



ST. VINCENT AND THE GRENADINES

ACT NO: 17 OF 1991

[L.S.]

I ASSENT

DAVIDE. JACK
Governor-General
9th July, 1991

AN ACT to make better provision for the conservation, control, apportionment and use of the water resources of Saint Vincent and the Grenadines and for purposes incidental thereto and connected therewith.

[By Proclamation]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows:—

PART 1 – PRELIMINARY

1. This Act may be cited as the Central Water and Sewerage Authority Act, 1991, and shall come into operation on such date as the Governor-General may, by Proclamation, appoint.

Short Title and
Commencement

2. In this Act, unless the context otherwise requires

Interpretation

“agricultural purposes” when used in relation to the supply of water, does not include water used for the purpose of watering household gardens;

“aquifer” means a geological structure or formation or an artificial land-fill permeated or capable of being permeated permanently or intermittently with water;

“Authority” means the Central Water and Sewerage Authority established under section 3 of this Act;

“Board” means the Board of management constituted by section 6 (1) of this Act;

“body of water” includes ground water and water contained or flowing in a spring, stream, river, natural lake or swamp, or in or beneath a watercourse, or in a zone below the water table where the interstices are filled

with groundwater, water diverted or abstracted from any of the foregoing, or stored therein, by means of works, but does not include the water in any spring which is situated wholly within the boundaries of land owned by any one landowner and which does not naturally discharge into a watercourse extending beyond the boundaries of such land or abutting on the boundaries of such land;

“bore” means any bore, hole, well excavation or other opening in the ground or any natural or artificially constructed or improved underground cavity used for the purpose of intercepting, collecting, obtaining or using groundwater or for the purpose of disposing of any water or waste below the surface of the ground, or which extends to an aquifer;

“chairman” means the chairman of the Board.

“domestic purposes” when used in relation to the supplying of water, does not include –

- (a) a supply of water for animals other than domestic animals or for washing motor vehicles that are kept for hire; and
- (b) a supply of water for any profession, trade or business or for use in fountains;

“functions” includes powers and duties;

“groundwater” includes all water occurring or obtained from below the surface of the ground other than water contained in works (not being a bore) for the distribution, reticulation, transportation, storage or treatment of water or waste and water occurring in or obtained from any bore or aquifer;

“industrial or commercial purposes” when used in relation to the supply of water, means water used in connection with any profession, trade, business or industrial or commercial enterprise;

“landholder” means the Government, any local authority, the registered owner of the land, or the person in whom the land is vested by law, or any person –

- (a) lawfully holding or occupying land in accordance with the provisions of any law empowering the

allotment of land upon a promise of title, subject to the fulfillment by the allottee of conditions;

- (b) who by any established right, custom or estate whatsoever is, or is entitled to be, the holder or possessor of land;

“Manager” means the person appointed by the Board under section 7 (1) of this Act;

“Minister” means the Minister responsible for water and Sewerage Services;

“pollute” means directly or indirectly to alter the physical, thermal, chemical, biological or radioactive properties of any water so as to render such water less fit for any beneficial purpose for which it is, or may reasonably be used, or to cause a condition which is hazardous or potentially hazardous to public health, safety or welfare, or to animals, birds, fish or aquatic life or other organisms or to plants;

“sewerage” means drainage by means of any sewer or system of sewer;

“sewage” means matter conveyed in any sewer;

“waste” includes sewage and any other matter or thing whether wholly or partly in solid, liquid or gaseous state, which if added to any water, may cause pollution;

“water” for the purposes of this Act means

- (a) water flowing or situated upon the surface of any land;
- (b) water flowing or contained in –
 - (i) any river, stream, spring, creek or other natural course for water;
 - (ii) any lake, swamp or marsh;

whether or not it has been altered or artificially improved;

- (c) groundwater;
- (d) any water at any time contained by works acquired, constructed, improved or operated—

- (i) by any person pursuant to part IV;
- (ii) pursuant to Part VI;
- (iii) by or on behalf of the Authority pursuant to this Act;

“works” means any works which are related to or may affect the investigation, use, control, management or administration of water or waste and includes any works excavations or bores –

- (a) whereby water or waste may be used, extracted, diverted, stored, conducted, regulated, controlled, supplied, discharged, treated or measured;
- (b) whereby land may be drained or flooding or erosion of land or siltation of water prevented or mitigated;
- (c) partly or wholly situated within or on the bed or banks of any watercourse or other source of water;
- (d) whereby any other works may be constructed or protected.

PART II – THE CENTRAL WATER AND SEWERAGE AUTHORITY

Establishment of the Central Water and Sewerage Authority.

3. (1) There is hereby established a body to be known as the Central Water and Sewerage Authority.

(2) The Authority shall be a body corporate, with perpetual succession and a common seal and with power to sue and to be sued in that name and which shall exercise such functions as are conferred and imposed on it by this Act.

Functions of the Authority

4. The functions of the Authority shall be to

- (a) investigate the water resources of Saint Vincent and the Grenadines; and to advise and make recommendations to the Minister relating to the improvement, preservation, conservation, utilization and apportionment of those resources, and as to the provision of additional water supplies;
- (b) carry out surveys concerning the consumption of, and demand for water supplies and the water resources and sewerage facilities of this Island;
- (c) prepare estimates of the future water supply or sewerage disposal requirements of any district or area of this Island;

- (d) *formulate proposals for meeting the existing and future water supply or sewage disposal requirements of any district or area;*
- (e) *furnish to the Minister such information relating to water resources or water supplies or sewerage facilities as is available;*
- (f) *construct, operate and maintain works in connection with the supply of water or the disposal of sewage;*
- (g) *examine any surface or underground waters in this Island to determine whether pollution exists and the causes thereof;*
- (h) *investigate, and advise and make recommendations to the Minister relating to the improvement, preservation, operation and utilization of the sewerage facilities and as to the provision of additional sewerage facilities;*
- (i) *with the approval of the Minister fix from time to time, and levy and collect rates and charges for water supplied, and for all other services performed and facilities provided, by the Authority;*
- (j) *with the concurrence of and subject to such limitations as may be imposed by the Treasury, if necessary to borrow money or obtain credit either in Saint Vincent and the Grenadines or abroad for the performance of its functions in carrying out the provisions of this Act;*
- (k) *create, make, draw, accept, endorse, execute, issue, discount, buy, sell, negotiate and deal in bills, notes, warrants, coupons, stock, debentures and other negotiable or transferable instruments.*

5. Notwithstanding the provisions of this Act, the Authority shall not be bound to supply or to continue to supply water to any person and no action, suit, prosecution or other legal proceedings shall be brought against it in this regard.

Exemption from liability

PART III – ADMINISTRATION

6. (1) "There shall be a Board of management which shall be responsible for the exercise of the functions conferred and imposed on the Authority by this Act.

Establishment of Board

(2) The provisions of the Schedule shall have effect as to the constitution of the Board and otherwise in relation thereto.

(3) The seal of the Authority shall be affixed by the chairman, or by any other member of the Board duly authorised by the Board so to do, and by the Manager, and a document so sealed shall be authenticated by the signatures of the chairman or such other member and the Manager and shall, if it purports to have been so authenticated, be officially and judicially noticed.

Appointment of
Manager and other
employees

7. (1) The Board shall appoint and employ a Manager of the Authority and such other officers and employees as may be necessary or desirable for the proper carrying out of the functions of the Act at such remuneration and on such terms and conditions as the Board may determine;

Provided that –

- (a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister and
- (b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned without the prior approval of the Minister.

(2) For the purposes of subsection (1) the “prescribed rate” means a rate of (twenty thousand) dollars per annum or such higher rate as the Minister may, by order, prescribe.

(3) Notwithstanding subsection (1) of this section the Board may subject to such conditions as shall be specified by it in writing, delegate to the Manager the power to appoint, remove, suspend, dismiss, and revoke the appointment of staff which it is the duty of the Board to appoint under that subsection.

(4) The Board may employ or engage the services of any professionally or otherwise suitably qualified person as it considers necessary or expedient for the purpose of assisting the Board or the Authority in the performance of any of its functions under this Act.

(5) Every officer or employee shall, subject to this Act, perform the functions assigned to him by the Manager.

Policy directions

8. The Minister may, after consultation with the chairman of the Board give to the Board directions of a general or specific nature relating to the policy to be followed by the Board in the performance of the functions of the Authority, and the Board shall give effect to such directions;

Duties of the
Manager

9. The Manager shall

- (a) act as secretary of the Board;

- (b) comply with such general or special instructions as may be given to him by the Board;
- (c) exercise general supervision over the conduct and operation of the activities of the Authority;
- (d) exercise control over the staff, subject to such conditions or restrictions as may be imposed in that regard by the Board in writing;
- (e) furnish the Board with such reports, at such regular intervals as the Board shall determine, relating to the financial position and to the carrying out of the functions of the Authority.

10. (1) The Public Service Commission may at the request of the Authority and subject to such conditions as it may impose at any time permit and give effect to the transfer of an officer from the public service to the Authority, and vice versa.

Transfer of officers and preservations of pensions

(2) The transfer, in pursuance of subsection (1) of this section, of any officer shall for the purposes of the Pension Act, 1948, be treated as a transfer to which Part III of that Act applies and his service with the Authority shall be deemed to be a pensionable office.

(3) The Authority shall, in respect of any officer transferred under subsection (1) of this section, contribute to the Consolidated Fund such amount by way of pensionable emoluments and personal allowances for the purposes of the Pensions Act, 1948 as the Minister responsible for Finance with the approval of Cabinet may at any time determine.

PART IV – WATER AND SEWERAGE WORKS

11. Every body of water in St. Vincent and the Grenadines is vested in the Government in trust for the people of St. Vincent and the Grenadines.

Water vested in government

12. The control of such water for the public benefit shall be exercised in a manner not inconsistent with this Act by the Authority and in particular the use of water for –

Control of water

- (a) domestic and stock purposes;
- (b) irrigation, agriculture, industrial and commercial purposes;
- (c) hydro-electric and geothermal purposes;
- (d) navigation and fishing;
- (e) the preservation of flora and fauna and other beneficial purposes

- (f) the prevention and mitigation of the effects of erosion, drainage, pollution and flooding.

Regulation of rights

- 13. (1) Notwithstanding any law to the contrary, no right to
 - (a) use any water;
 - (b) construct or operate any works in or adjacent to any water or bore;
 - (c) cause, or permit waste to come into contact directly or indirectly with any water;

shall or be acquired otherwise than by virtue of this Act.

(2) As from the commencement of this Act where the doing of any act is prohibited or regulated by or under this Act, nothing in any other statute or in any lease, mortgage or other instrument creating an interest in land, whether made or executed before or after the commencement of this Act, shall be construed

- (a) as authorizing any person to do that act; or
- (b) as authorizing any person to do that act otherwise than in accordance with this Act,

Unauthorised usage of water prohibited

14. (1) No person shall use water in contravention of the provisions of this Act.

(2) In any proceedings for an offence against subsection (1), proof of the existence on any land of any pipe, channel, tank or other means whereby water is capable of being used in a manner contrary to the provisions of this Act is prima facie evidence that water was so used at the time such means is proved to have existed.

(3) Sub-section (1) shall not apply to the use of water for or in connection with the construction of a public road.

Acquisition of land

15. (1) If the Board is satisfied that it is in the public interest to do so, the Authority may, subject to the provisions of section 6 of the Constitution, and with the approval in writing of the Cabinet, purchase by private treaty or acquire compulsorily any land or interest in land or other property in accordance with the provisions of the Land Acquisition Act for any purpose connected with the discharge of its functions and in particular land or other property may be purchased or acquired for the conservation, improvement, installation or use of water and sewerage facilities.

(2) The acquisition of property under subsection (1) of this section shall be deemed to be an acquisition for a public purpose under any law for the time being in force relating to the compulsory acquisition of land.

(3) The Authority may under this section purchase by private treaty or acquire compulsorily a right to place pipes and sewers across land, whether above or below ground, and to repair and maintain such pipes and sewers, without purchasing any other interest in the land.

(4) A right purchased or acquired under subsection (3) shall include a right on the part of the Authority and persons acting under its authority –

- (a) to the user of the land for the laying of tunnels, conduits, aqueducts, channels, drains, outfalls for water mains, pipes or other structures and appliances, and accessories thereto;
- (b) of access to and of opening up such land from time to time for the inspection, renewal, repair, replacement or removal of any such works and of restoring any such land;

without in any such case affecting the ownership of such land.

(5) In relation to the purchase or acquisition of any right in land under this section the law in force relating to the compulsory acquisition of land shall have effect and shall be so construed where the context so requires, as if references made therein to land were a reference made to any right purchased or acquired under this section.

(6) In this section “land” includes easements and other rights over land.

16. (1) The Authority or any competent person duly authorized by it in writing may enter upon any premises after giving reasonable notice to the owner or occupier or other responsible person

Power to enter premises

- (a) to take such measures as may be thought fit for the purposes of the conservation, regulation, preservation from pollution or prevention of diversion or waste of water;
- (b) to inspect pipes, fixtures or fittings;
- (c) in relation to any matter concerning sewage or sewerage facilities:

Provided that compensation shall be paid to the owner of any property to which actual injury is caused by measures taken under the powers conferred by this subsection, other than measures for

- (a) the prevention of waste;

- (b) the stopping or removal of any unauthorized diversions, abstraction or obstruction of water; or
- (c) the prevention of pollution;

and if any parties cannot agree as to the amount of compensation payable under this section, that amount shall be determined by arbitration.

(2) In exercise of the powers conferred by subsection (1) the Authority may give directions to the owner or occupier of any premises so entered to take steps to remedy any default and on failure so to do within the time specified by the Authority, the Authority may undertake the necessary action required and recover the costs thereof from the owner or occupier of the property.

(3) An authorized person may enter premises without giving notice if he –

- (a) has reasonable cause to believe that some provision of this Act or subsidiary legislation made thereunder has been or is about to be contravened;
- (b) is unable to give notice within a reasonable time having regard to all the circumstances; or
- (c) has reasonable grounds for not giving notice;

and any person so entering shall cause as little damage as possible in the exercise of his powers under subsection (1) of this section.

(4) Any person who prevents, hinders or obstructs any authorized person from entering upon any premises in accordance with this section or from lawfully carrying out his functions under subsection (1) thereof, commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or in default of payment, to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Power to construct works on premises

17. (1) The Authority may, after reasonable notice to the landholder concerned, if it appears to the Authority to be in the public interest so to do, construct and maintain upon any land such works as may be necessary or desirable for any of the following purposes –

- (a) the protection of the source or course of any body of water;

- (b) the disposal or control of flood water;
- (c) the conservation and storage of water;
- (d) the distribution, apportionment or measurement of water;
- (e) the provision of sewerage facilities.

(2) The Authority shall pay compensation to the owner of the land on which such works are constructed, but in assessing the amount of such compensation, the Authority shall take into consideration any benefit or betterment which has accrued to such land by the construction of those works, or any adverse effects on such land caused by such works as the case may be.

(3) The cost of construction and maintenance of works under this section may with the written consent of the Minister responsible for finance be charged on the Consolidated Fund.

(4) "Reasonable notice" under subsection (1) means:

- (a) notice in writing to the owner or occupier of premises or road authority, as the case may be, of its intention not later than seven days before the work commences; or
- (b) in the case of an emergency, notice soon as possible after the necessity for the action has arisen or after the action has begun.

18. The Authority shall be liable for and shall pay compensation for damage to any public works which may be occasioned by reason of the works of the Authority

Authority liable for compensation

- (a) breaking or being defective in construction; or
- (b) being out of repair or of insufficient capacity;

and, in the event of such public works not being repaired or replaced after notice so to do has been served on the Authority by the Treasury, the Minister for the time being responsible for public works shall cause such damage to be repaired or the works replaced and may cause the cost of so doing to be recovered in any court.

19. (1) Where the cost of works constructed under section 17 (1) of this Act has been paid out of the Consolidation Fund any person who in the opinion of the Authority has benefitted by the construction of such works shall, if so decided by resolution of the Board, pay to the Authority a water rate or other charge for such benefit, the amount of which shall be decided by the Board.

Water rate or charge upon person benefitting

(2) Any person who is grieved by a decision made under the provisions of this section may appeal to the Minister whose decision shall be final.

Water rate or charge in connection with community project

20. (1) When the cost of works constructed under section 17 (1) of this Act has been paid out of the Consolidated Fund and such works are required or used for the purpose of a community project, a water rate or other charge the amount of which shall be decided by the Board shall if so decided by resolution of the Board be payable to the Authority by all persons who in the opinion of the Authority have benefitted or may benefit as a result of such works.

Protected areas

21. (1) Where the Minister, after consultation with, or on the advice of, the Authority, is satisfied that special measures are necessary for the protection of the water resources in, or derived from any specified area, he may by notice in the Gazette specify and declare such area or any part thereof, to be a protected area and may, if he considers it necessary for the protection of such area or for the protection of the water supply obtained therefrom by the same notice, require, regulate or prohibit the doing by any person in such specified area, or part thereof, of any act.

(2) Any person who knowingly contravenes the provisions of any such notice commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

Offence

22. A person who hinders or obstructs an employee or agent of the Authority in the performance of his functions under this Part commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

PART V – FINANCIAL

Funds

23. The funds of the Authority shall include –

- (a) such sums of money as may be placed at the disposal of the Authority by Parliament;
- (b) all amounts which at the date of commencement of this Act, are at the disposal of or belong to the Central Water and Sewerage Authority established by section 3 of the Central Water Authority Act, 1978;
- (c) all sums accruing to the Authority by virtue of the exercise of its functions under section 4 (i) of this Act;
- (d) all moneys (if any) borrowed under section 4 (j) of this Act;

- (e) such moneys as the Treasury may from time to time approve as funds of the Authority.

24. (1) The Authority shall, within three months after the 30th day of June in each year or within such longer period as the Minister may in special circumstances approve deliver to the Minister a statement of account in a form satisfactory to the Minister and conforming with established accounting principles duly audited and certified showing –

Accounts and
Audit

- (a) the assets and liabilities of the Authority on that date; and
(b) the income statement of the Authority for the year.

(2) Every such statement of account shall be signed as correct by the Manager and at least two members of the Board.

(3) The Minister shall cause every statement delivered to him under subsection (1) of this section together with the Auditors' Report thereon to be laid before the House of Assembly.

(4) The Authority shall render to the Minister when requested such accounts, reports and statements as the Minister may from time to time require.

(5) The Treasury shall have full access to all accounts documents, papers and books of the Authority, and the Authority shall at all times furnish to the Treasury all such information as it may require.

(6) The accounts of the Authority shall be examined audited and reported on annually by such duly qualified auditors as the Board, with the approval of the Minister, may appoint.

25. The Board shall, within three months after the 30th day of June in each year, cause to be prepared and submitted to the Minister for his approval estimates of income and expenditure for the ensuing financial year.

Estimates

26. The Authority shall be exempt from liability for any income tax, duty, levy or other charge.

Exemption from
Income Tax

PART VI – RATES AND CHARGES

27. (1) For the purposes of the exercise of its functions under section 4 (d) of this Act, the Authority shall recommend to the Minister the establishment of water supply and sewerage districts in Saint Vincent and the Grenadines by reference to defined limits or some specific description.

Establishment of
water supply and
sewerage districts

(2) The Minister shall, by order, establish water supply and sewerage districts recommended to him under subsection (1) of this section, and every such order shall contain reference to the defined limits or specific description of the district concerned.

(3) The Minister on the recommendation of the Authority, may from time to time, by order, vary the limits or description of any district established under subsection (2) of this section, or abolish any district.

Determining rates and charges

28. In determining the rates and charges to be levied for the services of the Authority, the Board may take into consideration in respect of any relevant period, any or all of the following matters –

- (a) whether the Authority's revenue derived during the relevant period from all its sources is sufficient to cover the Authority's expenses;
- (b) the interest payments to be made by the Authority;
- (c) the repayments of principal to be made on any loan secured under this Act;
- (d) the amounts that the Board thinks ought to be set aside for the Authority's purposes, including amounts for depreciation and reserve funds;
- (e) the uses to which water supplied by the Authority is to be applied.

Public Fire service

29. There shall be no charge for water used by the fire services in cases of fire.

Public Standpipes

30. So long as there is no charge for water used by the public from public standpipes this service shall be considered an obligation of the Government payable from funds appropriated for the purpose.

Owner Occupier liability

31. (1) Notwithstanding any agreement between the owner and the occupier of premises, the Authority may recover any rates or charges payable in respect of such premises, from the owner and occupier jointly or severally.

(2) The Authority may by notice in writing (a copy of which shall be sent to the owner liable) require the occupier to pay to the Authority out of any amount held in respect of rent

- (a) such portion of the amount held as specified in the notice;
- (b) the total amount held; or
- (c) an amount specified in the notice periodically until the total sum for which the owner is liable is paid.

(3) The occupier so notified shall be deemed to have made such payments on the authority of the owner and shall be indemnified in respect of such payments by virtue of this section.

(4) Unpaid rates and charges are a lien and charges against the premises in respect of which the debt is incurred.

PART VII – MISCELLANEOUS

32. The Minister may, with the approval of the Cabinet establish a fund out of monies voted for the purpose by Parliament, to assist low income earning families to finance in-house water and sewerage installations, and may make Regulations governing the operation of that fund.

Financial
assistance

33. (1) The Authority may with the approval of the Minister make regulations and the Minister may by order in relation to such matters as he shall specify therein require the Authority to make Regulations generally for the purposes of this Act and in particular in relation to the following matters –

Regulations

- (a) regulating and controlling –
 - (i) the types, specifications, locations, construction, repair, removal or alteration of mains, service pipes, valves, hydrants, stand pipes and all other work in or upon any premises that form part of or are connected with water works;
 - (ii) the manner in which the service pipes of consumers are to be connected with the mains of the water works supplying the water;
 - (iii) the location, construction, repair, removal or alteration of sewers, drain pipes, manholes, gully traps and all other works in or upon any premises, that form part of or are connected with sewerage works;
 - (iv) the content of sewage entering sewerage works;
 - (v) the use of water from any source of supply;
- (b) requiring the connection of building sewers to sewerage works and regulating and controlling the manner in which building sewers are to be connected;
- (c) (i) prescribing standards of quality for potable and other water supplies, sewage and industrial waste effluents, receiving streams and water courses;

- (ii) operating standards for water works or sewerage works;
 - (iii) measures for ensuring the purity of water supply;
 - (iv) the manner of effecting the supply of water or sewerage services to premises and the charges for connecting premises to the Authority's mains;
 - (v) installing meters for the purpose of measuring the quantity of water supplied to any property, to enter upon any property for the purpose of installing, reading, inspecting or testing any such meter;
 - (vi) the amount of the security to be furnished by persons applying for the supply of water or sewerage services;
 - (vii) the rates and charges payable in respect of water supply and sewerage services;
 - (viii) the special rates and charges payable in respect of water supplied for specified purposes, including water supplied for agriculture, industrial or commercial purposes;
- (d) the inspection of works, land and premises;
 - (e) the execution and maintenance of any works for the purpose of sewerage or sewage disposal, or for the purpose of draining land, or for soil conservation or for more effectively collecting, conveying or preserving water or preserving the purity or quantity thereof;
 - (f) the issue of permits authorizing any diversion, abstraction, or obstruction of any water supply, or the use of water, according to such terms and conditions as may be specified in such permit, regard being had to the extent to which the authorisation of such permit may interfere with the domestic requirements of other consumers or with the water, as the case may be;
 - (g) forms to be used under this Act or the regulations made under this subsection;
 - (h) regulating or restricting the supply of water or sewerage services to premises;
 - (i) exempting certain classes of persons from the payment

of rates and charges for the supply of water or sewerage services;

- (j) granting discounts or rebates in consideration of prompt payment of any rates or charges levied or imposed by or under the provisions of this Act;
- (k) requiring certain classes of industries or particular operations to enter into trade waste agreements before their wastes are discharged, whether to water, land or into sewers of the Authority;
- (l) imposing conditions on the storage of potentially polluting substances on land, which may affect the water by seepage;
- (m) regulating the power to enter into land to give directions to landowners to repair defective private sewage treatment works and septic tanks and to execute works in default of action by the land owner and to recover the cost from the landowner;
- (n) the advertisement and declaration of new areas into which water supplies and sewage are to be carried;
- (o) the construction, operation and maintenance of works;
- (p) the compulsory connection of lands to drains and sewers of the Authority;
- (q) the establishment of codes of workmanship specifying technical requirements for connections and fittings;
- (r) in regard to requiring capital contributions from landowners benefitting from new works;
- (s) the vesting of all existing water supply and sewerage works in the Authority;
- (t) the construction, maintenance and operation of both water supply and sewerage service throughout the country;
- (u) empowering the Authority, after reasonable demand made by it in writing, to disconnect the supply of water to any property in respect of which there remains unpaid, any water or sewerage rates; and
- (v) any other matter or thing, for the purpose of the better carrying out of the purposes and provisions of this Act or of paragraphs (a) to inclusive of this subsection.

(2) Regulations made under subsection (1) of this section may be made applicable either generally or with respect to any water supply or sewerage district established under section 27 (2) of this Act, or to any part thereof, and for the purposes of this subsection "district" includes any such district the limits or description of which have been varied in accordance with section 27 (3) of this Act.

(3) If within three months after an order made by the Minister under subsection (1) of this section the Authority has not made regulations satisfactory to the Minister in relation to all or any of the matters specified in the order the Minister may amend or revoke any regulation with which he is not satisfied, and may make new regulations as he considers necessary.

(4) Regulations made by the Minister under subsection (3) of this section shall have effect as if they had been made by the Authority.

(5) Regulations made under this section shall, subject to subsection (6), bind the Crown.

(6) The Minister, acting upon the advice of the Authority, may by order exempt persons from any regulations made under this section or any provision thereof.

(7) Regulations made under this section may include provision for –

- (a) the alteration, repair or replacement of any installation or fitting which contravenes the regulations;
- (b) the disconnection of the water supply to any property in respect of which any contravention of these Regulations has occurred.

(8) Regulations made under this section may fix separate charges for separate services or facilities, or combine charges for more than one service or facility and nothing in any enactment or in any agreement or arrangement shall so operate in relation to the Authority, as to oblige it to fix separate charges for separate services or facilities.

(9) There may be annexed to the contravention of any of the regulations made under this section such penalty, not exceeding five thousand dollars or such terms of imprisonment not exceeding two years or both such fine and such imprisonment as the Authority making the regulations may think fit; and in the case of a continuing offence, a further fine not exceeding five hundred dollars for each day during which the offence continues.

34. Any person who in an area protected under section 21. Offence in respect of protected area
- (a) swims or bathes;
 - (b) places, deposits, discharges or allows any material of any kind that is likely to impair the quality of the water to remain therein;
 - (c) does any act or takes water so that the amount of water in the area is unduly diminished,

commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding twelve months or to both such fine and imprisonment and to a further fine of one hundred dollars for each day during which the offence continues.

35. Any person who contravenes any provision of this Act, or of any regulations made thereunder for which no penalty is specified shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment. Penalty for offence where none provided

36. The Central Water and Sewerage Authority Act, 1978 is hereby repealed. Repeal

SCHEDULE

(Section 7 (2))

1. (1) The Board shall consist of eight members as under – Constitution of Board
- (a) the Director of Planning, Ministry of Finance who shall be an ex-officio member;
 - (b) the following members to be appointed by the Minister by instrument in writing –
 - (i) a chairman;
 - (ii) a deputy chairman;
 - (iii) a representative of the Ministry of Health;
 - (iv) a representative of the Ministry of Agriculture;
 - (v) a resident of Kingstown;
 - (vi) a resident of a district other than Kingstown;
 - (vii) a representative of the business community or hotel industry;
- (2) In the case of the inability of any member to act, the

chairman, the members present and constituting a quorum shall elect a chairman from among their number to preside at the meeting.

(5) Five members of the Board form a quorum.

(6) The decisions of the Board shall be by a majority of votes cast by members present at the meeting, and in any case in which the voting is equal the chairman or other person presiding at the meeting in addition to having an original vote, shall have a casting vote.

(7) Minutes of each meeting shall be kept by the Secretary to the Board or by such other officer as the Board appoints for the purpose and shall be confirmed by the Board and signed by the chairman or deputy chairman at the next meeting of the Board.

(8) Certified copies of the confirmed minutes of each meeting shall be forwarded to the Minister.

(9) Subject to the foregoing the Board shall have power to regulate its own proceedings.

9. (1) The Board may –

(a) appoint such committees composed of Directors and other persons for the purpose of assisting and advising the Board on the proper performance of the functions of the Authority; and

Appointment of committee

(b) with the approval of the Minister, delegate to the Committees such functions as it considers necessary.

(2) A person co-opted, under sub-paragraph (1) is not entitled to vote at any meeting of the Board.

10. Any act done or proceeding taken by the Board under this Act or the regulations, may not be questioned on the ground of –

Validity of proceedings

(a) the existence of any vacancy in the membership of, or of any defect in the constitution of the Board;

(b) the contravention by a member of paragraph 11;

(c) any omission, defect or irregularity that does not affect the merit of the proceedings.

11. (1) A member who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Authority, shall declare in writing to the Secretary for the information of the Board, the nature and extent of his interest.

Disclosure interest

(2) A member shall not participate in any proceedings or

discussions nor vote in respect of any contract in which he is interested.

Protection of other
members

12. (1) No action, suit, proceeding or proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in pursuance or execution of the provisions of this Act;

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph, the Authority shall be liable to the extent that it would be if the said member were a servant or agent of the Authority.

Reservation of
members

13. A member of the Board shall be entitled to receive such allowances (if any) as may be recommended by the Board and approved by the Minister, and such travelling and other expenses as he may necessarily and reasonably incur in the performance of his duties as such member.

Passed in the House of Assembly this 3rd day of June, 1991.

J. THERESA ADAMS
Clerk of the House of Assembly.