



Tuvalu

WATER SUPPLY ACT

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Tuvalu

WATER SUPPLY ACT

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Tuvalu

WATER SUPPLY ACT

AN ACT TO MAKE PROVISION FOR WATER SUPPLIES AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH¹

Commencement [24th July 1967]

1 Short title

This Act may be cited as the Water Supply Act.

2 Authority to administer Act

- (1) In this Act “**Authority**” means the person appointed as such under subsection (2).
- (2) The Minister may by notice appoint a person to be the Authority for the purposes of this Act.
- (3) In the discharge of the duties imposed and the exercise of the powers conferred on the Authority by this Act the Authority shall give effect to such directions as may be given by the Minister.

3 Authority may construct aqueducts etc. and enter lands for purpose

The Authority shall have power to make and construct such cuts, channels, feeders, catch-drains, reservoirs, aqueducts, tunnels, pipes, pipe tracks, conduits, filters, trenches, mounds, engines, works and machinery as he may think necessary, proper or convenient for conducting adequate supplies of water, together with such reservoirs and other works as the Authority shall think necessary for securing regularity in the said supplies of water, and to clean, uphold and repair the said works and machinery in all times ensuing, and for any and every such purpose to enter upon, take and use any lands required to be entered, taken or used for such purpose:

Provided always that the Authority shall do as little damage as may be in the execution of the several powers herein contained and shall take all reasonable steps to avoid any inconvenience to the owner and occupier of the land.

4 Authority may enter and survey land, etc.

The Authority may for the purpose of this Act enter into and upon any land or premises other than a dwelling-house and inspect, survey and take levels of the same and set out and ascertain such parts thereof as he shall think necessary and proper for making or erecting any works or machinery authorised by this Act, and may also bore, dig, cut, trench, get, remove, take and convey away and lay earth, clay, stone, rubbish and beds of gravel or sand for making works which may be got in carrying on the said works:

Provided that the Authority shall do as little damage as may be in the execution of the several powers herein contained and shall take all reasonable steps to avoid any inconvenience to the owner and occupier of the land.

5 Authority may open up streets and lay pipes, etc.

It shall be lawful for the Authority from time to time as occasion may arise to open up any street, lane, court, road, path, passage and access of any description for the purpose of laying pipes and conductors of water to such parts thereof as he shall deem expedient and for the purpose of maintaining, altering, repairing or cleansing such pipes and conductors and, upon the application of any person desiring the same, to supply water to dwelling-houses or other premises of any description:

Provided always that in all such cases the Authority shall replace the streets, lanes, courts, roads, paths, passages and accesses interfered with by him and the pavements (if any) of the same in like situation, order and condition as they were previously.

6 Authority to give notice before doing certain acts

(1) Before doing any act in the exercise of the powers conferred by section 3, 4 or 5 the Authority shall, except in cases of urgency which involve risk of injury or damage to persons or property or the loss of water, give 7 days' prior notice to the owner or occupier of the land which is or is likely to be affected stating as fully and accurately as possible the extent of the acts intended to be done.

(2) Notice under subsection (1) may be served either personally or by post:

Provided that when a person to be served cannot after reasonable enquiry be found or is out of Tuvalu it shall be deemed sufficient service to affix the notice on the land to which it relates.

7 Authority may erect public fountains, etc.

It shall be lawful for the Authority to erect and maintain in areas to which there is a public right of access such number of public fountains, baths and washing places as he shall deem expedient, to which the public shall, subject to any regulations made under section 19, have free access.

8 Authority shall fix fire plugs

The Authority shall fix proper hydrants in the main and other pipes which he considers proper and convenient for the extinguishment of fire and it shall not be lawful to make any charge for water supplied for such purpose.

9 Various offences and penalties

(1) Every person who washes any animal or any clothes, wool, leather or the skin of any animal or any noisome or offensive thing or throws or casts any dead animal or any filth, dirt or other noisome or offensive thing or who bathes in any water, fountain, reservoir, basin or aqueduct, tunnel or water-way made or used to supply water for human consumption, or who causes or suffers the water of any sewer or drain to run or be conveyed into any such water, stream, fountain, reservoir, basin, aqueduct, tunnel, pipe or water-way, or who causes or permits any other thing whatsoever to be done to the water contained therein whereby or by means whereof the water or any part thereof is or may be soiled, fouled, corrupted or injured shall be liable to a fine of \$100 and in default of payment to imprisonment for 3 months.

(2) Every person who —

- (a) wilfully obstructs, hinders or molests the Authority or any person employed by him in carrying into effect the provisions of this Act;
- (b) injures any fountain, pump, cock, valve or water pipe, cistern, reservoir, fence or public water-course or any part thereof respectively in the possession or charge of the Authority; or
- (c) opens or leaves open any cock, valve or any such fountain or pump so that the water runs or may run to waste,

shall be liable to a fine of \$20 or in default of payment to imprisonment for 1 month.

10 Water reserves

(1) Where the Minister considers it necessary for the protection or conservation of any water catchment area, or otherwise to secure to Tuvalu or any part thereof adequate and pure supplies of water, he may by notice declare any area to be a water reserve.

- (2) Any person who within any water reserve does anything which is likely to soil, foul, corrupt or contaminate the reserve or any part thereof or any source or supply of water therein, or, without the written permission of the Authority, erects any dwelling-house, shelter or other structure whatsoever, or digs any pit, shall be guilty of an offence and liable to a fine of \$100 and in default of payment to imprisonment for 3 months.
- (3) The Authority may in writing require the owner or occupier of any land in a water reserve to remove any structure or fill in any pit upon or in his land whether or not lawfully erected or excavated, within such reasonable time as may be specified, and if such person fails to do so the Authority may cause such requirement to be carried out, and where the structure or pit was erected or excavated in breach of the provisions of this Act, may recover the cost of so doing as a civil debt from such person.

11 Compensation

- (1) Every person whose land has been used in laying down water pipes or otherwise for the purposes of this Act, or whose land has been adversely affected by the exercise of any power conferred by this Act or whose structure or pit has been removed or filled in pursuance of the provisions of this Act, shall be entitled to reasonable compensation for any damage so sustained by him, such compensation to be ascertained and awarded in the manner hereinafter specified:

Provided that no compensation shall be payable in respect of any structure or pit erected or excavated in breach of the provisions of this Act:

And provided further that, without prejudice to the Minister's right to acquire any land under the Crown Acquisition of Lands Act,² where the owner of any land affected desires the land to be acquired and a court is of the opinion that such owner has been substantially deprived of its normal use, the land shall be so acquired.

- (2) In all cases in which compensation is claimed it shall be lawful for the Authority, subject to the approval of the Minister, to agree with the claimant for the payment of such sums of money by way of compensation as the Authority may think reasonable and, upon any such agreement being made the sum so agreed upon shall be paid accordingly, and in all cases it shall be lawful for the Authority to tender to the claimant such sum by way of compensation as the Authority shall think fit, and in case the Authority and the claimant do not agree upon the amount to be paid, the sum may be determined in a court by an action for damages to be brought by the claimant against the Authority.
- (3) In this section "court" means a magistrate's court where a claim or the value of the land in question does not exceed \$500, and in all other cases means the High Court.

12 Supply through meter

- (1) The Authority may by notice in writing direct that any person being a consumer supplied with water or desiring to be supplied with water whether for domestic purposes solely or otherwise shall be supplied under agreement through a meter provided by the Authority.
- (2) Any moneys payable in connection with water supplied through a meter shall be deemed to be a charge within the meaning of this Act and may be recoverable from the consumer as such.

13 Testing accuracy of meters

- (1) If the accuracy of the meter is questioned by the consumer and notice in writing thereof is given to the Authority accompanied by a fee of \$1 the meter shall be tested.
- (2) If the meter is found upon such test to register correctly or less than the amount of water passing through the meter the fee of \$1 shall be paid into the Consolidated Fund.
- (3) If the meter is found upon such test to register more than 2 per cent in excess of the amount of water passing through, the meter shall be repaired and replaced or renewed without charge to the consumer and the fee of \$1 returned to the consumer.

14 Offences in regard to meter

- (1) No person, other than the Authority, or a person authorised by the Authority, shall provide any meter for the supply of water under this Act.
- (2) No person, other than a person authorised by the Authority, shall fix, re-fix, remove, alter, repair or otherwise interfere with a meter.
- (3) Any person contravening any of the provisions of this section shall be liable to a fine of \$20 and in default of payment to imprisonment for 1 month and in addition thereto the court may order any persons convicted of an offence against subsection (2) to pay to the Authority the cost of all necessary repairs, alterations and replacements of such meter.

15 Collection of charges

- (1) All charges for water supplied under this Act shall be paid to the Authority on demand and the Minister may sue for and recover the same in the court.
- (2) If any charges remain unpaid for a period of 90 days after the same have been lawfully demanded the Authority may disconnect the supply and, on payment thereof, make such charge for the re-connection of the supply as may be prescribed.

16 Power to disconnect supply

Whenever the quantity of water available has diminished to such an extent that it is expedient in the opinion of the Authority to diminish the supply of water he may, with the approval of the Minister and after giving public notice of his intention to do so —

- (a) lessen the supply of water throughout the whole or part of the water supply system to such extent for such time and in such manner as he may think proper; or
- (b) lessen the supply to any particular class or classes of consumers; or
- (c) for such time as he may think proper discontinue the supply for any particular purpose:

Provided that in the execution of the powers conferred by this section the Authority shall as far as practicable maintain a constant and undiminished supply of water for domestic purposes.

17 Indemnity of Authority

The Authority shall not in any case be liable to action for damages by reason of non-supply of water caused by any defect in pipes or otherwise or by reason of stopping water for the purpose of repairs or alterations to any pipe or part of the water-works or for any other act done in the execution of this Act.

18 Delegation of powers

The Authority may, subject to the approval of the Minister, delegate to any person any or all of his powers under this Act.

19 Regulations

- (1) The Minister may make such regulations as he shall think necessary for —
 - (a) the position and construction of, and the size, material, kind and number of service pipes to any house, premises and property and of the water supply fittings therein;
 - (b) inspection of service pipes and water supply fittings;
 - (c) prevention, notification and repairing of leaks in service pipes or water supply fittings;
 - (d) licensing of persons to perform work connected with the supply of water;
 - (e) the charge to be made for water supplied, otherwise than by meter, and the method by which it shall be imposed and collected;

- (f) the position and construction of and the use, inspection and approval of meters and the charge therefor including meter rent and the amount of deposit against cost of a meter and the scale of charges to be made when water is supplied by meter;
 - (g) the charge to be made for water supplied to ships, boats, hulks, steamers or other vessels and the method of collecting the same:
Provided that it shall be lawful for the Minister from time to time to exempt any of Her Majesty's ships of war or the ships of war of any foreign power from payment of any charge for water supplied;
 - (h) exempting such persons, corporations, institutions or otherwise, as the Minister shall think fit from the payment of charges under this Act;
 - (i) generally for such other purposes as may be found necessary for the maintenance of an efficient water supply to all users of the same and for carrying out the provisions and purposes of this Act.
- (2) Any person contravening any of the provisions of such regulations shall be liable to a fine of \$10 and may in addition have his water supply cut off.

ENDNOTES

¹ 1990 Revised Edition Cap. 40 – Acts 3 of 1967, 8 of 1971, LN 16/1972, Acts 3 of 1972, 13 of 1972, 4 of 1975

² Cap. 46.05