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Water Act 1965

CONSOLIDATED ACTS OF SAMOA 2008

WATER ACT 1965

Arrangement of Provisions

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THE WATER ACT 1965

1965 No. 33

AN ACT to consolidate and amend the law relating to water conservation, supply, and use.

(10 December 1965)

(Commencement date 1 January 1966)

PART I PRELIMINARY

1. Short title- This Act may be cited as the Water Act 1965.
2. Commencement - This Act shall come into force on the 1st day of January 1966.
3. Interpretation - In this Act, unless the context otherwise requires:

"Act" includes Ordinance.

"Catchment area" means any area of land from which rainfall flows into a river, stream or lake.

"Chief Executive Officer" means the Chief Executive Officer of the Ministry of Works, Transport and Infrastructure and any person acting under the Chief Executive Officer's authority.

"Chief Executive Officer of the Ministry of Health" includes any person acting under that Chief Executive Officer's authority.

"Committee" means a Water Supply Committee.

"Community" means any settlement, sub-village, village or district served by particular waterworks other than waterworks forming part of a Government supply.

"Domestic use" does not include use by paying guests.

"Dwelling unit" means a structure specifically constructed or reconstructed solely for residential occupation by a single family whether as a detached house, or as a separate unit in an attached construction or in a block of flats, or in a building of a like nature.

"Freehold land" means land held from Samoa for an estate in fee simple.

"Gazette" means the Samoa Gazette.

"Government" means the Government of Samoa.

"Government water supply" or "Government supply" means a supply of water which is provided by the Chief Executive Officer pursuant to section 24(1).

"Government water supply district" means a locality served by a Government water supply.

"Minister" means the Minister responsible for Works.

"Notice" includes a statement conveying the general effect of a matter or thing done or intended to be done.

"Ordinary water supply" has the meaning given to it by section 24(3).

"Pipe" includes a main and a sub-main.

"Pollutant", in relation to any water, means any substance that contaminates the water so as to change the physical or chemical condition thereof in such a manner as to make the water unclean, noxious, offensive or impure, or as to be detrimental to the health, safety, or welfare of persons using the water.

"Potable water" means water which, at its point of delivery into the piped reticulation system, complies with the guideline standards for drinking water quality as recommended by the World Health Organisation.

"Potable water supply" has the meaning set by section 24(2); and "supply of potable water" has a corresponding meaning.

"Premises" means any piece of land, and if there are buildings of any sort erected on such land, includes such buildings.

"Public notice" means a notice published in the Savali and in some newspaper published in Samoa; and if there is no such newspaper, then by a printed or written placard posted in some conspicuous place on the land affected by such notice or to which it relates.

"Publicly notified" means notified by public notice.

"Public place" includes every road, street, footpath, footway, court, alley and thoroughfare of a public nature, or open to or used by the public as of right, and every place of public resort so open or used.

"Savali" means the official newspaper published by the Government.

"Special supply" means a supply of water from a community water supply through a pipe having an internal diameter exceeding three quarters of an inch.

"Tap" and "tap connection" means a tap connected to a water supply in or on premises, and includes a hot water tap, a shower tap and a water closet tap, but do not include a stop cock.

"Water Authority" means the Water Authority constituted pursuant to the Samoa Water Authority Act 2003.

"Waterworks" and "water supply" include all rivers, streams, springs, lakes, pools and wells and all rights appertaining thereto and all lands, watersheds, catchment areas, reservoirs, dams, tanks, and pipes, and all buildings, machinery and appliances of every kind acquired or constructed under the authority of this or any other Act or regulation, and used in connection with water supply.

4. Existing waterworks to be subject to this Act - All waterworks and water supply constructed prior to the coming into force of this Act shall be treated as if constructed under the relevant provisions of this Act and become subject thereto accordingly.

PART II WATER CONSERVATION

5. Right to use water to produce electricity - Subject to any rights lawfully held as at the 12th day of April 1928 the sole right to use water in lakes, falls, rivers or streams in Samoa for the purpose of generating or storing electricity or other power, or for the purpose of supplying water for domestic, agricultural, pastoral, industrial or commercial uses, is hereby vested in the Government.

6. Head of State may purchase or take rights - (1) The Head of State, acting on the advice of the Minister, may from time to time on behalf of the Government acquire by purchase any existing rights necessary for utilising water for the generation or storage of electrical or other power or for the installation or extension or enlarging of waterworks for any public water supply, including a community water supply, or for any other public purpose.

(2) Subsection (1) shall not apply to rights over or in respect of customary land.

(3) The Head of State, acting on the advice of the Minister, may from time to time, for any of the purposes mentioned in subsection (1), take on behalf of the Government in the manner set out in Part II of the Taking of Land Act 1964 any right mentioned in that subsection subject to the assessment and award to every person having any estate or interest in the right taken or

injuriously affected thereby or suffering any damage by the taking thereof of compensation as provided by Part III of the Taking of Land Act 1964.

7. Head of State may grant right to use water - The Head of State, acting on the advice of Cabinet, may, subject to such conditions as the Head of State shall think fit, grant to any person, company or committee the right to use water from any river, stream, lake or pool for the purpose of generating electricity or for the purpose of supplying water for domestic, agricultural, pastoral, industrial or commercial uses.

8. Minister may use water from waterworks for motive power - The Minister may use the water supplied by any waterworks belonging to the Government for the purpose of obtaining motive power in connection with the production of electricity, or otherwise.

PART III WATER SUPPLY COMMITTEES

9. Head of State may appoint Water Supply Committees - (1) The Head of State, acting on the advice of the Minister, may from time to time, by Proclamation in the Gazette, name and prescribe the boundaries of a community, and appoint a Water Supply Committee to provide for the construction, extension, enlarging, maintenance and control of the water supply of that community.

(2) No Water Supply Committee shall be an agency of the Government.

10. Membership and term of office of Water Supply Committees - (1) Any Water Supply Committee appointed under the authority of this Act shall consist of such number of persons as the Minister shall approve but shall not consist of less than 5 persons, of whom the Head of State, acting on such advice, shall appoint one to be the President and one to be the Secretary of the Committee.

(2) Subject to the provisions of this section, the term of office of the members of a Water Supply Committee shall be 3 years. Any member may from time to time be reappointed.

(3) Notwithstanding anything to the contrary in this Act, every member of a Water Supply Committee shall, unless he or she sooner vacates his or her office, continue to hold office until his or her successor is appointed.

(4) Any member of a Water Supply Committee may at any time be removed from office by the Head of State for disability, neglect of duty or misconduct proved to the satisfaction of the Head of State or may at any time resign from office by writing addressed to the Head of State.

(5) If any member of a Water Supply Committee dies or is removed from office or resigns from office, the Head of State acting on such advice, may by Proclamation in the Gazette appoint another person to be a member of that Committee for the balance of the term of office of the late member.

11. Deputies of members - (1) In any case in which the Head of State, acting on the advice of the Minister, is satisfied that any member of a Water Supply Committee is incapacitated by

illness, absence or any other sufficient cause from performing the duties of the office the Head of State, acting on such advice, may appoint a qualified person to be a deputy to act for the member during his or her incapacity, and any such deputy, while he or she acts as such, shall be deemed to be a member of the Committee.

(2) No such appointment of a deputy and no acts done by a deputy shall in any proceedings be questioned on the ground that the occasion for his or her appointment had not arisen or had ceased.

12. Duties of Secretary - The Secretary of any Water Supply Committee shall keep a record of the proceedings of his or her Committee and a roll of ratepayers, collect all water rates and prepare its annual accounts and prepare such draft regulations or suggestions as to regulations as his or her Committee desires to formulate and forward to the Minister.

13. Scheme plans - (1) The Chief Executive Officer or the Water Supply Committee of a community may prepare a scheme plan for the construction, extension or enlarging of a water supply for that community, and shall submit the scheme plan of the proposed work to the other of them, to the Chief Executive Officer of the Ministry of Health and to the Minister and, if the water supply will come from or through or otherwise affect any State forest land, to the Minister of Natural Resources and Environment, or any other public land, to the Minister of Natural Resources and Environment.

(2) All parties mentioned in subsection (1) shall endeavour to ensure that the proposed work will not be detrimental to public health and will be in all the circumstances practicable and desirable.

(3) Neither the Chief Executive Officer nor any Water Supply Committee shall commence any such proposed work until the Minister has notified in writing his or her approval of the scheme plan therefor.

14. Committee may take water - Subject to the provisions of this Act and to any rights lawfully held as at the 12th day of April 1928, a Water Supply Committee may take water from any river, stream, lake or pool to the extent authorised by any grant under section 7.

15. Ownership of waterworks - (1) All waterworks constructed, whether before or after the commencement of this Act, by the Government for the time being of Samoa, or by a Water Supply Committee at the cost, or with the aid (beyond that arising under section 13 or any former similar provision) of the Government for the time being of Samoa, shall vest in the Government.

(2) All waterworks constructed by the Water Supply Committees for the districts specified in section 55(2) shall vest in the Government.

(3) Subject to subsection (2), all waterworks constructed, whether before or after the commencement of this Act, by a Water Supply Committee without the aid (beyond that arising under section 13 or any former similar provision) of the Government for the time being of Samoa, shall vest in that Committee in trust for its community.

16. Inspections - It shall be the duty of the Chief Executive Officer to make regular inspections of all community water supplies in Samoa and the operations of all Water Supply Committees, to assist such Committees in their administration, to advise the Secretaries of such Committees as to the keeping of accounts and records, and generally to assist in the arrangements for the installation, extension or enlarging of water supplies and the formation of Water Supply Committees.

17. Water Supply Committee may levy water rates - (1) Any Water Supply Committee appointed or continued in office under this Act shall levy such water rates for water supplied by it as may from time to time be prescribed by regulations made by the Head of State, acting on the advice of the Minister; and any water rates so levied shall constitute a debt due to the Committee:

PROVIDED HOWEVER THAT the premises described in the Third Schedule shall be exempt from payment of water rates.

(2) The owner and occupier of every premises in respect of which water rates are so levied shall be jointly and severally liable for payment of such water rates:

PROVIDED HOWEVER THAT only the owner or occupier other than the Government shall be liable for payment of water rates in respect of the premises described in the Fourth Schedule.

18. Recovery of rates and fines - (1) Any water rate levied and any fine imposed by a Water Supply Committee may be collected by the President or the Secretary of the Committee suing for the same on behalf of the Committee in any Court of competent jurisdiction.

(2) Any fine imposed by a Court of competent jurisdiction for any offence under this Act in a community may be collected and accounted for by the President or the Secretary of the Water Supply Committee for that community acting on behalf of the Committee as though it were an office or agent of that Court.

19. Water rates to be banked and accounts prepared - (1) All water rates levied and fines imposed by a Water Supply Committee shall be collected by that Committee or its Secretary and be banked in the [Post Office Savings Bank], the [Savings Bank Division of the Bank of Samoa] or any other Savings Bank in Samoa, or be invested in any of the securities in which balances of the Public Account may be invested pursuant to the Public Finance Management Act 2001.

(2) Each Water Supply Committee may pay, out of the moneys so collected and invested by it:

(a) The cost of administering, repairing, replacing, extending, and enlarging its water supply; and

(b) All or part of the cost of erecting, purchasing, and repairing school and hospital buildings in the community of that Committee and the furnishings thereof.

(3) Each Water Supply Committee shall prepare annual accounts, and send a copy thereof to the Chief Executive Officer within 3 months after the close of each of its rating years. The Chief Executive Officer may inspect the books of accounts of each Water Supply Committee at any time in ordinary office hours.

(4) Each ratepayer of a community shall be entitled to inspect a copy of such annual accounts at the office of the Secretary at any time in ordinary office hours.

20. Community appliance out of repair - If any pipe, tap or other appliance from which the inhabitants of a village generally are entitled to obtain water from any water supply is allowed to remain out of repair without the Water Supply Committee being notified, so that water is wasted, the Committee may fine each of the adult persons ordinarily using such pipe, tap or other appliance not more than \$2.

21. Suggestions for community water supply regulations - Any draft regulations or suggestions as to regulations formulated by a Water Supply Committee and forwarded to the Minister before he or she gives advice under section 54 shall be considered by the Minister before giving such advice.

PART IV GOVERNMENT WATER SUPPLY

2. Government water supply - (1) The Chief Executive Officer may supply water to any premises within the area formerly known as the North Upolu water supply district and to any premises in any other place or places in Samoa as the Minister may determine and the supply of such water shall be known as a Government water supply.

(2) The Chief Executive Officer may prepare a scheme plan or scheme plans for the construction, extension or enlarging of the water supply for the use of the inhabitants of any part or parts of Samoa, and of shipping in any harbour, and shall submit the scheme plan of the proposed work:

(a) To the Chief Executive Officer- General of Health; and

(b) If the water supply will come from or through or otherwise affect any State forest land, to the Minister of Natural Resources and Environment; and

(c) If the water supply will come from or through or otherwise affect other public land, to the Minister of Natural Resources and Environment.

(3) All parties mentioned in subsection (2) shall endeavour to ensure that the proposed work will not be detrimental to public health and will be in all the circumstances practicable and desirable.

(4) The Chief Executive Officer shall not commence any such proposed work until the Minister has notified in writing his or her approval of the scheme plan therefor.

23. Owner and occupier of premises connected to a Government water supply to pay rates -
(1) Water rates shall be payable to the Chief Executive Officer for the Government in respect of all premises which are connected to any main or sub-main laid down as part of a Government water supply:

PROVIDED HOWEVER THAT the premises described in the Third Schedule shall be exempt from payment of water rates.

(2) The owner and occupier of every premises so connected with a Government water supply shall be jointly and severally liable for payment of the water rates payable in respect thereof:

24. Types of Government supply - (1) Water from a Government supply is either a potable water supply or an ordinary water supply.

(2) A potable water supply is a Government supply of potable water and includes a Government supply which is ordinarily potable but which has become temporarily polluted as a result of an accident or the happening of an unforeseen event.

(3) An ordinary water supply is a Government supply which is not a potable water supply.

25. Potable water supply to be metered - (1) Every supply of potable water shall pass through a meter after a meter has been installed pursuant to subsection (2).

(2) Each meter shall be supplied and installed by the Chief Executive Officer as soon as possible after the passing of this Act, without charge to the owner or occupier (except as otherwise provided in this Act), and shall remain the property of the Government.

(3) Every owner or occupier of premises in which a meter is installed shall take reasonable precautions to protect the meter from damage.

26. Disputing accuracy of meter - (1) If any consumer disputes the accuracy of any meter he or she may, on payment in advance to the Chief Executive Officer of a deposit of the cost of removing and reinstalling the meter as estimated by the Chief Executive Officer, plus a testing fee of \$30, have the meter tested. The test shall be carried out by the Chief Executive Officer and shall consist of running a measured quantity of not less than 2 cubic metres of water through the meter. The consumer may attend the test. The meter shall be deemed to be accurate if it registers within 4% of the measured quantity, either more or less.

(2) If any meter after being tested is found to be not accurate in that the quantity of water indicated on it was more than 4 percent in excess of the measured quantity passed through it, then:

(a) The Chief Executive Officer shall decrease his claim for water rates from the date up to which they have been paid to the date of removing the meter for testing according to the result of the test;

(b) The meter shall be corrected by the Chief Executive Officer and retested until it is accurate, and shall then be reinstalled; and

(c) The deposit of the cost and fee paid by the consumer shall be refunded in full as statutory expenditure.

(3) If the meter is found after being tested to be accurate, it shall be reinstalled and the deposit of the cost and fee paid by the consumer shall be forfeited.

27. Damaged meters - (1) Should any meter be found to have its seal or dial broken or to have been tampered with in any way, the Chief Executive Officer may declare the reading on such meter void and shall estimate the water consumption in accordance with previous readings and such other factors as he or she shall think to be relevant from the date up to which water rates have been paid, and the owner or occupier shall be liable to pay for water in accordance with such estimate and also to pay the cost of removing, repairing and reinstalling such meter.

(2) Should any meter cease to register properly for any reason other than those set out in subsection (1), the Chief Executive Officer shall estimate the water consumption in accordance with previous readings and such other factors as he or she shall think to be relevant from the date up to which water rates have been paid, and the owner or occupier shall be liable to pay for water in accordance with such estimate.

28. Ordinary water rates to be payable annually - (1) Water rates payable in respect of ordinary water supply shall be payable for each year commencing on the 1st day of July and ending on the 30th day of June next succeeding, and shall become due for payment in advance by quarterly installments on the 1st day of July, October, January and April in each year, or on the service on the owner or occupier of the premises or on any person who at the time appears to be in charge of the premises of a written demand for payment, whichever later occurs.

(2) When any premises are first connected to the Government water supply and begin to receive an ordinary supply of water, water rates shall be payable in respect of the year then current on a proportionate basis, and shall become due for payment in advance on the date of such first connection.

29. When potable water supply rates payable - (1) Water rates for a potable water supply which for the time being is un-metered shall become due for payment at the end of each rating year or on the date of installation of a meter whichever first occurs, and in the latter event shall be payable on a proportionate basis.

(2) Where any premises are in receipt of potable water supply and have a meter installed, the Chief Executive Officer shall read the meter at such intervals as he shall think fit, and shall serve on the owner or occupier of the premises, or on any person who at the time appears to be in charge of the premises, a written demand showing the last meter reading, the present meter reading, the volume of water consumed, and the amount payable therefor. Such amount shall become due payment immediately the demand is served.

30. Cutting off supply of water - (1) If the water rates payable in respect of any premises remain unpaid for a period of 60 days after becoming due for payment the Chief Executive Officer may cut off the supply of water to such premises without notice.

(2) Where the supply of water is cut off under this section, the supply shall not be resumed unless the owner or occupier of the premises applies for resumption and pays the cost of cutting off and resumption and all arrears of water rates.

31. Discount on rates - If any amount demanded for water rates, whether for an ordinary or potable supply, is paid within one month of becoming due for payment, the Chief Executive Officer shall allow a discount of 5% of such amount.

31A. Interest on unpaid rates - (1) Where any water rates remain unpaid at the expiry of 30 days from the date upon which such rates were due for payment the Chief Executive Officer shall charge interest on such unpaid rates calculated at the rate of 18% per annum from the date upon which such water rates were due for payment down to a date not later than the date of payment thereof.

(2) Interest charged pursuant to this section shall be added to and form part of the water rates to which that interest relates.

32. When water rates a charge on premises - (1) As soon as any water rates become due for payment to the Chief Executive Officer for the Government they shall be a charge on the premises in respect of which they are payable.

(2) If the water rates payable in respect of any premises remain unpaid for a period of 60 days after becoming due for payment, the Chief Executive Officer may lodge with the Registrar of Land a notice of charge for such water rates describing the premises in respect of which they are payable, and thereupon the Registrar of Land shall register that notice of charge against the title to those premises, without fee.

(3) After registration of a notice of charge for water rates against the title to premises under this section, that charge for water rates shall rank before any charge, mortgage, lien, lease or transfer subsequently registered.

(4) On payment in full of the water rates covered by such a notice of charge and on demand, the Chief Executive Officer shall execute a release of the charge describing the premises against the title to which the notice of charge was registered, and on that release of charge being lodged with the Registrar of Land he or she shall register the release against the title to those premises, without fee.

(5) This section shall not apply to customary land.

PART V MISCELLANEOUS

33. Chief Executive Officer may construct waterworks - (1) The Chief Executive Officer may construct, extend or enlarge waterworks, in accordance with a scheme plan approved in writing by the Minister, for the supply of water for the use of:

(a) The inhabitants of any part of Samoa and of shipping in any harbour;

(b) The inhabitants of any community and of shipping in any harbour of the community, subject to such inhabitants making such contributions (in money or in labour) to the work as the Minister may require.

(2) The Chief Executive Officer shall disinfect all pipes after they are laid or installed and before use to the satisfaction of the Chief Executive Officer of the Ministry of Health.

(3) In exercising the powers conferred by subsection (1), the Chief Executive Officer may:

(a) Subject to the provisions of this Act, and to any rights lawfully held as at the 12th of April 1928 or granted under any Act, take water from any river, stream, lake or pool;

(b) Break up or dig into the surface of any public place;

(c) Alter any drain, sewer or pipe on or under any public place; and

(d) Prospect for water by boring anywhere in Samoa, subject to complying with section 6 of the Taking of Land Act 1964 when boring in freehold or customary land.

(4) All such waterworks shall be vested in the Government.

34. Laying pipes for water supply - (1) Before the Chief Executive Officer lays any pipes for the conveyance of water on or under any freehold or customary land (including any private road), whether under any building or not, he or she shall:

(a) Cause a plan to be prepared showing how the work will affect any such land, and the names of the owners and occupiers of that land so far as they are readily ascertainable;

(b) Cause the plan or a copy thereof to be deposited at some convenient place in Samoa;

(c) Give notice in writing to the occupier of the land, and also to the owner when known, of the proposal to lay pipes on or under his or her land according to the plan, and of the place where the plan may be viewed, and that he or she has a right to object within one month of the giving of the notice;

(d) If a written objection is received within that one month, refer the same to the Minister.

(2) Thereupon the Minister shall appoint a time and place in Samoa at which the objector may appear before the Minister or some person appointed by him or her and support the objection by such evidence and argument as the objector thinks fit, and notify the same to the objector.

(3) If within the said period of one month no written objection is received, or if after due consideration of the objection the Minister decides that the proposal should be put into effect, with or without alteration, he or she shall instruct the Chief Executive Officer accordingly.

(4) Subject to the foregoing provisions of this section, the Chief Executive Officer may cause to be placed on or under any public, freehold or customary land or under any building, in a

government water supply district or in any community, such pipes as he or she considers necessary for the conveyance of water in connection with any water supply:

PROVIDED THAT it shall not be lawful so to place any such pipe other than an underground pipe unless the permission in writing of the owner or occupier of the land or building has first been obtained.

(5) In laying any such pipes the Chief Executive Officer, his or her officers, workmen and others shall do as little damage as possible, and shall restore the surface of the ground and otherwise repair any damage done as well as possible.

(6) Any person who suffers loss by reason of the laying of any such pipes shall be entitled to compensation for the amount of such loss, to be assessed as provided by Part III of the Taking of Land Act 1964.

(7) Except as provided in subsection (4), and in sections 33, 35, 40, 44 and 47, or when entry is made for the purpose of making surveys, nothing in this Act shall confer any right of entry on to freehold or customary land without the consent of the owner or occupier.

(8) This section shall apply, with the necessary modifications, to any Water Supply Committee desiring to lay any pipes for the conveyance of water on or under any public, freehold or customary land or building within its community.

35. Repairing pipes for water supply - (1) Where pursuant to section 34, or with the consent of the owner or occupier of any land, any pipe or other part of a water supply is at any time on or under any public, freehold or customary land, the Chief Executive Officer or the Committee, as the case may be, and their officers and workmen may thereafter from time to time enter on that land to alter, renew, repair or cleanse any such pipe or other part of the water supply.

(2) In acting pursuant to subsection (1) the Chief Executive Officer or the Committee, as the case may be, and his or her or its officers and workmen shall do as little damage as possible, and shall restore the surface of the ground and otherwise repair any damage done as well as possible.

36. Existing waterworks - All waterworks existing at the time of coming into force of this Act, whether forming part of a Government water supply or not, shall, if they are situated on private land, be deemed to have been laid or constructed with the consent of the owner of such land and of all other persons having any legal interest in such land and the provisions of section 34 shall apply to such waterworks, whether they are underground or not.

37. Chief Executive Officer or Committee may supply water - (1) Any owner or occupier of premises in a Government water supply district or in a community may, in writing, apply to the Chief Executive Officer or the Water Supply Committee, as the case may be, to supply water to such premises and the Chief Executive Officer or the Committee, as the case may be, may, subject to the provisions of this Act and of any regulations made hereunder and to any other conditions imposed in any particular case, agree to supply water to such premises.

(2) There shall be no obligation on the Chief Executive Officer or a Water Supply Committee to agree to supply any premises with water, any rule of law to the contrary notwithstanding.

(3) The Chief Executive Officer or the Committee, as the case may be, may agree to give an ordinary supply of water to premises but refuse to give a potable water supply or special supply.

(4) If any person's application to be supplied with water is refused by the Chief Executive Officer or the Committee, as the case may be, or if the Chief Executive Officer or the Committee as the case may be, refuses to give that person a potable or special supply of water that person may within 14 days of receipt of notice in writing of any such refusal, appeal in writing to the Minister.

(5) The Chief Executive Officer or the Committee, as the case may be, or that person may, within 14 days of receipt of notice in writing of the Minister's decision, appeal in writing to a District Court Judge. The decision of the District Court Judge who hears that appeal shall be final.

(6) Both the Minister and the District Court Judge, before deciding any such appeal, shall give the appellant an opportunity to be heard in support of his or her appeal, and the respondent an opportunity to be heard in opposition thereto, and in each case either in person or by counsel.

(7) Where any application is made for connection or reconnection of any premises to a Government water supply, such application shall be accompanied by a connection fee in accordance with the Second Part of the Second Schedule, which fee shall be refunded if the Chief Executive Officer does not agree to make such connection.

38. Consumer to supply, lay and install pipes and appliances - (1) Where the Chief Executive Officer or a Water Supply Committee has agreed to supply any premises with water and issued a written permit to the owner or occupier of those premises to connect the same with the water supply, that owner or occupier shall, at his or her own expense, supply and lay a pipe or pipes of such diameter as the Chief Executive Officer or the Committee, as the case may be, shall approve so as to connect those premises to the nearest main or sub-main or public pipe laid down as part of the water supply, and will also provide and install at his or her own expense such proper taps, stopcocks and other appliances as the Chief Executive Officer or the Committee, as the case may, require:

PROVIDED THAT all such work must be done by a licensed plumber or licensed water fitter, and if no licensed plumber or licensed water fitter is available, then by the Chief Executive Officer, but at the expense of that owner or occupier.

(2) Each such owner or occupier shall disinfect all pipes and appliances after they are laid or installed and before use to the satisfaction of the Chief Executive Officer of the Ministry of Health.

39. Persons supplied with water to keep pipes and appliances in repair - The owner and occupier of any premises being supplied with water from any water supply shall at all times keep his or her pipes, taps, stopcocks and other appliances in good repair, so as to prevent water running to waste; and, in default of such owner or occupier keeping any such pipes, taps, stopcocks or other appliances in good repair or wilfully or negligently allowing water to waste, the Chief Executive Officer or the Committee, as the case may be, may cut off the supply of water to that person in any manner he or she or it thinks fit.

40. Inspection of appliances - The Chief Executive Officer or any member of a Water Supply Committee may, for the purpose of ascertaining whether water supplied to any premises under his or her jurisdiction is being wasted or misused, enter on such premises at any time between the hours of 7 o'clock in the forenoon and 6 o'clock in the afternoon of any day except a Sunday; and if he or she is refused admission or obstructed in such examination, may cut off the supply of water to such premises in any manner he or she thinks fit.

41. Modes of service of demand - Any written demand for payment of water rates in respect of any premises shall be served within the meaning of section 28 or section 29 if it is delivered personally to the owner or occupier of the premises or to any person who at the time appears to be in charge of the premises and if that owner, occupier or person signs a receipt for the demand. Such owner, occupier or person shall on request sign a receipt for any such demand delivered to him or her and shall commit an offence and be liable to a fine of 2 penalty units if he or she refuses to accept delivery of any such demand or to sign a receipt for it. If no owner, occupier or person in charge of any premises can be found, any written demand for water rates payable in respect of the premises may be affixed in a prominent place on the premises and shall be deemed to be served on the owner and occupier thereof on the date on which it is so affixed.

42. Notice to be given of removal of pipes - Any person may remove any pipe or appliance belonging to him or her which is connected with the waterworks after giving to the Chief Executive Officer or the Committee, as the case may be, 14 days' written notice of his or her intention to do so and of the day and time of removal, but shall be liable for all damage done to the waterworks thereby; and if any person removes any such pipe or appliance without giving that notice he or she shall be guilty of an offence and shall be liable not only to pay for all damage done to the waterworks by such removal but also to a fine not exceeding 4 penalty units.

43. Pollution of waterworks - Every person commits an offence against this Act who throws or pours any pollutant, or suffers or allows any pollutant to fall or flow, into any water or watershed being a part of or taken or used for supplying water to any waterworks or who suffers or permits any livestock of which the person is the owner or of which he or she has control to trespass on to any waterworks, and is liable to a fine not exceeding 10 penalty units, and to a further fine not exceeding 2 penalty units for every day during which the offence continues after he or she has received notice in writing from the Chief Executive Officer or a Water Supply Committee, or the General Manager of the Water Authority as the case may be, to discontinue the same.

44. Factories, etc., may be examined - The Chief Executive Officer or a Water Supply Committee, or the Water Authority as the case may be, or the Chief Executive Officer of the Ministry of Health may at any time, by any authorised officer or servant, enter upon any works, factory, or business premises and cause the same to be thoroughly examined in order to ascertain whether any pollutant therefrom is flowing into any water or watershed or any waterworks, and may take samples of liquids being discharged therefrom, and, if it appears upon that examination that such is the case, the Chief Executive Officer or a Water Supply Committee or the Water Authority or the Chief Executive Officer of the Ministry of Health may recover from the person carrying on or managing or having charge or control of the works, factory, or business premises all the expenses incurred in making the examination and in analysing any sample so taken.

45. Drawing off water from streams supplying waterworks - If any person does any act whereby the waters of any river or stream, being a part of any waterworks under this Act, are drawn off, diverted or diminished in quantity, and does not immediately on receiving notice in writing in that behalf from the Chief Executive Officer or a Water Supply Committee, or the Water Authority, as the case may be, restore the river or stream to the state in which it was in all respects, before that act, he or she is liable to a fine not exceeding 2 penalty units for every day during which the act has continued; and the Chief Executive Officer or a Water Supply Committee, or the Water Authority as the case may be, may, if it thinks fit, itself restore the river or stream to the said former state, and may recover from that person all the expenses incurred by so doing.

46. Offences with respect to waterworks - (1) Every person commits an offence who does any of the following things, namely:

(a) Wilfully injures or destroys any part of any water; or

(b) Unlawfully draws off or diverts or diminishes in quantity any water belonging to any waterworks; or

(c) Wilfully or negligently allows any pipe or appliance on his or her premises to be out of repair so that water is wasted, or alters any meter, or does or suffers any act whereby his or her supply of water is improperly increased; or

(d) Uses water or permits it to be used to an unreasonable extent or in a wasteful manner; or

(e) Bathes, or washes clothing or other thing, in any water of any waterworks; or

(f) Throws any animal or refuse or litter or debris of any sort into any water of any waterworks; or

(g) Obstructs any person acting under the authority of the Chief Executive Officer or a Water Supply Committee or the Chief Executive Officer of the Ministry of Health, or the General Manager of the Water Authority in doing anything under this Act; or

(h) Connects any pipe with a main or sub-main or pipe of any waterworks:

(i) Without giving the Chief Executive Officer or the Water Supply Committee or the Water Authority in control thereof 2 days' notice in writing of the day and hour he or she proposes to do so; or

(ii) Without having obtained the permission of the Chief Executive Officer of the Water Supply Committee or as the case may be the Water Authority to do so; or

(iii) Except in the presence and pursuant to direction of the person appointed by the Chief Executive Officer or the Committee to superintend the same, unless that person fails to attend on the day and at the hour specified in the notice; or

(i) Connects with a main or sub-main or pipe of any waterworks any pipe of a size, strength or material not approved by the Chief Executive Officer or Committee in control thereof.

(2) Every person who commits an offence against this section is liable to a fine not exceeding 10 penalty units, and to an additional fine not exceeding 1 penalty unit for each day during which the offence continues, and may, in addition, be ordered to pay the cost of repairing the injury done to any part of any waterworks by any such act.

47. Prohibition of use of polluted water for domestic purposes - (1) The Chief Executive Officer of the Ministry of Health and any of his or her officers authorised by him or her may at any time between the hours of 7 o'clock in the forenoon and 6 o'clock in the afternoon of any day except a Sunday take a sample of water for analysis from any point in any water supply in Samoa, including any premises privately owned or occupied.

(2) Where the Chief Executive Officer of the Ministry of Health certifies in writing to the Chief Executive Officer or to a Water Supply Committee that any river, stream, lake or other source of water supply or any portion thereof under the control of the Chief Executive Officer or that Water Supply Committee for the purposes of this Act is so polluted that the water therein or therefrom is dangerous to health the Chief Executive Officer or the Water Supply Committee, as the case may be, shall forthwith cease to supply or permit to be used for domestic purposes water from that source or portion thereof, as the case may be, and shall not supply or permit to be used any such water so long as the certificate of the Chief Executive Officer of the Ministry of Health remains in force.

(3) Any certificate by the Chief Executive Officer of the Ministry of Health under this section may be at any time revoked so soon as the Chief Executive Officer of the Ministry of Health is satisfied that the water from the source or portion thereof referred to in the certificate is no longer dangerous to health.

(4) If a Water Supply Committee fails to comply with any of the provisions of this section, the Chief Executive Officer of the Ministry of Health may, at the expense in all things of the Water Supply Committee, cause all necessary measures to be taken for preventing the use of water from any polluted source of water supply and for remedying any dangerous condition of that water supply.

(5) All expenses incurred by the Chief Executive Officer of the Ministry of Health under subsection (4) may be recovered from the Water Supply Committee as a debt due to the Government.

48. Minister may prohibit cutting of bush or cultivation - (1) Whenever the Minister considers that it is advisable for the purpose of conserving the flow of water in any river or stream, to prohibit the cutting or removal of bush or trees from the banks of that river or stream or to prohibit any cultivation upon the banks of that river or stream, the Minister:

(a) Shall cause to be publicly notified a notice that he or she proposes so to do for a distance of 3 chains or such lesser distance as may be stated in the notice from the bed of the river or stream, and for the whole or such part of the course of the river or stream as may be stated in the notice, and that any person who would be affected thereby may send a written objection with reasons to the Chief Executive Officer within 28 days of the first publication of the notice;

(b) May cause a copy of the notice to be sent to each owner, occupier and other person having an interest in the land proposed to be affected by the prohibition, or the agent of any of them, whose estate or interest, name and address are readily ascertainable; but failure to send a copy of the notice to any such person shall not invalidate any subsequent notice of prohibition; and

(c) Upon receiving from the Chief Executive Officer any such objection with reasons (other than an objection to the amount or method of ascertaining or paying compensation), shall appoint a time and place in Samoa at which the objector may appear before the Minister or some person appointed by him or her to support the objection by such evidence and argument as the objector thinks fit.

(2) If within the said period of 28 days no written objection with reasons is received by the Chief Executive Officer, or if after due consideration of each objection the Minister is of the opinion that effect should be given to the proposal, and that no private injury will be done thereby for which due compensation is not provided by law, the Minister may publicly notify a notice of prohibition according with the notice of proposal, and may send a copy thereof to each person mentioned in subsection (1)(b), but failure so to do shall not invalidate the notice of prohibition.

(3) Any person who after the publication as aforesaid of any such notice cuts or removes bush or trees from, or cultivates, either bank of that river or stream in contravention of the notice shall be liable to a fine not exceeding 5 penalty units for a first offence and to imprisonment for a term not exceeding 6 months or a fine not exceeding 10 penalty units for a second or subsequent offence.

(4) Any person who suffers loss by reason of being prohibited under this section from cutting bush or trees from, or cultivating, either bank of any river or stream shall be entitled to compensation for the amount of such loss, to be assessed as provided by Part III of the Taking of Land Act 1964.

49. Prohibition or restriction of uses of water - (1) The Chief Executive Officer or a Water Supply Committee may at any time, by public notice, in respect of a Government water supply district or the Committee's community, as the case may be, prohibit or restrict the use of water for any purpose, or restrict the hours during which water may be drawn from the supply, or the maximum amount of water which may be drawn through any connection in any specified period.

(2) Any such public notice shall remain in force until cancelled or amended by a further public notice.

(3) Any person who uses water in contravention of any such public notice shall be guilty of an offence punishable by a fine not exceeding 5 penalty units.

(4) No person shall be entitled to compensation of any sort by reason of a prohibition or restrictions made under the authority of this section.

50. Rebate of rates on failure of supply - In the event of the complete cessation for a period of at least one month in any rating year of the supply of water from any waterworks to any premises in Samoa in respect of which ordinary water rates are payable for any reason other than the cutting off of the supply because of non-payment of water rates, the liability of any

person to pay water rates in respect of those premises under this Act or under any regulations made or inuring under this Act shall be reduced by one-twelfth for each complete month of such cessation in any rating year; and any such person who has paid his or her water rates in respect of that year in full prior to such cessation shall be entitled to a refund of one twelfth of the amount thereof for each complete month of such cessation.

51. Enforceability of contracts - Section 366 of the Samoa Act 1921 (NZ) shall not apply to any contract for the supply of water from the Chief Executive Officer or any Water Supply Committee to any consumer in consideration of the payment of water rates.

52. Abolition of communities - Where the Chief Executive Officer provides a Government water supply to the inhabitants of any community, the Head of State, acting on the advice of Cabinet, may, by Order, abolish a community and its Water Supply Committee if the whole of the area of the community is included in the Government water supply; and may alter and redefine the boundaries of a community and reconstitute its Water Supply Committee if part only of its area is included in the Government water supply; and in either case may make such further adjustments as may appear to the Head of State, acting on such advice, to be necessary or desirable.

53. Funds of abolished Water Supply Committees - Where any Water Supply Committee is abolished by this or any other Act, any funds standing to the credit of such Water Supply Committee, any cash on hand and any debts owing to such Committee at the time of such abolition are hereby vested in the Prime Minister, who shall first discharge thereout any liabilities of such Committee, and then, after consultation with the Alii and Faipule of the community in respect of which such Committee had existed, expend such funds in that community on such educational, health or other public purposes as he or she shall think fit; and until the funds are so expended they shall be retained on deposit in the [Post Office Savings Bank] in the name of the Prime Minister.

54. Water supply regulations - (1) The Head of State, acting on the advice of the Minister, may from time to time by Order make such regulations as may in the Head of State's opinion be necessary or expedient in relation to the water supply of each community or to a Government water supply for giving effect to the provisions of this Act and for the due administration thereof.

(2) Without affecting the generality of subsection (1), any regulations made under the authority of this section may include regulations:

(a) Prescribing, altering and defining the boundaries of any community and of any new district created under this Act;

(b) Repealed by section 17(2) of 1992/1993 No. 16;

(c) Fixing and altering the amount or maximum amounts of water rates for ordinary and special supply in any community;

(d) Altering the amounts or maximum amounts of water rates for the supply of water from a Government supply and altering the fees for connecting or reconnecting a water supply;

(e) Prescribing and altering the definitions of ordinary and special supply in any community;

(f) Prescribing a fee to be payable on the application for or the grant of a permit to connect any premises with the water supply;

(g) Prescribing by whom, with what appliances and in what manner any premises may be connected with the water supply;

(h) Requiring the rectification of damage done to the waterworks or to any public utility, whether by bad workmanship or faulty materials or otherwise;

(i) Providing as to the control of all streams and other waters and all rights appertaining thereto and all lands, watersheds, catchment areas, reservations, dams, tanks, mains, subsisting pipes, stopcocks, taps and appliances acquired, constructed, installed or used in connection with the water supply, together with all drains, pits, sewers, septic tanks and other means employed for the disposal of surplus water.

(3) Regulations made under this section may prescribe penalties for offences against the regulations, not exceeding a fine of 2 penalty units and a further fine of 1 penalty unit for each day on which an offence continues.

(4) A copy of all regulations made under this section shall be laid before the Legislative Assembly within 28 days after the making thereof if the Assembly is then in session, and, if not, shall be laid before the Assembly within 28 days after the commencement of the next ensuing session.

55. Repeals and savings - (1) The enactments specified in the Fifth Schedule are hereby repealed.

(2) The Proclamation dated the 9th day of May 1957, and published in the Gazette at pages 447 to 449, appointing Water Supply Committees for the districts of West Coast of Apia Number 1, West Coast of Apia Number 2, West Coast of Apia Number 3, West Coast of Apia Number 4 and the East Coast of Apia is hereby revoked; such Committees are hereby abolished and such districts shall thereafter be part of a Government water supply.

(3) The Regulations specified in the Sixth Schedule to this Act are hereby revoked.

(4) The liability of any person under any of the Regulations revoked by subsection (3) to pay water rates to any of the Committees abolished by subsection (2) in respect of the year ended the 30th day of June 1966 is hereby limited to the payment of one half of the amount of such water rates; and any person who has paid his or her water rates in respect of that year in full prior to the passing of this Act shall be entitled to a refund of one half of the amount thereof.

(4A) The liability of any person under section 39 of the Revenue Ordinance 1929 as substituted by section 8 of the Finance Ordinance (No.2) 1955 to pay water rates to the Chief Executive Officer in respect of the year ended the 31st day of March 1966 is hereby limited to the payment of three fourths the amount of such water rates; and any such person who has paid his or her water rates in respect of that year in full prior to the passing of this Act shall be entitled to a refund of one fourth of the amount thereof.

(5) Subject to the provisions of this Act all other Orders, rules, regulations, proclamations made, appointments made, directions given, instruments issued or things done pursuant to the powers contained in the Water Supply Ordinance 1953 or under any corresponding former provision which immediately before the commencement of this Act was subsisting and in force shall continue in force and so far as they could have been made, given, issued, or done under this Act shall have effect as if made, given issued or done under this Act.

56. Act to bind Government - This Act shall bind the Government.

SCHEDULES

FIRST SCHEDULE

Repealed by Section 3(2) of 1992/1993, No. 16.

SECOND SCHEDULE

Repealed by Section 94 of the Water Authority Act 1993/1994

THIRD SCHEDULE

Section 17, 23

Land occupied by any building used as a church or chapel and which is used substantially (whether or not exclusively or principally) for religious or charitable purposes of a public nature, and such building.

FOURTH SCHEDULE

Repealed by section 19 (2) of 1992/1993, No.16.

FIFTH SCHEDULE Section 55 (1)

ENACTMENTS REPEALED

1928 - No. 2: The Water and Water Power Conservation Ordinance 1928.

1928 - No. 6: The Ordinances Revision Ordinance 1928, Section 4.

1954 - No. 6: The Ordinances Amendment Ordinance 1954, Sections 2, 3, 24, 25.

1929 - No. 6: The Revenue Ordinance 1929, Part V, being Sections 39 and 40 [as substituted respectively by Sections 8 and 9 of the Finance Ordinance (No. 2) 1955].

1953 - No. 8: The Water Supply Ordinance 1953

1955 - No. 12: The Finance Ordinance (No.2) 1955, sections 8 and 9.

1959 - No. 19: The Health Ordinance 1959, Section 27.

SIXTH SCHEDULE Section 55 (3)

REGULATIONS REVOKED

Gazette p.306: Regulations as to Water Supplies for Native Areas, made on the 7th day of October 1930.

Gazette p.820: Regulations as to Sagaga and Leauvaa Water Supply, made on the 17th day of February 1941.

Gazette p.982: The Aleisa Water Supply Regulations 1947.

Gazette p.451: The West Coast Water Supply (District No.1) Regulations 1957.

Gazette p.453 The West Coast Water Supply (District No.2) Regulations 1957

Gazette p.454: The West Coast Supply (District No.3) Regulations 1957.

Gazette p.455: The West Coast Water Supply (District No.4) Regulations 1957.

Gazette p.458: The East Coast Water Supply Regulations 1957.

REVISION NOTES 1997

The Water Act 1965 as it appears in this reprint comprised that Act as it appears in the 1977 reprint together with amendments contained in the Water Amendment Act 1992/1993, No.16 and the Water Authority Act 1993/1994, No.9 as set out below:

Section 3: New definitions of "Domestic use," "Dwelling unit," "Government water supply", "Government water supply district," "ordinary water supply" "potable water" and "Potable water supply" were added by section 2 (1) of the 1992/1993 Amendment Act, and a new definition of "Water Authority" was added by the Water Authority Act 1993/1994, section 92 (2). The definition of "Community" was amended by deleting all words after "waterworks" and substituting: "other than waterworks forming part of a Government supply" as contained in section 2 (2) of the 1992/1993 Amendment Act.

The definition of "North Upolu water supply district" was deleted by section 3 of the 1992/1993 Amendment Act, and consequential amendments have been made throughout the Act, by deleting all reference to North Upolu Water Supply and substituting "a Government Water Supply".

Section 22: This section was repealed and replaced by a new section 22 by section 4 of the 1992/1993 Amendment Act.

Section 23: Amended by adding after the words "the scale set out in" the words "the first part of". The proviso to subsection 2 also repealed by section 5 of the 1992/1993 Amendment Act.

Section 24: Repealed and replaced by a new section 24 by section of the 1992/1993 Amendment Act.

Section 25: The word "Extraordinary" was deleted from the heading and the words "Potable water" substituted by section 7 (1).

Section 25(1): and in subsection (1) the words "extraordinary supply of water" were deleted and the words: "supply of potable water" substituted by section 7 (2) of the 1992/1993 Amendment Act.

Section 26: Delete "\$6" and substitute "\$30" delete from subsection (1) "400 gallons" and substitute "2 cubic metres," and in subsection (2) after the words "4 percent" add the words "in excess" all amendments contained in section 8 of the 1992/1993 Amendment Act.

Section 28(1): The word "January" where it first appeared was deleted and "July" substituted; "31st day of December" was deleted and "30th day of June" substituted; "on the first day of January" where those words last appeared and "by quarterly installments on the 1st days of July, October, January, and April" substituted; all as contained in section 9 of the 1992/1993 Amendment Act.

Section 29: Words "Extraordinary water" deleted from the heading, and "potable water supply" substituted, in section 10 (1); and subsection (1) was repealed and replaced by its current form.

Section 29(1) A new subsection (1).

Section 29(2): Amendments have also been made to subsection (2) by deleting the word "extraordinary" and substituting "potable" and deleting the expression "number of gallons" and substituting "volume of water" all such amendments contained in section 10 of the 1992/1993 Amendment Act.

Section 31: Figure "25" was replaced by "5" in section 11 of the 1992/1993 Amendment Act.

Section 33(1)(a) Was repealed and replaced by a new clause (a) by section 13 of the 1992/1993 Amendment Act.

Section 37(1): Expression "an extraordinary" deleted and "potable water supply" substituted by section 14 (1);

Section 37(7) and a new subsection (7) added by section 14 (2) of the 1992/1993 Amendment Act.

Sections 43, 44 Have all been amended to include a reference to the Water Supply Authority 45, and 46 (1): or its General Manager; and amendments made to refer to any waterworks by section 92 of the Water Authority Act 1993/1994.

Section 50: The expression "water rates are payable annually on a per tap with maximum basis" deleted and substituted "ordinary water rates are payable" contained in section 15 of the 1992/1993 Amendment Act.

Section 52: Was repealed and replaced by a new section by section 16 of the 1992/1993 Amendment Act.

Section 54(1): The expression "or to the water supply of any new district created under this Act" and

Section 54(2): clause (b) was deleted, and in clause (d) the words after "water rates" were deleted and "for the supply of water from a government supply and altering the fees for connecting or reconnecting a water supply" substituted, all as contained in section 17 of the 1992/1993 Amendment Act.

Section 56: This section was repealed and replaced with a new section 56 by section 20 of the 1992/1993 Amendment Act.

First Schedule: With the abolition of the North Upolu Water Supply District, the first schedule, is no longer of any relevance and has accordingly been deleted from this reprint.

Second Schedule: Repealed by Section 94 of the Water Authority Act 1993/1994.

Fourth Schedule: Repealed by section 19 (2) of the 1992/1993 Amendment Act.

The Schedule to the 1992/1993 Amendment Act contains amendments to the maximum penalties provided in the Water Act 1965. All of those amendments have been incorporated into the relevant sections of the Act in this reprint.

Section 21 and 22 of the 1992/93 Amendment Act states:

"21. Abolition of Faasaleleaga Water Supply District - (1) The Faasaleleaga Water Supply District is abolished and its assets and functions by this Act become part of the Government Water Supply.

(2) The Faasaleleaga Water Supply Act 1969 is repealed, and water rates in respect of water supplied in the area which formerly comprised the Faasaleleaga Water Supply District shall henceforth be payable to the principal Act.

22. Savings and validation - (1) Nothing in this Act shall operate to extinguish or modify the liability of any person under any of sections 23, 24, 25, 28 and 29 of the principal Act or under sections 3 and 4 of the Faasaleleaga Water Supply Act 1969 to pay water rates to the Chief Executive Officer pursuant to any of those sections as they appeared prior to the commencement of this Act.

(2) Notwithstanding anything to the contrary in the principal Act or any other Act where the Chief Executive Officer has at any time before the commencement of this Act supplied water to any premises which were not connected to the North Upolu water supply, and has charged or imposed rates for that supply, those rates are deemed to have been lawfully charged or imposed and the provisions of Parts IV and V of the principal Act with the necessary modifications shall be deemed always to have applied with respect to every such supply.

(3) Every supply of water which at the commencement of this Act is provided by the Chief Executive Officer, is lawfully a Government water supply for the purposes of the principal Act whether or not the provisions of section 22 of the principal Act have been complied with.

(4) Notwithstanding the repeal of the Faasaleleaga Water Supply Act 1969, the amendments made to the Schedule of the District Wharf Regulations (Mulifanua and Salelologa) 1959 by that Act shall continue in force as if that Act had not been repealed."

Section 93 of the Water Authority Act 1993/1994, states:

"93. Certain sections of Water Act 1965 not to apply - Sections 31A, 33, 34, 35, 37, 38, 39, 40, 41, and 42 of the Water Act 1965 shall not apply to the Authority or to any works or supply under the control of the Authority."

REVISION NOTES 2008

This law has been generally edited as provided for by section 5 of the Revision and Publication of Laws Act 2008. The following general revisions have been made –

- (a) References to Western Samoa have been amended to Samoa in accordance with an amendment to the Constitution of Samoa in 1997.
- (b) The fines have been amended and are stated as penalty units as provided for by the Fines (Review and Amendment) Act 1998.
- (c) All references to the male gender have been made gender neutral.
- (d) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (e) Amendments have been made to up-date references to offices, officers and statutes.
- (f) Other minor editing has been done in accordance with the lawful powers of the Attorney General.

There were no amendments made to this law since the publication of the Western Samoa Statutes Reprint 1978-1996.

Revised and consolidated by Graham Bruce Powell
Under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel)

REVISION NOTES 2008 No. 2

The commencement date is inserted under the general powers of the Attorney General in the Revision and Publication of Laws Act 2008. There were no amendments made to this law since the publication of the Consolidated and Revised Statutes of Samoa 2007.

Revised and consolidated by the Legislative Drafting Division under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel)

The Water Act 1965 is administered in the
Ministry of Works, Transport and Infrastructure.