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CHAPTER 87

WATER SUPPLY APPARATUS

JR 34 of 1974

ARRANGEMENT OF SECTIONS

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WATER SUPPLY APPARATUS

To provide powers to lay and maintain water mains.

1. Interpretation

For the purpose of this Act –

“Minister” means the Minister responsible for public works;

“water main” shall mean any pipe or pipes of whatever material used for the purpose of the distribution of public water supplies and includes any valves and valve chambers, meters, fire hydrants, access shafts and chambers and such other fittings as may be necessary for the proper functioning of the system of public water supply and any pipe or pipes of whatever material together with all necessary fittings and installations used for storm water drainage or sewerage.

2. Power to lay and maintain water mains

The Minister may from time to time by order authorise the Director of Public Works to lay and maintain water mains under, along and across any land and to do all such works and things as may be necessary for such purpose:

Provided that:

- (a) The Minister shall not exercise the powers conferred by this section except for the purposes of the water supply undertaking maintained and sewerage and drainage works undertaken by the Government;
- (b) The Minister shall only acquire any right of user in the land, under, along, across in or upon which is placed any water main for the purposes of establishing and maintaining such water main;
- (c) in the exercise of the powers conferred by this section the Minister shall require the Director of Public Works to do as little damage as possible and, when he has exercised those powers in respect of any land, shall in accordance with the provisions of section 4 pay compensation to all persons interested for any damage sustained by them by reasons of the exercise of those powers;
- (d) before the exercise of any of the powers herein conferred notice of the Minister's intention shall be served on the owner or owners or other interested party, if any:

Provided that the Director of Public Works may in the case of a burst or other defect in a water main requiring immediate repair, enter any property without express authorisation and without giving notice.

3. Power to enter upon land

(1) In the exercise of the powers conferred by this Act, it shall be lawful for the Director of Public Works when so authorised for the purpose by the Minister, by himself, his agents, workmen and labourers, to do all or any of the following –

- (a) enter, survey, and take levels of, any private or other land or any part thereof;
- (b) dig out and remove any earth, rocks, mould, sand and gravel and any other thing which may form an obstacle to the laying or maintenance of water mains and to carry out any work having a direct relation thereto;
- (c) remove any tree standing within a distance of 4 metres from a water main;

- (d) open or break up any road;
- (e) place, lay and maintain such water mains or pipes as may be necessary to provide and maintain public water supplies or secure adequate disposal of storm water and sewerage in the most economical and efficient manner:

Provided that before the exercise of any of the powers herein conferred notice of the Director of Public Works' intention shall be served on the owner or owners or other interested party, if any, at least 7 working days before the exercise of such power.

- (2) In the exercise of the powers given to him by this section, the right granted to the Director of Public Works shall be limited to the execution of such works in or over the soil of any land through or under which he causes to be placed any of the works.
- (3) If such works so carried through or under any such land cause or be likely to cause any loss or damage of a certain and material nature to the owner of such land the Director of Public Works shall remove or alter such work and if he fails to do so the owner shall be entitled to reasonable compensation as provided in section 4.

4. Compensation

- (1) Every person who sustains any damage or loss of a certain and material nature by reason of the exercise of the powers conferred by section 2 or 3 may make application for compensation in writing in that behalf to the Minister at any time before the expiration of 1 year after the act, matter, or thing in respect of which such damage or loss is alleged to have been sustained and if he fails to make application within such period his claim to compensation shall be barred.
- (2) The amount of compensation if any, payable under the provisions of this Act, shall, in default of agreement be determined by a Compensation Commission, which shall comprise –
 - Chairman: The Director of the department responsible for land or his duly authorised representative.
 - Members: The Accountant General or his duly authorised representation.
The Director of Public Service or his duly authorised representative.
Two persons resident in the area in question and appointed by the Minister.
- (3) The Compensation Commission shall hear the claimant and the Minister (who may appear in person or by an agent) or if either shall so desire, consider written submissions, in lieu thereof and shall give its decision and the reasons therefor in writing to the claimant.
- (4) If the claimant is not satisfied by the decision of the Commission he may appeal to the appropriate court in order that the court may determine the amount of compensation to be awarded.

5. Damage to works

Any person who wilfully or negligently injures or damages or causes to be injured or damaged any works, apparatus, appliances, matters or things of whatever description installed or constructed by the Director of Public Works under the authority of the provisions of this Act, shall commit an offence punishable upon conviction by a fine not exceeding VT 30,000 and shall also be liable in proceedings before the appropriate court for the cost of repairing such injury or damage.

6. Assault, obstruction etc. of authorised officer

Any person who shall assault, molest, hinder or obstruct any authorised officer, servant or agent in the exercise of any of the powers conferred or in the execution of any works authorised by this Act shall commit an offence punishable upon conviction by a fine not exceeding VT 30,000 or imprisonment for a term not exceeding 3 months or by both such fine and imprisonment.

Table of Amendments

4(2) *Title of Director updated per Act 24 of 2003*