall be effected only by a person authorized thereto by the Engineer and no person else.

(2) The Council may at any time replace the water meter on any premises which is suspected of not registering accurately the supply of water to the premises concerned.

(3) The costs incidental to any repairs in terms of subregulation (1), or the replacement of a water meter in terms of subregulation (2), shall be borne by the Council, but if the repairs or replacement is necessitated by reason of any failure on the part of a consumer to comply with the provisions of regulation 10(2) or because of an act performed in contravention of regulation 11(1), the Council shall be entitled to recover the costs from such consumer.

Determination of quantity of water supplied

13. (1) The quantity of water registered by the water meter installed by the Council on the premises of a consumer or, where applicable, estimated or determined by the Council under any provision of these regulations, shall, for the purposes of these regulations, be considered to be the actual quantity of water supplied by the Council to the consumer.

(2) Where water supplied by the Council to any premises is in any way taken by the consumer without such water passing through the water meter of the Council, the Council may for the purpose of rendering an account estimate, in accordance with subregulation (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.

(3) For the purposes of subregulation (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Council may decide -

- (a) the average monthly consumption of water on the premises during any three consecutive metering periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in subsection (2) was discovered; or
- (b) the average monthly consumption on the premises registered over three succeeding metered periods after the date referred to in paragraph (a).

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(4) Nothing in these regulations shall be construed as imposing on the Council an obligation to cause any water meter installed by the Council on any premises to be read at the end of every month or any other fixed period, and the Council may estimate the quantity of water supplied over any period during the interval between successive readings of the water meter and render an account to a consumer for the quantity of water so estimated.

(5) When so requested by a consumer, the Council shall cause a special reading of the water meter to be made, in which event the consumer shall be liable to pay the charge determined in the water tariff for such a reading.

Payment for water supplied

14. (1) Water supplied by the Council to a consumer shall be paid for by the consumer at the rate or charges determined in the water tariff for the particular category of use for which the supply was granted.

(2) A consumer shall be responsible for the payment for all water supplied to the premises of the consumer from the date of the relevant contract of supply until the date of termination thereof in terms of these regulations.

(3) An account rendered by the Council for water supplied to a consumer shall be paid not later than the last date for payment specified in such account.

(4) If payment of an account is received after the date referred to in subregulation (3), a late fee as determined in the water tariff shall be payable by the consumer to the Council.

(5) If a consumer uses water for a category of use other than that for which it is supplied by the Council in terms of the contract of supply and as a consequence is charged at a rate lower than the rate which should have been charged, the Council may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the charges payable in accordance with such adjustment.

Payment for water supplied upon amendment of charges

15. If amendments to the water tariff of the Council in respect of the charges determined for the supply of water, or for the rendering of the service of water supply provided for in regulation 16, become operative on a date between meter readings -

- (a) it shall be deemed, for the purpose of rendering an account for water supplied by the Council, that the same quantity of water was supplied on every day during the interval between the meter readings;
- (b) any availability water charge or minimum monthly charge leviable in accordance with regulation 16 shall be calculated on a *pro rata* basis in accordance with the rate which applied immediately before such amendment and such amended rate.

Charges for rendering service of water supply

16. (1) The Council may, in addition to the charges determined in the water tariff for water actually supplied, levy an availability charge or a monthly minimum charge for the rendering of the service of water supply to residents in the local authority area.

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(2) Where an availability charge is levied in terms of subregulation (1), it shall be payable -

- (a) subject to subregulation (4), by every owner of premises, with or without improvements, which are not connected to a water main but which can reasonably be provided with such a connection; and
- (b) by every consumer in respect of each water connection provided by the Council to serve the premises occupied by the consumer, whether or not water is consumed on the premises.

(3) Where a minimum monthly charge is levied in terms of subregulation (1), it shall be payable by every consumer in respect of a specified minimum quantity of water, whether or not such quantity of water has actually been consumed by the consumer: Provided that where the amount of water consumed exceeds the minimum quantity specified, the normal rate, except where otherwise provided, shall be charged and be payable in respect of the quantity exceeding such minimum.

(4) Notwithstanding subregulation (2)(a), an availability water charge levied by the Council in accordance with subregulation (1) shall not be payable by the owner of any township in respect of any unalienated premises in the township if -

- (a) the water reticulation system in the township was provided by the township owner at his or her own cost; or
- (b) the township owner has deposited with the Council the capital cost of such reticulation system,

but upon the alienation of such premises to any other person, such availability charge shall be payable by such other person and every successor in title.

Objection to account rendered by Council for water supplied

17. (1) If a consumer disputes the correctness of the quantity of water supplied as reflected on an account rendered by the Council, the consumer may in writing object to such account and request that the water meter be tested by the Council.

- (2) An objection and request in terms of subregulation (1) shall -
 - (a) set out the reasons for the objection and the request;
 - (b) be delivered to the Council not later than 7 days after the receipt of the account in question; and
 - (c) be accompanied by the deposit determined in the water tariff for the testing of a water meter.

(3) If the provisions of subregulation (2) have been complied with, the Council shall forthwith cause the water meter concerned to be tested in accordance with the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act 77 of 1973).

(4) A meter to which the regulations referred to in subregulation (3) are not applicable shall be deemed to be defective if it is found to have a percentage error in over-registration or

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under-registration greater than 5% at any one of the rates of flow when tested at the following percentages of its designed maximum rate of flow -

- (a) not less than 75%;
- (b) between 50% and 55%; and
- (c) not more than 20%.

(5) If, upon the testing of a water meter in accordance with subregulation (3) or (4), it is found not to be defective, the Council shall retain the amount deposited by the consumer, but if it is found to be defective, the Council shall -

- (a) refund to the consumer the amount deposited in terms of subregulation (2)(c);
- (b) repair the water meter or install another meter which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer in terms of regulation 10(2); and
- (c) determine the quantity of water for which the consumer shall be charged in lieu of the quantity registered by the defective water meter, by taking as basis for such determination, and as the Council may decide -
 - (i) the quantity representing the average monthly consumption of the consumer during the 3 months preceding the month in respect of which the reading is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter;
 - (ii) the average consumption of the consumer during the succeeding three month metered periods after the defective water meter has been repaired or replaced; or
 - (iii) the consumption of water on the premises recorded for the corresponding period in the previous year.

Complete failure of meter to register supply of water

18. (1) The Council shall repair or replace any water meter which has ceased to register the supply of water to the premises of any consumer and shall bear the costs in connection therewith, unless the provisions of regulation 10(2) are applicable.

(2) Where a water meter ceases to register the quantity of water supplied to a consumer, the quantity of water supplied during the period between the date of the previous last reading of the water meter (prior to the reading consequent on which the failure was discovered) and the date of its repair or replacement, shall be estimated by the Council in accordance with subregulation (3).

(3) An estimate for the purposes of subregulation (2) shall be based on, as the Council may decide -

- (a) the average monthly consumption of water on the premises during the period of three months before the date of such previous last reading of the meter;

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- (b) the average monthly consumption of water on the premises registered over three successive metered periods after the repair or replacement of the defective water meter; or
- (c) the consumption of water on the premises recorded for the corresponding period in the previous year.

Termination of contract of supply

19. (1) A consumer may terminate a contract of supply by giving to the Council not less than 7 days' notice in writing.

(2) Subject to subregulations (3) and (4), the Council may terminate a contract of supply if the consumer concerned -

- (a) has not consumed any water during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the contract of supply;
- (b) has committed a breach of these regulations, other than a failure to pay an amount due in respect of the supply of water, and has failed to rectify such breach within 48 hours after being required in writing by the Engineer to do so; or
- (c) receives the supply of water from another water supply authority by virtue of an arrangement between the Council and such authority.

(3) In the case of the termination of a contract of supply in terms of subregulation (2)(a), the Council shall give to the consumer concerned not less than 7 days' notice of its intention to terminate the contract.

(4) The Council may without notice terminate a contract of supply if the consumer has vacated the premises to which such contract relates, without having made arrangements to the satisfaction of the Council for the continuation of the contract of supply.

Removal of water connection

20. The Engineer may disconnect and remove a water connection provided by the Council to any premises if -

- (a) the contract of supply has been terminated in terms of regulation 19 and no subsequent application for the supply of water to such premises has been received in the period of 90 days following such termination; or
- (b) the building on such premises is demolished.

Suspension of water supply

21. (1) If an account rendered by the Council in respect of the supply of water is not paid by a consumer before the expiry of the last day for such payment specified in the account, the Council may forthwith suspend the supply of water to such consumer until the amount due is paid by the Consumer, together with the charges referred to in subregulation (3).

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(2) If the Engineer considers it necessary as a matter of urgency to prevent any wastage of water, unauthorised use of water, damage to property, danger to life or pollution of water, the Engineer may, without prior notice and without prejudice to the Council's power under regulation 19(2)(b) -

- (a) suspend the supply of water to any premises;
- (b) enter upon such premises and carry out, at the owner's expense, such emergency work as the Engineer may deem necessary; and
- (c) by written notice require the owner to carry out such further work as the Engineer may deem necessary within a specified period.

(3) If the supply of water to any premises is suspended under subregulation (1) or (2), the consumer concerned shall, before such supply is restored by the Council, pay both the charges determined for the suspension of the supply of water and for the restoration of such supply.

Special water restrictions

22. (1) The Council may at any time, by public notification in a manner as the Council may consider expedient -

- (a) restrict the supply of water in the whole or any part of its area of supply to such hours as it may determine;
- (b) prohibit or restrict the use of water -
 - (i) during specified hours of the day or on specified days or otherwise than during specified hours of the day or on specified days;
 - (ii) for any specified purpose or for any purpose other than that specified;
- (c) determine and impose -
 - (i) limits on the quantity of water which may be consumed over a specified period;
 - (ii) special charges which shall be leviable in respect of water consumed in excess of the limit imposed under subparagraph (i);
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; or
- (d) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of particular appliances to a water installation.

(2) A notification in terms of subregulation (1) may be limited to apply only to specified areas or to specified categories of consumers, premises or activities.

- (3) The Engineer may-

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- (a) take, or by written notice require a consumer to take at his or her own expense, such measures, including the installation of measuring devices or devices for restricting the flow of water, as may in the opinion of the Engineer be necessary to ensure compliance with a notice in terms of regulation (1); or
- (b) suspend or, for such period as the Engineer may deem fit, restrict the supply of water to any premises in the event of any contravention of, or failure to comply with, the terms of a notice in terms of subregulation (1) on such premises.

(4) Where the supply of water to any premises has been suspended under subregulation (3)(b), it shall only be restored upon payment of the charges determined in the water tariff for the suspension and restoration of the supply of water.

(5) The provisions of this regulation and any notice in terms of subregulation (1), unless otherwise specified in such notice, shall apply also in respect of water supplied by the Council to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions of any agreement governing such supply.

General conditions of supply

23. (1) The provision of a connection by the Council for the supply of water shall not constitute an undertaking by it to maintain at all times or at any point in its water supply system -

- (a) an uninterrupted supply of water;
- (b) a specific pressure or rate of flow in such supply; or
- (c) a specific standard or quality of water.

(2) The Engineer may specify the maximum height to which water will be supplied from a water main.

(3) A consumer who requires to secure the maintenance of any of the conditions mentioned in subregulation (1) on the premises occupied by such consumer, may make the necessary provision for that purpose in the installation on such premises.

(4) The Engineer may interrupt the supply of water to any premises without prior notice.

(5) If in the opinion of the Engineer the consumption of water by a consumer adversely affects the supply of water to another person, the Engineer may apply such restrictions as he or she may deem fit to the supply of water to the consumer in order to ensure a reasonable supply of water to such other person.

Sale of water by consumers

24. Except in accordance with a special agreement entered into with the Council in terms of regulation 68, no person shall -

- (a) sell or supply, or cause or permit to be sold or supplied, any water supplied by the Council to any premises in terms of these regulations; or

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- (b) remove or cause or permit to be removed, any of such water from such premises to any other premises for purposes of consumption on such other premises.

Special conditions relating to temporary supply of water

25. (1) Where a special agreement to that effect has been entered into under regulation 68, the Council may supply water on a temporary basis from a fire hydrant or any other source of supply of the Council.

(2) The supply of water in terms of subregulation (1) shall be measured by means of a portable water meter provided by the Council for that purpose.

(3) A portable water meter, and all other fittings and apparatus used for the connection of the portable water meter to a hydrant or other source of supply of the Council, shall remain the property of the Council.

(4) The consumer shall pay to the Council in advance the deposit determined in the water tariff in respect of each portable meter supplied by the Council as security for its return in proper working order and for the payment of the charges in respect of water supplied to the consumer under an agreement referred to in subregulation (1).

(5) The charges for water supplied and for the use of the portable meter in terms of this regulation shall be paid at the rate determined in the water tariff.

(6) An account rendered by the Council for the charges referred to in subregulation (1) shall be paid to the Council within ten days of the date on which it is rendered.

(7) Where water is taken by a consumer from a hydrant which is not measured by means of a water meter, the sum determined in the water tariff for every day on which water is so taken shall be paid by the consumer to the Council:

(8) A consumer to whom a portable water meter is provided in terms of subregulation (2), shall maintain and return such water meter and all other fittings and apparatus supplied in connection therewith, in a proper working order to the Council.

(9) If the consumer fails to return the portable water meter, or returns it in a damaged condition, the consumer shall forfeit the deposit paid to the Council, or the Council may, where applicable, recover the cost of repairs or replacement of such water meter from the consumer, and may deduct such cost from such deposit.

CHAPTER 2
PREVENTION OF UNDUE WATER CONSUMPTION

Waste of water

26. (1) No owner or occupier of any premises shall permit on such premises -
- (a) the purposeless or wasteful discharge of water from any water fitting;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings; or

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(d) an overflow of water to persist.

(2) An owner shall after written notice by the Engineer, and within a period specified in the notice, repair or replace any part of the water installation on the premises of the consumer which is in such a state of disrepair that, in the opinion of the Engineer, it is causing or is likely to cause an occurrence mentioned in subregulation (1).

(3) If an owner fails to comply with a notice referred to in subregulation (2), the Engineer may without prior notice take such measures as the Engineer may deem fit and recover the cost incidental thereto from the owner.

(4) A consumer shall ensure that any equipment or plant connected to the water installation on the premises of the consumer uses water in an efficient manner.

(5) The Engineer may by written notice to any consumer prohibit such consumer from using any specified equipment in a water installation if, in the opinion of the Engineer, its use of water is inefficient, and any such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Engineer.

(6) Any person who contravenes any of the provisions of subregulation (1) or (4) or fails to comply with a notice referred to in subregulation (2) or (5), shall be guilty of an offence.

Use of water as heat exchange medium

27. (1) No person shall allow water used as a heat-exchange medium in any equipment or plant and supplied from a water installation to run continuously to waste, except for maintaining a required level of total dissolved solids in a recirculating plant.

(2) Any person who contravenes subregulation (1) shall be guilty of an offence.

Hot water distribution systems

28. (1) A pipe conveying hot water directly from a fixed water heater, or from the point of draw-off from a hot-water circulating system, to a terminal water fitting shall not be capable of containing more than 4 litres of water.

(2) A central hot-water system shall be of the circulating type, and the circulating pipes shall be insulated with material which -

- (a) has a co-efficient of thermal conductivity of not more than 0,04 watt per metre degree Celsius; and
- (b) is capable of maintaining the temperature at its external surface under normal operating conditions at not more than 6 degrees Celsius above the ambient temperature.

(3) The electrical heating element of a fixed water heater having a capacity of more than 500 litres shall be installed in such a manner that it can be removed without loss of water from the heater.

(4) The owner of any premises shall ensure that an overflow pipe or heat expansion pipe from any water heater forming part of the water installation on such premises is installed in

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such a position and in such a manner that any discharge of water therefrom will be readily visible and will not directly enter into a sewer or storm water system.

- (5) A person who contravenes subregulation (4) shall be guilty of an offence.

Prevention of wasteful discharge or overflow of a water

[The word "a" in the heading is superfluous.]

29. (1) The owner of any premises shall ensure that -
- (a) any terminal water fitting forming part of the water installation on such premises, other than a float valve serving a cistern or a storage tank; and
 - (b) the primary overflow from any water-closet cistern or tank forming part of the water installation on such premises,

is installed in such a position and in such a manner that any discharge of water therefrom will be readily visible and will not directly enter into a sewer or a storm water system.

- (2) A person who contravenes any of the provisions of subregulation (1) shall be guilty of an offence.

Requirements in relation to flushing devices

30. (1) Subject to subregulation (2) -
- (a) no type of flushing device shall be used to serve a water-closet pan or urinal other than a flushing device which is actuated -
 - (i) manually by a person using such pan or urinal; or
 - (ii) automatically by means of an approved apparatus which causes the flushing device to operate after each use of such pan or urinal;
 - (b) a flushing device installed in a cistern serving a water-closet pan shall not be capable of discharging -
 - (i) in the case of a single flush unit, more than 6 litres of water during one complete flush; or
 - (ii) in the case of a dual flush unit, more than 6 litres of water during one complete flush when the full-flush lever is actuated, and more than 3 litres of water during one complete flush when the low-flush lever is actuated,

and such a device shall only be connected to a type of water-closet pan in which the trap is cleared in one flush;

- (c) an automatically operated flushing device shall be of such a design that no flush will take place if it malfunctions;
- (d) every wall-mounted urinal or stall urinal shall be served by a separate flushing device, and where any slab urinal installed on any premises exceeds 1,8 metre in

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length, a sufficient number of flushing devices shall be used so as to ensure that a single flushing device will not serve any part of such urinal exceeding 1,8 metre in length.

- (e) no flushing device used to serve any urinal shall be capable of discharging more than 2 litres or less than 1 litre of water during one complete flush;
- (f) no automatic cistern or tipping tank shall be used for flushing a urinal.

(2) If, on the date on which these regulations become applicable to a local authority area, there is installed on any premises in such area -

- (a) any flushing device to serve any water-closet pan or urinal, not being a flushing device which conforms to the requirements of subregulation (1);
- (b) any slab urinal which is not served by a flushing device or flushing devices in conformity with the requirements of paragraph (d) of subregulation (1); or
- (c) an automatic cistern or tipping tank to serve any urinal,

the owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that the requirements of subregulation (1), as may be applicable, are complied with not later than the date to be fixed by the Council in accordance with subregulation (3) as being the last day for compliance with the requirements of subregulation (1).

- (3) The date to be fixed by the Council for the purposes of subregulation (2) -
 - (a) shall not be sooner than 2 years after the date of commencement of these regulations; and
 - (b) shall, in a manner which the Council considers most expedient, be publicly announced by the Council not less than 6 months before such date arrives.

(4) The owner of any premises who fails to comply with the requirements of subregulation (1) shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in subregulation (2), this subregulation shall not apply until the date as contemplated in that subregulation has been fixed by the Council in accordance with subregulation (3) and such date has lapsed.

Metering devices for taps and showers

- 31. (1) Subject to subregulation (2) -
 - (a) each wash basin in a battery of three or more on any premises, other than residential premises, shall be fitted with a metering type of tap that limits the discharge of water in each usage to not more than 1 litre;
 - (b) each shower in a battery of showers of two or more on any premises, other than residential premises, shall be fitted with a metering valve that limits the discharge of water in each usage to not more than 2,5 litres;

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- (c) the maximum discharge rate of water of any shower head installed on any premises, including residential premises, shall not exceed 10 litres per minute under maximum flow conditions.

(2) If, on the date on which these regulations become applicable to a local authority area there is installed -

- (a) on any premises in such area, other than residential premises -
 - (i) any tap serving any wash basin referred to in paragraph (a) of subregulation (1), not being a tap that conforms to the requirements of that paragraph; or
 - (ii) any showers referred to in paragraph (b) of subregulation (1) which are not fitted with metering valves in conformity with the requirements of that paragraph; or
- (b) on any premises, including residential premises, any shower head which does not conform to the requirements of paragraph (c) of subregulation (1),

the owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that such requirements are complied with not later than the date to be fixed by the Council in accordance with subregulation (3) as being the last day for compliance with the requirements of subregulation (1).

- (3) The date to be fixed by the Council for the purposes of subregulation (2) -
 - (a) shall not be sooner than 2 years after the date of commencement of these regulations; and
 - (b) shall, in a manner which the Council considers most expedient, be publicly announced by the Council not less than 6 months before such date arrives.
- (4) The owner -
 - (a) of any premises, other than residential premises, who fails to comply with any of the requirements of paragraphs (a) and (b) of subregulations (1);
 - (b) of any premises, including residential premises, who fails to comply with the requirements of paragraph (c) of subregulation (1)

shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in subregulation (2), this subregulation shall not apply until a date as contemplated in that subregulation has been fixed by the Council in accordance with subregulation (3) and such date has lapsed.

Terminal water fittings outside buildings

32. (1) No owner and no occupier of any premises, other than residential premises, and no person to whom a temporary supply of water to any premises is provided in terms of regulation 25, shall install or use on such premises a terminal water fitting outside a building unless such fitting -

- (a) incorporates a self-closing device;

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- (b) has a removable handle for operating purposes;
- (c) is a demand-type of tap which limits the quantity of water discharged in each operation; or
- (d) is provided with a Jock to prevent unauthorised use.

(2) If, on the date on which these regulations become applicable to a local authority area, there is installed on any premises referred to in subregulation (1) in such area any terminal water fitting outside a building which does not conform to the requirements of that subregulation, the owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that such requirements are complied with not later than the date to be fixed by the Council in accordance with subregulation (3) as being the last day for compliance with the requirements of subregulation (1).

- (3) A date fixed by the Council for the purposes of subregulation (2) -
 - (a) shall not be sooner than 2 years after the commencement of these regulations; and
 - (b) shall, in a manner which the Council considers most expedient, be publicly announced by the Council not less than 6 months before such date arrives.

(4) The owner of any premises referred to in subregulation (1), who fails to comply with the requirements of subregulation (1) shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in subregulation (2), this subregulation shall not apply until a date as contemplated in that subregulation has been fixed by the Council in accordance with subregulation (3) and such date has lapsed.

Installation of separate private meters on premises with several accommodation units may be required

33. When the water consumption on any premises provided with a single water meter serving two or more accommodation units on such premises is in the opinion of the Engineer substantially higher than in the case of other premises of a similar nature, the Engineer may, if such a requirement has not been made under regulation 7(3), require from the owner of such premises to install, at the owner's expense, separate water meters to serve such accommodation units individually for the purpose of registering the quantity of water supplied to each such unit.

Measures for conservation of water in relation to gardens and swimming pools

34. (1) The following requirements shall be applicable to every consumer within the local authority area:

- (a) No water shall be used for the irrigation or watering of any garden during such hours of day as the Council may determine and announce publicly from time to time.
- (b) Any swimming pool, other than a public or institutional swimming bath, shall within a period of 1 year after the commencement of these regulations, be provided with a permanent cover to eliminate the evaporation of water, and which cover shall be retained in place over the swimming pool at all times when the swimming pool is not being used.

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- (2) Any person who -
 - (a) contravenes paragraph (a) of subregulation (1); or
 - (b) fails to comply with the requirements of paragraph (b) thereof,

shall be guilty of an offence.

CHAPTER 3
PREVENTION OF WATER POLLUTION

Pollution of surface water

- 35.** (1) No person shall -
- (a) bathe in any stream, reservoir, aqueduct, or other place which contains water belonging wholly or partly to the Council or under the control or management of the Council and which is used for or in connection with the supply of water to the inhabitants in the Council's area of supply;
 - (b) wash, throw, or cause or permit to enter any animal therein;
 - (c) throw any rubbish, night soil, excreta, industrial waste, chemical substance, oil, dirt, filth, or other deleterious matter into such stream, reservoir, aqueduct, or other place within the catchment of a surface dam;
 - (d) wash or cleanse in any such water any clothes, leather or any other material or object of whatever nature;
 - (e) cause or permit the water from any sink, sewer, drain, engine, boiler or any other polluted water or liquid or oil for the control of which he or she is responsible, to run or be brought into any such stream, reservoir, aqueduct, or other place; or
 - (f) do any other act whereby the supply of water to the inhabitants of the Council's area of supply may be polluted.

(2) A person who contravenes any of the provisions of subregulation (1), shall be guilty of an offence.

Pollution of subterranean water

36. (1) No person shall in any way pollute, or perform any act which is likely to pollute, the subterranean water within the local authority area.

(2) The owner or occupier of any premises who uses any underground tank or pipe installed on such premises for the storage or conveyance of any substance, other than water, shall -

- (a) in the case of such a tank or pipe existing on the date of commencement of these regulations, not later than 90 days after that date; or

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(b) where such a tank or pipe is installed on or after the date of commencement of these regulations, not later than 90 days after the date of such installation, inform the Council in writing of the existence or installation, as the case may be, of such tank or pipe and provide such information in relation thereto as may be required by the Council.

(3) Any person who uses any underground tank or pipe referred to in subregulation (2), shall, through regular inspections and replacement of such tank or pipe and any ancillary pipes and fittings thereof, ensure that the substance contained or conveyed therein is not discharged underground.

(4) The Council may require of any person referred to in subregulation (2) to furnish the Council annually, before such date as the Council may specify, with a report by an independent person approved by the Council on the condition of any underground tank or pipe referred to in that subregulation and of the result of a pressure test carried out on such tank or pipe and any ancillary pipes and fittings.

(5) The Council may require that any underground tank or pipe referred to in subregulation (2) be reconditioned or be replaced on a scheduled maintenance programme and that such programme be provided to the Council on request.

(6) Where the result of a pressure test carried out on an underground tank or pipe in terms of subregulation (4) shows the existence of a leakage, the owner shall not later than 14 days after such test has been carried out, empty such tank or pipe and remove it or discontinue using it.

(7) A person who contravenes, or fails to comply with the provisions of subregulation (1), (2), or (6) or who, upon a request of the Council in terms of subregulation (4), fails to furnish the Council with a report referred to in that subregulation, shall be guilty of an offence.

Mixing of water from other source with water supplied by Council

37. (1) No person shall, on any premises to which water is supplied by the Council, connect or cause or permit to be connected to any service pipe or any other part of the water installation on such premises, any cistern, tank, or other receptacle used or intended for use for the reception or storage of water obtained from a source other than from a water main.

(2) No person shall cause or permit rain water to flow into any tank or cistern supplied with water by the Council.

(3) A person who contravenes subregulation (1) or (2) shall be guilty of an offence.

Obligation of owner to prevent pollution of water

38. (1) An owner of premises shall provide and maintain approved measures to prevent the entry of any substance which may be a danger to health or adversely affect the potability of water into -

- (a) the water supply system of the Council; or
 - (b) any part of the water installation on the premises.
- (2) The owner of any premises -

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- (a) on which a fire or combined installation is installed;
- (b) on which a general installation serves -
 - (i) any activity in relation to the medical treatment of people or animals, medical, pharmaceutical or chemical research or manufacturing, agriculture, including dairies and nurseries, photographic processing, laundering or dry-cleaning, metal plating, or the treatment of hides and skins;
 - (ii) any mortuary, abattoir, sewage purification works, refuse pulverising works, harbour, oil processing and storage facilities or any winery, distillery, brewery, or yeast or cold drink factory; or
- (c) to whom the Engineer has given written notice to do so, shall provide and maintain approved measures in the water installation on such premises to prevent the back flow of water from such water installation to the water main.
- (3) The measures required in terms of subregulation (2) shall include -
 - (a) the discharge of water from the service pipe into a storage tank through an air gap in accordance with paragraph 7.5.3.2(a)(i) of SABS 0252-1:1994;
 - (b) the passing of such water through -
 - (i) a reduced-pressure back flow preventer; or
 - (ii) a double-check back flow preventer.
- (4) An owner shall ensure that no connection is made to the service pipe on the premises of such owner between -
 - (a) the point of discharge from the pipe into the storage tank referred to in subregulation (3)(a);
 - (b) the back flow preventer installed in terms of subregulation (3)(b).
- (5) No consumer shall connect anything to a water installation or use it in a manner which may affect the potability of the water in it without first providing adequate measures or devices to prevent a deterioration in water quality in the water installation.

Installation and maintenance of back flow preventers

- 39.** (1) Any back flow preventer installed on a water installation shall comply with the requirements as set out in paragraphs 5.4.1, 6.3 and 8.2.2 of SABS 0252 - 1994: Provided that -
- (a) a back flow preventer shall be installed in a readily accessible position where it may be inspected and from which it may be removed for the purpose of servicing, repair or replacement without alteration to the water installation or the structure within which it is situated; and

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(b) a back flow preventer which provides for the discharge of water to the atmosphere shall be installed above-ground in such a position that it cannot be submerged in water or any other liquid.

(2) The owner of any premises on which a reduced-pressure or a double-check back flow preventer is installed shall at his or her own expense ensure that the back flow preventer -

(a) is inspected and serviced by a registered plumbing contractor not less than once in every twelve months to ensure that it is in proper working order; and

(b) is replaced or completely overhauled once in every 5 years.

(3) The owner shall maintain a record of the inspections and services referred to in subregulations (2) -

(a) stating the name and registration number of the registered plumbing contractor by whom it was carried out;

(b) the date on which it was carried out; and

(c) detail of repairs and replacements that were effected,

and shall keep such record available for inspection by the Engineer at any time during office hours.

Protection of water installation

40. (1) An owner shall, apart from the back flow preventers referred to in regulations 38 and 39, provide and maintain the following additional measures to prevent the back siphonage into the water installation of any substance which is likely to be a danger to health or affect the potability of water:

(a) The lowest point of discharge of the outlet of a terminal water fitting shall not be less than 25 millimetres above the flood level of a fixed receptacle into which such fitting discharges.

(b) No inter-connection shall be made between a general installation and a fire installation if they are supplied through separate water pipes.

(2) If the Engineer is of the opinion that an activity carried out or intended to be carried out on any premises could give rise to a substance which would have a toxic effect if it gained entry into a water installation, the Engineer may by written notice require from the owner to install a storage tank from which the water needed for such activity shall be drawn.

(3) The entry of water into a tank referred to in subregulation (2) shall be solely from a pipe which discharges water at a height of not less than 75 millimetres or twice the diameter of the pipe, whichever is the greater, above the flood level of the tank.

Laying of pipes in places prone to pollution

41. (1) Subject to subregulation (2), no pipe which is supplied or intended to be supplied with water by the Council, shall be laid or installed through or in any sewer or drain or waste dump or any pit or place used for the dumping or accumulation of manure or any other

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substance which may, in the event of the pipe becoming unsound, pollute the water conveyed through the pipe.

(2) Where it is impracticable to lay or install a water pipe otherwise than in a manner referred to in subregulation (1), the Engineer may, upon application, approve that it be so laid or installed, but in such an event, the part of the pipe so laid or installed shall be carried through a cast iron or other approved tube or box of sufficient length and strength and of such construction as will, in the opinion of the Engineer, effectively protect the pipe and render any leakage of the pipe readily detectable.

(3) Where any water pipe has been laid or installed contrary to the provisions of subregulation (1) or (2), the Council may by written notice to the owner or occupier of the premises concerned direct that the necessary steps be taken to eliminate the contravention within a period specified in the notice.

(4) If the owner or occupier concerned fails to comply with such notice -

- (a) the Council may suspend the supply of water to the premises concerned until the necessary steps have been taken; and
- (b) such owner or occupier shall be guilty of an offence.

(5) Where the supply of water is suspended in terms of subregulation (4), the owner or occupier shall be liable to pay the prescribed charges for such suspension and the subsequent restoration of the supply.

Use of tanks for water intended for human consumption

42. (1) Except for a tap discharging water from a hot water system or serving any shower or bath, no tap used on any premises for the purpose of supply for human consumption shall be connected to any tank without the permission of the Engineer, who in granting such permission may require that an apparatus be installed to maintain a free chlorine level of at least 0,2 milligram per litre at the furthest terminal water fitting.

(2) Where -

- (a) any damage or danger to persons might arise from an interruption of the supply of water; or
- (b) the pressure in the service would be otherwise inadequate;

a tank or tanks shall be provided which, with respect to size and level of installation, conform to the requirements prescribed in paragraph 7.4 of SABS 0252- 1: 1994.

Storage of water supplied by Council in underground tanks

43. Except with the permission of the Council and subject to such conditions as it may determine, no tank or other container buried or installed in an excavation in the ground on a consumer's premises shall be used for the storage or reception of water supplied by the Council if such water is intended for human consumption.

Measures to prevent development of *bacterium Legionella pneumophila*

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44. (1) Every new water installation shall, for the purpose of preventing the development of *bacterium Legionella pneumophila*, comply with the requirements set out in paragraph 7.1.1.2 of SABS 0252-1: 1994.

(2) Every owner of any premises on which any installation for the storage of potable water or an air-conditioning cooling water system is being used, whether installed before or after the commencement of these regulations, shall at intervals not exceeding 90 days, reckoned from the date of commencement of these regulations or the date of installation, whichever is applicable, cause every such water installation and every such system to be inspected by a professional engineer to evaluate such installation for conditions conducive to the development of *bacterium Legionella pneumophila*.

(3) A professional engineer who carries out an inspection referred to in subregulation (2) shall provide the owner concerned with a written report on the result of his or her inspection and state whether or not the requirements referred to in subregulation (1) are being complied with and, where applicable, particulars of any non-compliance with those requirements.

(4) If a report in terms of regulation (3) shows any non-compliance with the requirements referred to in that subregulation, the owner of the premises concerned shall, within 14 days after receipt of the report, take such steps as may be necessary to bring the installation in conformity with those requirements.

(5) Where the construction of any new water installation is completed on any premises where potable water is or will be stored, or upon the installation of any air-conditioning cooling water system on any premises, the owner of the premises shall submit to the Engineer a certificate issued by a professional engineer stating that such installation complies with the requirements referred to in subregulation (1).

(6) Any person who -

(a) fails to comply with the provisions of subregulation (2) or (4); or

(b) puts into use any new water installation or air-conditioning cooling water system installed on any premises without having complied with the provisions of subregulation (5),

shall be guilty of an offence.

Testing of water in a water installation

45. (1) The Engineer may at any time take samples of water from the water installation on any premises and cause the samples to be tested for compliance with the standards prescribed in SABS 241 (Water Domestic Supplies).

(2) If, after a series of follow up test of samples of water taken from a water installation in terms of subregulation (1), it is found that such water does not comply with the standards referred to in that subregulation, and the Engineer is of the opinion that the quality of such water is attributable to the condition of the water installation, the owner of the premises concerned shall, when so instructed by the Engineer -

(a) cause the water installation to be tested and disinfected in the manner required by regulations 62 and 63; or

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(b) investigate the cause of the problem and rectify it within a period specified by the Engineer.

(3) Any tank on any premises in which potable water is stored shall be cleaned by the owner of such premises regularly at intervals not exceeding two years.

CHAPTER 4
REGISTRATION OF PLUMBING CONTRACTORS

Persons qualified to do installation work

46. (1) No person not being registered as a plumbing contractor with the Council in terms of regulation 47 shall -

- (a) do any installation work in respect of which approval in terms of regulation 57 is required;
- (b) replace or repair a fixed water heater or its associated protective devices;
- (c) inspect, disinfect and test a water installation, fire installation or storage tank;
- (d) service, repair or replace a back flow preventer;
- (e) install, maintain or replace a private water meter provided by an owner or occupier in a water installation.

(2) Any person who performs or attempts to perform any work referred to in subregulation (1) without being registered as a plumbing contractor with the Council, shall be guilty of an offence.

Registration of plumbing contractors with Council

47. (1) An application for the registration of any person as a plumbing contractor for the purposes of regulation 46, shall be made in writing to the Council and shall be accompanied by such proof of the applicant's qualifications, training or experience as the Engineer may require.

(2) Where the Engineer so requires, a person who has submitted an application for registration in terms of subregulation (1), shall, in a form approved by the Engineer, give notice of the submission of his or her application by advertisement in two consecutive issues of a daily newspaper circulating in the local authority area, and which notice shall call upon persons wishing to object to the application to lodge their objections in writing with the Engineer not later than 7 days after the date of the last publication of such notice.

(3) If, upon considering an application in terms of subregulation (1) and the report and recommendation of the Engineer, the Council is satisfied that the applicant -

- (a) is a qualified artisan in the plumbing trade, or has any comparable qualification approved by the Council, or has practical experience in that trade which the Council considers to be adequate and appropriate for purposes of registration as a plumbing contractor;

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- (b) has an adequate knowledge of these regulations and the provisions of SABS 0252-1:1994; and
- (c)
 - (i) is a Namibian citizen; or
 - (ii) has been lawfully admitted to Namibia for permanent residence therein and is ordinarily resident in Namibia; or
 - (iii) holds an employment permit issued in terms of section 27 of the Immigration Control Act, 1993 (Act 7 of 1993), in terms of the conditions of which he or she is not prohibited or prevented from conducting the business of a plumbing contractor in Namibia.

the Council shall, subject to subregulation (4), grant the application and issue to the applicant a registration card.

(4) In addition to the grounds mentioned in subregulation (3) the Council may refuse to grant an application for the registration of a person as a plumbing contractor if the applicant has carried out any work referred to in regulation 46(1) without first being registered as a plumbing contractor with the Council.

(5) The Council may, upon application made to it, register a company or close corporation or partnership as a plumbing contractor if -

- (a) at least one of the directors or members of such company, close corporation or partnership, holding not less than 10% of the shares of such company or of the members' interest in such close corporation or partnership, satisfies the Council with respect to the requirements mentioned in paragraphs (a) and (b) of subregulation (3); and
- (b) the controlling interest in such company, close corporation or partnership is not held by persons who are not Namibian citizens.

(6) Except in the case of the refusal of an application on the grounds of non-compliance with the provisions of subregulation (3)(c) or (5)(b), the Council shall not make a decision that would be adverse to an applicant without giving to the applicant an opportunity of being heard and presenting evidence in support of his or her application.

(7) For the purposes of making a recommendation and report to the Council in relation to an applicant for registration as a plumbing contractor, the Engineer may require that the applicant or, where applicable, a person contemplated in subregulation (5)(a), subjects himself or herself to a test for the purposes of evaluating the applicant's skills in plumbing work or his or her knowledge of the provisions of these regulations and SABS 0252-1: 1994.

Term of registration

48. Unless it is sooner withdrawn under regulation 49, a registration card is valid for a period of 12 months from the date of its issue, but may be renewed annually upon application made by the holder thereof not later than 21 days before the date on which it is due to lapse.

Withdrawal or suspension of registration

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49. (1) The Council may withdraw, or suspend for such period as it may determine, the registration of any person as a plumbing contractor if such person or, in the case of a company, close corporation or partnership, one of the directors or members thereof has carried out or caused or permitted to be carried out any plumbing or associated work in a negligent, unsafe or inefficient manner or in contravention of any provision of these regulations or SABS 0252-1: 1994.

(2) The Council shall not exercise any of the powers under subregulation (1), unless the Council has -

- (a) given to the person concerned at least 21 days' notice in writing of its proposed action and of the reasons therefor; and
- (b) in such notice, invited such person to lodge with the Council in writing any representations which he or she may wish to make in connection with the Council's proposed action.

Temporary registration

50. The Council may upon application made to it by a person who complies with the requirements of regulation 47(3) or (5) register such person temporarily for the purpose of carrying out any specified plumbing work.

Production of registration card

51. Any person carrying out or about to carry out any work referred to in regulation 46(1), shall produce his or her registration card when requested to do so by the Engineer or any officer of the Council authorised thereto by the Engineer or any consumer on or in respect of whose premises such work is or is to be carried out.

Prohibition against employment of unregistered persons for plumbing work

52. (1) No owner or occupier of any premises shall engage any person or permit any person to carry out any work referred to in regulation 46(1) for or on behalf of such owner or occupier, unless such person is registered with the Council as a plumbing contractor in terms of regulation 47.

- (2) A person who contravenes subregulation (1) shall be guilty of an offence.

Issue of duplicate registration card

53. (1) A person whose registration card as a plumbing contractor is lost, destroyed or damaged, may apply to the Council for a duplicate of such card.

(2) An application in terms of subregulation (1) shall be accompanied by a statement made under oath or affirmation stating the circumstances in which the registration card was lost, destroyed or damaged, as the case may be, and the fee for the issue of a duplicate registration card.

Fees for registration and renewal

- 54.** The fees payable to the Council for -

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- (a) the registration of a person as a plumbing contractor;
- (b) the renewal of such a registration;
- (c) the issue of a duplicate registration card,

shall be as determined by the Council from time to time.

Responsibilities of registered plumbing contractor

55. A registered plumbing contractor shall -

- (a) ensure that installation work done by him or her, or any person under his or her control, complies with these regulations and any relevant SABS standards and codes; and
- (b) certify on the prescribed form that such work complies with these regulations.

CHAPTER 5
 REQUIREMENTS FOR WATER INSTALLATIONS

Standard specifications and codes of practice applicable

56. For the purpose of these regulations the relevant SABS standards and codes shall be applicable, but the Council may also approve the use of any other specification and codes where in its opinion it is appropriate to do so, and it shall in considering any application for such approval be guided by accepted practice and international specifications and codes of practice.

Information and drawings

57. (1) In respect of every new water installation or changes to an existing water installation necessitated by any alteration or extension of an existing building, the owner of such premises shall submit for approval to the Council, in the form determined by the Council, the information and drawings as provided for in Chapter 4 of SABS 0252-1: 1994: Provided that the information relating to a water installation to be installed on any premises may be indicated on the same drawing as the drainage installation.

(2) A complete set of approved drawings of the water installation shall be kept available at the premises of the work until the certificate of the plumbing contractor referred to in regulation 55(b) is submitted to the Engineer.

(3) Where any installation work has been done in contravention of subregulation (1), the Engineer may by written notice require from the owner of the premises to comply within a specified period with the provisions of that subregulation, in which event -

- (a) work in progress shall be discontinued until the approval required by that subregulation has been granted;
- (b) work that does not comply with these regulations shall be removed from the premises.

General requirements for design and construction of water installation

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58. (1) Any water installation or service pipe shall be designed and constructed in such a way that -

- (a) velocities in pipes do not exceed 2 metre per second;
- (b) only pipes and fittings be specified and installed that will be able to withstand -
 - (i) the corrosion which may be caused by the water conveyed in the installation; and
 - (ii) any corrosive conditions which may be related to the soil conditions on the premises;
- (c) the installation be functional to the users of the building taking due cognisance to the population and class occupancy of such building;
- (d) provide adequate fire protection where it is required in terms of any other law;
- (e) all components and materials used on the installation are watertight;
- (f) the installation will not cause any danger to the health of the users of the building;
- (g) all pipes and fittings are able to withstand loads and forces which it may normally be subjected to and where necessary be properly protected against damage;
- (h) should a water tank or a water pipe burst occur it will not jeopardise the structural safety of the building;

(2) An isolating valve shall be installed in the service pipe of a water installation not more than 1,5 metres inside the boundary of the premises concerned.

(3) The requirements of subregulation (1) shall be accepted to be satisfied where the water installation complies with the requirements of -

- (a) SABS 0252-1:1994 (Water supply installations for buildings);
- (b) paragraph PP13(2) of SABS 0400-1990 P relating to the number of the sanitary fittings with adequate water supply required for the population of the building;
- (c) SABS 0400-1990 Part W in relation to any fire installation.

(4) No person shall connect to a water installation a water fitting or apparatus which causes or is likely to cause damage to the water supply system or another water installation as a result of pressure surges.

Design of a proposed water installation

59. (1) The Council may require that a proposed water installation be designed by a professional engineer or other approved competent person in cases where the Council is of the opinion that a detail design is necessary due to the complexity of the installation.

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(2) Any designer of a water installation shall take the necessary care in the detail design that the water installation shall fully comply with the requirements as set out in these regulations and in Chapters 2, 3, 4, 5, 6 and 7 of SABS 0252-1:1994.

Materials, fittings and components

60. (1) Only SABS approved materials, fittings and components as listed in Chapter 2 and discussed in Chapter 5 of SABS 0252-1:1994, or similar pipes, joints and fittings approved by the Council, shall be used on any water installation.

(2) Notwithstanding anything to the contrary in these regulations or any relevant SABS standards and codes, the Council may determine that only pipes, joints and fittings of specified materials resistant to or adequately protected against corrosion shall be used should the water be corrosive or aggressive soil conditions occur in the local authority area.

(3) Solar water-heating systems shall be installed in accordance with SABS 0106.

Control over work on water installation

61. (1) Subject to subregulation (2), the installation of a water installation shall be carried out -

- (a) in accordance with drawings approved in terms of regulation 57 and detail specification for the installation; and
- (b) in conformity with the requirements of Chapter 8 of SABS 0252-1:1994.

(2) Every person carrying out or exercising control over the installation of any water installation shall ensure that -

- (a) where copper pipes are used in the installation -
 - (i) such pipes are properly inspected and cleaned before installation so as to prevent any carbonaceous film being present in such pipes;
 - (ii) only solder of copper-tin or silver-tin is used in capillary soldered joints on such pipes;
- (b) no lead chalked joints are used on any cast iron pipe;
- (c) no solvent cement welded joints are used on any unplasticised polyvinyl chloride (uPVC) pipes;
- (d) no underground pipe is laid more than 1 metre below the finished ground level on the premises;
- (e) no pipe is installed within the cavity of a wall, except where it crosses the wall.

(3) Any fixed water heater in a water installation shall be adjusted to operate on a temperature range of between 55°C and 60°C to prevent speedy corrosion in the hot water pipe network.

Cleaning, inspection, testing and disinfection of water installation

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62. (1) Subject to subregulation (2), every water installation shall be properly cleaned, inspected, tested and disinfected in accordance with Chapter 9 of SABS 0252-1:1994.

(2) Every water installation shall on completion -

- (a) be properly cleaned to remove any foreign matter;
- (b) be inspected by the Engineer in the presence of the plumbing contractor by whom or under whose control its was installed;
- (c) be tested under pressure in accordance with paragraph 9.2 of SABS 0252-1:1994; and
- (d) be disinfected in accordance with paragraph 9.3 of SABS 0252-1:1994.

(3) At least 2 working days' notice shall be given to the Engineer for the purpose of any inspection to be carried out in terms of subregulation (2)(b).

Engineer may require testing or disinfection of water installation

63. (1) The Engineer may by written notice require any owner to employ a registered plumbing contractor to test and disinfect the water installation on the premises of such owner.

(2) The registered plumbing contractor employed to test and disinfect any water installation in terms of subregulation (1) shall within five working days of completion of the work submit to the Engineer the certificate referred to in regulation 55(b).

(3) The owner of the premises concerned shall bear the costs incidental to the testing and disinfection of any water installation required in terms of subregulation (1).

CHAPTER 6
 PROVISIONS RELATING TO FIRE EXTINGUISHING EQUIPMENT

Provision of water connection for fire-fighting purposes

64. (1) Notwithstanding anything to the contrary contained in these regulations, the Council may, where a special agreement therefor has been concluded with the owner of any premises under regulation 68, provide a water connection on a water main for the purposes of any fire extinguishing installation on such premises, subject to the provisions of this Chapter.

(2) The costs incidental to the provision by the Council of a water connection for a fire installation, including a water meter, isolating valve and other ancillary fittings, shall be borne by the owner concerned and shall be calculated at the actual cost plus an additional levy of 15% of such costs to cover indirect costs.

(3) The pipes necessary for providing the water connection, shall be installed by the Council up to the boundary of the premises concerned, and which shall not be used for any purpose other than to serve the fire installation on the premises.

(4) No branch connection of any kind shall be made from a water connection pipe, except for the purpose of serving automatic sprinklers, drenchers, hydrants or a pressure tank.

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(5) A water meter capable of handling the design flow for fire extinguishing purposes and normal water use shall be provided by the Council on the water connection pipe provided for the premises.

(6) Every water connection pipe for a fire installation shall be fitted with an approved isolating valve provided by the Council, which shall

- (a) be of the same nominal diameter as the water connection pipe;
- (b) be placed in such position as may be determined by the Engineer; and
- (c) be installed in front of the water meter.

Design of fire installation

65. (1) In any fire installation adequate pumping connections and means to measure water pressure shall be provided, with enough isolating valves to control the flow of water to points within the installation, at the required quantity and pressure to ensure enough flow of water to any hose reel, hydrant or sprinkler system connected to the installation.

(2) The requirements of subregulation (1) shall be considered as being satisfied where a fire installation is designed by a professional engineer or other approved competent person according to a detailed design or where the fire installation complies with paragraph 3 of Part W of SABS 0400.

(3) The discharge from any pressure tank shall be controlled by a suitable ball valve.

General requirements for fire installations

66. (1) Where a sprinkler installation has been connected to the water main, no additional sprinkler heads shall thereafter be connected to such sprinkler installation, without the written consent of the Engineer.

(2) No extension or connection from any fire installation to premises other than that for which it was approved, shall be made, and in the event of any such connection or extensions being made the Council may take any steps necessary to disconnect such a connection or extension and recover the costs incidental thereto from the owner or any other person responsible for such connection or extension.

(3) No supply of water shall be made or given until the fire installation has been inspected and the Engineer has certified in writing that such installation is in accordance with these regulations and the work in connection therewith has been carried out to his or her satisfaction.

(4) Any unmetered water connection provided by the Council to the water main for the purposes of a fire installation shall be at the pleasure of the Council, which shall be entitled to discontinue providing such connection at any time after at least 30 days' notice of its intention to do so had been given to the owner concerned and if such owner has failed to show good cause for the retention of such connection.

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(5) All fittings provided by an owner of any premises for fire-fighting purpose, including hose reels, hydrants and sprinkler systems shall comply with the Council's regulations on fire protection.

(6) Any person who contravenes the provisions of subregulation (1) or who makes or causes or permits to be made any connection or extension in contravention of the provisions of subregulation (2), shall be guilty of an offence.

Payment for water supply to a fire installation

67. The charges for the supply of water to a fire installation shall be as determined in the water tariff.

CHAPTER 7
GENERAL PROVISIONS

Special agreements

68. (1) Where, by reason of the purpose for which the supply of water is required by a consumer, the nature or situation of the premises concerned, the quantity to be supplied, the availability of supply or the method of supply, the Council considers it desirable that such supply should be provided subject to special conditions or a special charge, the Council may, notwithstanding anything to the contrary contained in these regulations, enter into a special agreement with such consumer for such supply on the terms and conditions as may mutually be agreed upon.

(2) Without prejudice to the generality of the provisions of subregulation (1), but subject to the provisions of the Act, a special agreement may provide for any one or more of the following matters:

- (a) Where a supply in bulk is given to any consumer outside the local authority area, the Council may permit such consumer to resell the water to other consumers outside the local authority area.
- (b) If the Council permits a consumer to resell water -
 - (i) it may impose conditions fixing the maximum price at which the water may be resold by such consumer; and
 - (ii) require that plans of any proposed reticulation system be submitted to the Council for approval as a condition precedent to authority to resell being given.
- (c) Where any consumer is given a supply by means of more than one connection to the water main, the Council may stipulate the manner in which and the times during which the supply from any one or more of such connections may be used by the consumer.
- (d) The Council may stipulate the maximum quantity to be supplied to any consumer and may fix the hours or periods during which any consumer shall be entitled to supply.

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(e) The Council may stipulate the price at which the supply is to be given to any consumer.

(3) Where, in terms of a special agreement a consumer is authorised to resell water supplied by the Council, the Council may at any time demand from the consumer to submit to the Council for inspection the records of such consumer relating to the resale of water to other persons and the income derived by the consumer from such resale, and may, where submeters have been installed by the consumer, demand that the consumer cause any of such submeters to be tested to the satisfaction of the Engineer at the consumer's cost, and that any meter which is found to be defective be repaired or replaced.

(4) Except as is otherwise provided in a special agreement the supply of water under such agreement shall be subject to the provisions of these regulations.

Supply of non-potable water by the Council

69. (1) The Council may on application made by any consumer and under a special agreement entered into in terms of regulation 68, grant the supply of non-potable water to such consumer.

(2) Any supply of non-potable water in terms of subregulation (1) shall not be used for domestic purposes or for any other purpose which, in the opinion of the Engineer, may give rise to a health hazard and has been specified by the Engineer.

(3) No warranty, expressed or implied, applies to the purity of non-potable water supplied by the Council or its suitability for the purpose for which the supply of such water was granted.

(4) The supply of non-potable water by the Council shall, both as to condition and use, be entirely at the risk of the consumer, who shall be responsible to exercise control over the use of such water on the premises by any other persons.

(5) Where non-potable water supplied by the Council is used for irrigation purposes, the consumer shall -

(a) ensure that it is applied uniformly over the irrigated areas and in such a way as to prevent the forming of pools; and

(b) take such steps as may be necessary to prevent any run-off of surplus water from irrigated areas.

(6) On premises on which non-potable water is used, the consumer shall ensure that -

(a) every terminal water fitting and every appliance which supplies or uses such water is clearly marked with a weatherproof notice indicating that the water therefrom is unsuitable for drinking or other domestic purposes; and

(b) every tap used for the discharge of such water can only be operated by means of a detachable key or handle and which shall be removed from such tap after every use thereof.

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(7) In an area where treated sewage effluent is used, the consumer shall erect weatherproof notices in permanent positions warning that such effluent is not suitable for domestic purposes.

(8) The consumer shall adhere at all times to any conditions or guidelines with respect to health risks in the use of non-potable water for irrigation purposes as may be laid down by the Ministry of Health and Social Services from time to time.

(9) If the consumer fails to take any of the step referred to in subregulations (5)(b), (6) and (7), the Engineer may by written notice require that such steps be taken by the consumer within a specified period and if the consumer fails to comply with such notice, the Engineer may -

- (a) cause such steps to be taken at the consumer's expense; or
- (b) suspend the supply of non-potable water to the premises concerned until the consumer has complied with such notice.

(10) Every owner of premises supplied with non-potable water by the Council -

- (a) shall take special care that every pipe and fitting linked to the non-potable water system on the premises is properly identified to prevent any cross connection with the potable water system on such premises; and
- (b) shall not, without the approval of the Engineer, extend or alter such non-potable water system or cause it to be extended or altered.

(11) A person who contravenes any provision of subregulation (10) shall be guilty of an offence and the supply of non-potable water to such premises shall be permanently terminated by the Council.

Private boreholes

70. (1) If, on the date of commencement of these regulations, any borehole exists on any premises from which water is abstracted for any purpose, the owner of such premises shall not later than 90 days after the date of such commencement -

- (a) notify the Council in writing of the existence of such borehole; and
- (b) provide the Council with full particulars of the discharge capacity of such borehole.

(2) Without derogating from the provisions of any other law relating to the drilling of boreholes, no new borehole shall be drilled within the local authority area without the prior written approval of the Council, which may be granted subject to such conditions as the Council may determine, but subject thereto in every case that -

- (a) the proposed position of the borehole shall be clearly indicated on a site plan;
- (b) any unsuccessful borehole shall be properly sealed;
- (c) the geological information and the depth of the borehole shall be recorded;
- (d) the discharge capacity of the borehole shall be determined;

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(e) the rest water level shall be recorded after the drilling of the borehole.

(3) Except with the prior written approval of the Council, no existing borehole situated within the area of jurisdiction of the Council shall be replaced or drilled deeper.

(4) If the Council has reason to doubt the reliability of any particulars given in terms of subregulation (1)(b) or any information recorded in terms of subregulation (2), it may by written notice require that the owner of the premises in question carries out, at the consumers' expense and within the period specified in the notice, such test as may be so specified for determining the discharge capacity of the borehole.

(5) The Council may, at the expense of the owner of the premises concerned, install a separate meter to record the consumption of water from a borehole on the premises.

(6) If in the area of jurisdiction of the Council, subterranean water is used by the Council for public purposes or by the community, the Council may determine a quota for the maximum abstraction of water from a borehole on private premises.

(7) Whenever the Council considers it necessary for the purpose of determining the ground water level within the local authority area, the Council may cause the water rest levels of any borehole on any property in such area, to be measured, and any person designated by the Engineer to perform such task may enter the premises for that purpose.

(8) Any person who contravenes or fails to comply with any of the provisions of subregulations (1), (2) or (3), shall be guilty of an offence.

Laying of pipes in streets or public places

71. (1) Except with the prior written approval of the Council and subject to such conditions as may be imposed by it, no person shall lay or construct any pipe or associated component on, in or under a street or public place or any other land vesting in or under the control of the Council, for the purpose of conveying water derived from whatever source.

(2) A person to whom the Council has granted its approval under subregulation (1) shall carry out the work in question subject to such conditions as may have been imposed by the Council.

Obstruction of access to water connection on premises

72. (1) No person shall prevent or restrict the Engineer or any duly authorised official of the Council from gaining access to any part of the water connection on any premises.

(2) If it is not reasonably possible for the Engineer or an official referred to in subregulation (1) to gain access to the relevant part of the water connection on the premises by reason of any object, including any construction of bricks, stone, iron, wood or any other material obstructing such access, the Council may by written notice to the consumer concerned, and without prejudice to the Council's powers under regulation 10(4), require that the consumer removes such object and restores such access within a period specified in the notice.

(3) If, in a case contemplated in subregulation (2), the Engineer is of the opinion that the situation is a matter of urgency or if reasonable grounds exist for suspecting that a contravention of any provision of these regulations has been or is being committed, the

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Engineer may cause the object concerned to be removed and any other steps to be taken to gain access, and the Council may recover from the consumer the cost incurred for that purpose.

(4) The Council shall not be liable for any damage resulting from any action taken under subregulation (3), but shall restore such premises to the former condition should no breach of these regulations be discovered.

(5) A consumer who refuses or fails to comply with a notice in terms of subregulation (2), shall be guilty of an offence.

Notices

73. Any notice required or permitted to be given by the Council in terms of these regulations shall be given in accordance with the provisions of section 93 of the Act.

Penalties

74. Any person convicted of an offence under these regulations shall be liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding 6 months.

Repeal of regulations

75. (1) Subject to subregulation (2), all regulations which immediately before the commencement of these regulations governed the supply of water in the local authority area of a Council to which these regulations are applicable by virtue of the provisions of section 94(2)(b) of the Act, are hereby repealed.

(2) Notwithstanding the repeal of any regulations contemplated in subregulation (1), any tariff list or other provisions contained in such regulations prescribing charges, fees and other moneys payable in respect of the supply of water and other related service shall remain in force until repealed or replaced by charges fees and other moneys determined by the Council concerned under section 30(1)(u) of the Act.