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PUBLIC UTILITIES CORPORATION

(MISCELLANEOUS) REGULATIONS

[24th March, 1986]

ARRANGEMENT OF REGULATIONS

Regulations

1. Citation
2. Definitions
3. Power to enter and occupy land
4. Dangerous tampering of installations
5. Dishonest abstractions of electrical energy
6. Gaining access to supply of water over land of others
7. Restriction on sewage disposal works
8. Restriction on abstraction of water
9. Restriction on pollution of waters

10. Restriction on diversion of alteration of streams
 11. Offences
 12. Damages to works
 13. Alteration of appliances for measuring water
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1. These Regulations may be cited as the Public Utilities Corporation (Miscellaneous) Regulations.
2. In these Regulations -

"electrical line" means a wire, conductor or other means used for the purpose of conveying, transmitting or distributing electricity with any casing, coating, covering tube, pipe or insulator enclosing, surrounding or supporting the same or any part thereof of any apparatus connected therewith for the purpose of conveying, transmitting or distributing electricity;

"rivers" and "streams" include all springs, natural rivers of water and water courses but do not include artificial water courses;

"sewerage" means a sewer or system of drainage by sewers;

"source of supply" means -

- (a) rivers and streams;
- (b) underground strata;
- (c) sea water.

"underground strata" means strata subjacent to the surface of any land but any reference to water contained in underground strata does not include a reference to water contained in a main, sewer, pipe, reservoir, tank or other underground works constructed or laid in underground strata.

3. (1) Any employee of the Corporation, with such assistance as and is necessary, may, at any reasonable time, enter upon any land or land premises for the purpose of exercising the functions of the Corporation and may occupy such land to carry out thereon any prescribed operation.

(2) In this regulation "prescribed operation" means -

(a) in relation to the supply of electricity -

(i) erecting posts and other apparatus necessary for the purpose of installing a system of distribution of electrical energy and taking such other action as may be necessary to render the system so installed safe and efficient;

(ii) laying, placing or carrying electrical lines for the distribution of electrical energy and carrying out repairs and doing all things necessary for the maintenance of the electrical lines, posts and other apparatus;

(iii) putting or fixing upon or against the wall or palisades of any house, building or enclosure, any lamp irons, lamp post, insulating material, brackets, stays, rosettes or other apparatus and putting or affixing to lamp irons, lamp posts and brackets such lamps as may be necessary;

(b) in relation to the supply of water and the provision of sewerage -

(i) constructing, building, placing or laying plant, machinery, equipment, pipes, sewers or mains;

(ii) maintaining, removing, demolishing or replacing plant, machinery, equipment, pipes, sewers, mains or buildings whether or not constructed, built, placed, laid or erected by the Corporation;

(iii) provision of dams, treatment works, reservoirs, pump stations, service pipes and other apparatus as may be necessary for the supply of treated and untreated water;

(iv) provision of sewerage, sewage treatment and disposal works or other apparatus as may be necessary for the treatment and disposal of sewage.

(c) in relation to matters dealt in paragraphs (a), and (b) -

(i) breaking open roads, bridges, sewers or drains;

(ii) making cuttings or excavations;

(iii) felling or removing trees or vegetation;

(iv) carrying out any inspections, surveys or tests.

(3) Before exercising any power under subregulation (1), the Corporation shall-

(a) give the occupier or owner of any land on, under or over which any prescribed operation is intended to be carried out 14 days' notice in writing setting out the nature and extent of the operation intended to be carried out unless such operation is carried out with the consent of the owner or occupier or, due to the urgency of the circumstances necessitating such operation, it is not practicable to give such notice; and

(b) where a prescribed operation referred to in subregulation (2) (i) (ii) or (iii) is intended to be carried out, obtain the approval of the Ministry responsible for Environment.

(4) Notice under sub-regulation (3) may be given to the occupier or owner by sending it by post to his last known address or, if his address cannot be ascertained, by affixing it to a conspicuous part of the land or premises on, under or over which the operation, is intended to be carried out.

(5) Any person exercising any power under sub-regulation (1) shall, if required to do so, produce his authority to the owner or occupier of the land or premises.

(6) A failure to give notice under sub-regulation (3) shall not affect the power conferred by sub-regulation (1).

4. Any person who unlawfully tampers with any installation of for the supply of electricity so as to cause or to be likely to cause danger to any person or property is guilty of an offence and is liable on conviction to a fine of R.10,000 and to imprisonment for 2 years.

5. (1) Any person who dishonestly abstracts, consumes or uses any electrical energy or dishonestly tampers with any meter or electrical with any part of an installation related to a meter so as to prevent the meter from recording correctly the true amount of electrical energy supplied is guilty of an offence and is liable on conviction to a fine of R.2,000 and to imprisonment for 6 months.

(2) In any proceedings for an offence under sub-regulation (1), the occupier of the premises on which the abstraction, consumption, use or tampering has been done is presumed to have done those acts unless he satisfies the court that such acts were done without his participation and connivance and that he had taken all reasonable precautions to prevent the commission of those acts.

(3) Where a meter on a consumer's premises has been sealed by the Corporation and the seal is broken, it shall be presumed until the contrary is proved, that an offence against this regulation has been committed.

6. Where an owner or occupier of any premises -

(a) wishes to obtain from the Corporation a supply of land of treated or untreated water; and

(b) is unable to do so without laying a pipe in or through other land of which he is not the owner; and

(c) is unable to reach any agreement with the owner or occupier of the other land on the question of compensation payable and of the manner of laying the pipe, the Corporation may, on application made to it, determine such question and the determination of the Corporation on such question shall be final.

7. (1) No person, other than the Corporation, shall operate any sewage designated sewage disposal works for the purpose of draining works disposal any designated public building except with the approval of the Corporation and in accordance with such conditions as the Corporation may specify.

(2) In this regulation -

"designated public building" means any building or class of building designated by the Minister for the purposes of this regulation; and

"designated sewage disposal works" means any sewage disposal works or class of sewage disposal works designated by the Minister for the purposes of this regulation.

8. (1) Subject to sub-regulation (2), no person, other than the Corporation, shall -

(a) abstract water from any source of supply; or

(b) construct, instal, modify or use any well, borehole, apparatus, equipment or works to abstract water, except with the permission of the Corporation and in accordance with such conditions as may be specified by the Corporation.

(2) Sub-regulation (1) shall not apply to an abstraction of water -

(a) in the course of or resulting from any operation reasonably necessary for the purpose of land drainage;

(b) necessary to prevent interference with any mining, quarrying, engineering, building or other operations (whether underground or on the surface) or to prevent damage to works resulting from any such operations;

(c) for extinguishing any fire or for the purposes of the Fire (Protection) Act;

(d) for use by any vessel;

(e) for any other purposes approved by the Minister.

(3) A person permitted under sub-regulation (1) to abstract water may -

(a) convey the abstracted water through intermediate land or premises; or

(b) in the case of abstraction from rivers and streams, lay such constructions or works on the property of a riparian or other owner as may be necessary to abstract water.

(4) Where a person permitted under sub-regulation (1) to abstract water is unable to reach any agreement with an owner of land on the question of compensation payable and of the manner of laying the construction or work, the Corporation may, on application made to it, determine such question and the determination of the Corporation on such question shall be final.

9. (1) Subject to sub-regulation (2) no person, other than the pollution Corporation, shall pollute any waters except with the permission of the Corporation and in accordance with such conditions as may be specified by the Corporation.

(2) Sub-regulation (1) shall not apply to any pollution of waters -

- (a) in the course of or resulting from any operations reasonably necessary for the purposes of land drainage;
- (b) attributable to any act which is in accordance with good agricultural practice;
- (c) attributable to any act done in order to avoid public danger in any emergency; or
- (d) for any other purposes approved by the Minister.

10. (1) No person shall, without the approval of the Corporation, on diversion divert or alter either temporarily or permanently for any purpose or alteration the whole or part of the course of any river or stream.

(2) A person seeking approval of the Corporation for the purpose of sub-regulation (1) shall furnish to the Corporation particulars of the nature and purpose of the proposed diversion or alteration.

(3) Before granting approval for the purposes of subregulation (1), the Corporation shall publish in a local newspaper a notice setting out the particulars of the nature and purposes of the proposed diversion or alteration.

(4) Any person having an interest in the proposed diversion or alteration of a river or stream may make representations in writing to the Corporation within 21 days of the date of publication under sub-regulation (3) of the notice.

(5) After considering the representations (if any) made under subregulation (4), the Corporation may -

- (a) approve the diversion or alteration subject to such conditions (if any) as it determines, including the payment of compensation; or
- (b) refuse approval for the diversion or alteration.

(6) Where the Corporation proposes to divert or alter, either temporarily or permanently, for the purposes of its functions, the whole or any part of a river or stream -

- (a) sub-regulations (1) and (2) shall not apply;

(b) the provisions relating to the notice and representations under sub-regulations (3) and (4) shall apply; and

(c) after consideration of the representations made to it, the Corporation may -

(i) proceed with the diversion or alteration subject to such conditions (if any) as it determines including the payment of compensation; or

(ii) not proceed with the diversion or alteration.

11. Any person who contravenes regulation 7 or regulation 8 or regulation 9 or regulation 10 is guilty of an offence and is liable on conviction -

(a) in the case of a body corporate to a fine of R.10,000; or

(b) in the case of an individual to a fine of R.5,000.

12. Any person who wilfully damages or allows to be damaged works any dams, works, reservoirs, pump stations, mains, service pipes, sewerage, sewage treatment or disposal works or other apparatus of the Corporation is guilty of an offence and liable on conviction to a fine of R.10,000 and to imprisonment for 2 years.

13. Any person who alters or changes or causes or allow to be altered or changed any meter, pries, cock, or other appliance for measuring water with intent -

(a) to obtain more water than the quantity to which he is entitled; or

(b) to falsely represent the quantity of water which he has received,

is guilty of an offence and is liable on conviction to a fine of R.2,000 and to imprisonment for 6 months.
