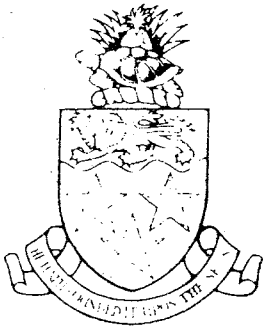


CAYMAN ISLANDS



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THE WATER AUTHORITY LAW, 1982
(LAW 18 OF 1982)

CAYMAN ISLANDS

LAW 18 of 1982

I assent

PETER LLOYD

GOVERNOR

14th March, 1983

**A LAW TO PROVIDE FOR THE ESTABLISHMENT OF A
WATER AUTHORITY TO PROVIDE FOR THE MEMBERSHIP,
MANAGEMENT, POWER AND DUTIES THEREOF, IN
RELATION TO WATER SUPPLY AND SEWERAGE IN THE
ISLANDS, TO PROVIDE FOR THE LICENSING OF EXISTING
AND NEW WATER ABSTRACTIONS AND FOR THE CONTROL
THEREOF, TO PROVIDE FOR THE CONTROL OF WATER
POLLUTION AND WATER SUPPLIES, TO CONTROL SEWAGE
DISPOSAL, FOR THE LICENSING OF WELL DIGGERS AND
FOR MATTERS CONNECTED THEREWITH AND
INCIDENTAL THERETO**

PART 1 INTRODUCTION

ENACTED by the Legislature of the Cayman Islands.

Short title.

1. This Law may be cited as the Water Authority Law, 1982.

Interpretation.

2. (1) In this Law, unless the context otherwise requires –

“Authority” means the Water Authority established under section 3;
“beneficial use” means the use of water in such a quantity as is

necessary for economic and efficient utilization, for a purpose and in a manner which is consistent with the public interest;

"building" includes any structure or erection of a permanent or semi-permanent nature and any part of a building as so defined, but does not include plant or machinery comprised in a building;

"canals" means any channel works which provide sea water direct access to inland areas which would not normally be in direct contact with the sea;

"commercial use" means the sale or transport of water or the use of water on any premises used for carrying on any trade or business including hotels, restaurants, shops and offices or any other use of water for other than domestic or municipal use;

"Director" means the Director of the Authority or any person acting on his authority;

"domestic use" means the use of water for washing, drinking, flushing closets, private gardening and the other usual household purposes, on any premises which are used solely for private residential purposes;

"freshwater" means water with a total dissolved solid content five thousand parts per million or less;

"Governor" means the Governor in Council;

"ground water" means —

(a) underground water; and

(b) water in a pond where the removal of water from the pond will occasion the seepage of underground water into the pond, and includes all water made available by means of works;

"groundwater lens" means an underground source of fresh water;

"Lesser Islands" means the islands of Cayman Brac and Little Cayman;

"licence" means a right granted or deemed to have been granted by this Law to abstract ground water;

"Member" means the Member of Executive Council responsible for water and sewerage matters;

"municipal use" means the utilization of water for supplying the water requirements of the community;

"pond" means any place or excavation containing water other than sea water;

"premises" means messuages, buildings, land, easements or hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private and whether maintained or not under statutory authority, and includes any place or structure, or any part thereof, used or intended to be used for human habitation, or for employment or any other purpose whatsoever;

"public sewerage system" refers to the conveyance of sewage and trade effluents away from premises via a system owned or operated

by the Authority;

"public water supply system" refers to the conveyance of water into premises via a system owned or operated by the Authority;

"sewage" means any waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or offal;

"territorial waters" means the waters of the sea within the limits of territorial jurisdiction of the Islands;

"trade effluent" means any liquid either with or without particles or matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises but does not include domestic sewage, but includes a reference to all waste in a liquid, solid or gaseous state;

"underground water" means water stored below the surface of the ground in the natural strata thereof and not apparent on the surface on the ground;

"well" includes any natural well, borehole, adit, tunnel gallery or other excavation constructed or used for the abstraction of ground water or for the introduction of fluids directly into ground water;

"works" includes reservoirs, wells, pumping installations, pipelines, filters, sedimentation tanks or other works constructed for or in a connection with the abstraction, or storage of ground water or the conveyance and treatment of sewage, or the filtration or purification of water, or the use of ground water for any purpose, or the introduction of fluids directly into ground water whether by means of a well or pipe or otherwise.

(2) For the purpose of this Law, where land is subject to a tenancy at will or to a tenancy for a fixed period of less than one year or to a periodic tenancy from month to month or other period of less than one year the person entitled to the reversion expectant upon the termination of any such tenancy shall be deemed to be the person entitled to the possession of the land.

PART II CENTRAL ADMINISTRATION

Establishment and
constitution of Water
Authority.

3. (1) There is hereby established a body corporate called the Water Authority which shall, subject to any policy directives issued to it by the Governor exercise such functions through the Islands as are assigned to it by this Law.

(2) The affairs of the Authority shall be managed by a Board consisting of —

- (a) a Chairman, to be appointed by the Governor; and
- (b) not less than six and not more than ten other members to be

appointed by the Governor for a period not exceeding two years, not less than three of whom are public officers as defined in the Public Service Commission Law (Revised).

(3) Subject to the provisions of this section, the constitution and procedure of the Authority shall be in accordance with the Schedule.

(4) The Authority shall have perpetual succession and a common seal, power to enter into contracts and to sue and be sued in its corporate name and shall have power to acquire and dispose of all kinds of property moveable or immoveable and to do and perform such acts and things as may be allowed under this Law. The seal shall be authenticated by the Chairman and one of the members authorized by the Authority in that behalf; and documents not required by law to be under seal may be signed by the Chairman or the secretary.

4. (1) The Governor shall appoint a Director to be the Chief Executive Officer of the Authority, and such other servants or agents as appear necessary for the proper exercise of its functions.

(2) The Director shall be secretary to the Authority and shall be present at all meetings and shall be responsible for the minutes of the business transacted.

5. (1) The Authority shall formulate, review and revise a water resources development plan for the Islands.

(2) It is the duty of the Authority to secure consistency and continuity in the framing and execution of a comprehensive policy approved by the Governor with respect to the development, augmentation, conservation and best use of the water resources in the Islands in accordance with the water resources development plan referred to in subsection (1).

(3) Without prejudice to the foregoing, it shall be the duty of the Authority —

- (a) to establish and keep an inventory of all water resources in the Islands, and to establish and maintain a central bank of water related data;
- (b) to issue, record and administer licences and permits and fees in respect thereof;
- (c) to protect the groundwater lenses from depletion and contamination, to monitor their condition and to undertake artificial recharge programmes;
- (d) to advise the Governor on appropriate policies for the development, conservation, augmentation and best use of the

- water resources of the Islands;
- (e) to advise the Governor on appropriate policies and methods adopted for the treatment and disposal of sewage in the Islands;
 - (f) to inspect any work carried out by government departments, public authorities, individual users, and other agencies in respect to sewage disposal, and the development, conservation and use of water resources;
 - (g) to establish criteria, methods and standards for data collection, project planning and design, and feasibility evaluation;
 - (h) to undertake or promote studies, research, educational and training programmes on water resources and supply and sewage management;
 - (i) to advise the Governor on subsidiary legislation for the implementation of this Law, and on legislation affecting the conservation, development and use of water resources; and
 - (j) in general, to advise the Governor on any national or international plan or project, as well as any international organization with whom the Government may have entered into agreement for the realization of surveys, projects, and studies in the matter of water resources development and conservation and public water supply and sewage treatment and disposal.

Duty of Authority in regard to water supply and sewerage.

6. In addition to the duties listed in section 5, the Authority shall —
- (a) provide a piped supply of water for commercial, domestic, and municipal use to any part of the Islands where a general scheme of supply is rational as determined by the Authority and on terms to be agreed by the Authority;
 - (b) provide adequate facilities for the drainage and safe disposal of sewage and effluent where a general sewerage scheme is rational as determined by the Authority and on terms to be agreed by the Authority;
 - (c) advise the Governor on the issuance of concessions for franchised operations under the Water (Production and Supply) Law, 1979.

Law 15 of 1979.

Powers of Authority in regard to water supply and sewerage.

7. (1) The Authority shall have all the powers necessary for the carrying out of its duties under sections 5 and 6, including the sole right to provide a public water supply and public sewerage system in any part of the Islands and in particular, without prejudice to the generality of the foregoing, may —
- (a) design, construct, take on lease or purchase by agreement, operate and maintain water and sewerage works and authorize and control the construction, operation and

- maintenance by any person of such works;
- (b) purchase or take on lease any property which it deems necessary or expedient for the purpose of constructing, extending or maintaining any water and sewerage works or otherwise carrying out its functions under this Law;
- (c) abstract water from any part of the Islands for the purpose of providing a public water supply in accordance with section 6 and for so abstracting water into such agreements, and construct, maintain and operate such works, as may be necessary;
- (d) determine or diminish any licence which it deems necessary or expedient for the purpose of providing a public water supply system;
- (e) require the installation of meters or gauges for measuring water abstracted under the grant of a licence or supplied by the Authority or waste discharged and to works operated by the Authority and levy charges for the provision, installation, maintenance and operation of the same;
- (f) subject to subsection (3), enter any land including private roads, for any of the following —
 - (i) to carry out surveys and investigations including trial drillings and inspection for ground water and sewerage;
 - (ii) to execute any works, lay and connect pipes for water and sewers;
 - (iii) demolish any unauthorised water or sewerage works;
 - (iv) effect repairs to the water-supply and sewerage systems;
 - (v) to inspect any works which are the subject of a licence or permit under this Law;
- (g) collect rates and service fees and deposits in respect of the distribution and supply of water and the disposal of sewage.

(2) The Authority shall exercise its powers under paragraph (d) of subsection (1) in the manner provided by section 22.

(3) In the exercise of its powers under paragraph (f) of subsection (1) the Authority shall give reasonable notice to the person entitled to the possession of the land, and shall pay reasonable compensation for any loss or damage sustained by him by reason of the carrying out of any work authorised by this section.

Financial procedure.

8. (1) The revenue of the Authority shall be classified under the following heads of receipts —

- (a) dues and charges received by virtue of this Law;
- (b) amounts borrowed by the Authority;
- (c) miscellaneous receipts including interest on and service of investment,

and such revenue shall within seven days of receipt be paid into a bank account approved by the Financial Secretary.

(2) The revenue of the Authority shall be applied to meet the following heads of expenditure —

- (a) repayment of overdraft, if any, on current account;
- (b) interest on loans;
- (c) sinking fund on loan redemption;
- (d) payment with interest to the Government for the plant, equipment and tools referred to in section 59;
- (e) salaries and wages;
- (f) reserve against liabilities for pension and other terminal benefits;
- (g) repair and maintenance of premises and equipment and other current operating expenses;
- (h) compensation payments;
- (i) hire of transport and equipment;
- (j) reserve fund for depreciation, renewals and expansion;
- (k) recoverable charge expenditure;
- (l) miscellaneous expenditure approved by the Financial Secretary.

(3) The Authority may, with the approval of the Financial Secretary, invest its reserve funds at interest.

(4) The Authority may for the purpose of the performance of its functions raise loans —

- (a) from the Government;
- (b) with the approval of the Governor, from outside sources.


(5) When the Authority raises loans under paragraph (b) of subsection (4) it may, subject to subsection (6) and to any contractual obligations entered into by it or in its behalf and with the permission of the Governor —

- (a) create, issue, sell or negotiate debentures and other securities;
- (b) redeem, fund or convert its existing liabilities;
- (c) do all things necessary for the accomplishment of paragraphs (a) and (b).

(6) Before taking action under subsection (4) the Authority shall publish in the Gazette a prospectus showing —

- (a) the amount and particulars of proposed loan;
- (b) the rate or rates of interest to be paid;
- (c) the classes of person who may subscribe;
- (d) the proposed application of the amount raised;
- (e) provisions for repayment of the loan.

(7) The Authority shall keep proper accounts of all its transactions to the satisfaction of the Financial Secretary and such accounts shall be made up to the 31st day of December of each year, and audited by the Auditor General who shall report thereon to the Authority and the Financial Secretary.

B  (8) Any balance of account in favour of the Authority after provision for all expenditures provided by subsection (2) of section 8 up to an annual amount to be prescribed in regulations to be made may be transferred forward to a general reserve fund, and any balance in excess of that sum being paid into the general revenue of the Islands.

(9) The Authority shall cause estimates of expenditure and revenue to be prepared and adopted each year in respect of the financial year following and such estimates, when adopted, shall be published in the Gazette.

(10) The Authority shall also have the right to obtain wayleaves for the construction of any works associated with the public water or sewerage system, subject to compensation as prescribed.

(11) The Authority will enjoy duty free concession on all materials and equipment imported to the Islands to be used on any project.

PART III CONTROL OF WATER RESOURCES USE

Vesting and control of
ground water.

9. Subject to the provisions of this Law, all ground water in the Islands shall hereinafter vest in the Crown and shall be controlled by the Authority in the name and on behalf of the Crown.

Entitlement of existing
water abstractions to
be licenced.

10. (1) Any person who, in the year prior to the date of commencement of this Law, has abstracted ground water for other than domestic purposes may, within six calendar months of that date, on application to the Authority be entitled to the grant of a licence under this Law (which licence shall be subject to such conditions as are contained in subsection (1) of section 11), and shall furnish such information as the Authority may require in such form as may be prescribed:

Provided that failure to make application to the Authority within the time specified shall create a conclusive presumption of the abandon-

ment of the entitlement to a licence to abstract and use ground water.

(2) On the receipt by the Authority of an application under subsection (1), and after making such investigations as it may consider advisable and if it is satisfied that the requirements of subsection (1) have been met, it shall issue a licence to abstract and use ground water for other than domestic purposes and record such licence in the register of licences.

Contents of Licence.

11. (1) Every licence granted on application under subsection (1) of section 10 shall specify –

- (a) the person to whom it is granted;
- (b) the location of the works;
- (c) the maximum quantity that may be abstracted in any period, the rate of abstraction and the purpose for which the water is to be used, the land in which respect the licence is granted;
- (d) the works existing; and
- (e) the duration of the licence.

(2) The issue of a licence to abstract and use ground water shall not authorise the abstraction of water in excess of the rate and quantity which is specified in the licence:

Provided that the Authority shall, prior to exercising its power under this section, of fixing the rate and quantity of water give the person applying to register his entitlement to a licence an opportunity of making representations thereon and shall take into consideration any such representations.

When water abstraction
and works Lawful.

12. (1) Subject to the provisions of sections 10 and 11, it shall be an offence for any person to abstract and use ground water for other than domestic use, or to construct, enlarge or alter any works therefor, except with a licence granted under this Law:

Provided that the provisions of this section shall not apply to any person acting for or on behalf of the Authority.

(2) Subsection (1) does not apply to the doing of anything for fire-fighting purposes or for the purposes of testing apparatus used for these purposes or of training or practice in the use of such apparatus.

(3) For the purposes of subsection (1), "enlarge" means to enlarge a well or other works to such extent that the maximum rate of abstraction of groundwater therefrom is increased from that obtainable at the date of the coming into force of this Law by more than twenty-five percentum.

Grant of new abstraction
licences.

13. (1) Applications for the obtaining or renewal of a licence to abstract ground water for commercial use, shall be made and disposed of in the manner to be prescribed by regulations to be made by the Governor:

Provided that –

- (a) any person wishing to object to the granting or renewal of a licence shall be given an opportunity to do so;

Development and
Planning Law (R).

Law 6 of 1981.

Rights conditional on
construction work.

- (b) in the issuance of a licence for the abstraction of ground water the Authority may, having regard to the preservation of water levels and the protection of the aquifer from contamination or depletion determine safe yields, establish well spacing requirements, and impose and enforce conditions and restrictions on the number of wells in an area and on the rate, time and total quantity of abstraction from each well or group of wells or from all wells in the area.
 - (2) The grant of a licence for the construction of any works shall not have the effect of dispensing with the necessity for obtaining planning permission therefor when such permission is required by the Development and Planning Law (Revised).
 - (3) Nothing in the grant of a licence shall be deemed to imply any guarantee that the quantity of water therein referred to is or will be available or that, where such water may not be used without the permission of any person or authority under the Public Health Law, 1981 or other statutory provision, that such permission will be granted, or otherwise derogate from such law or statutory provision.
 - (4) A licence granted by the Authority under subsection (1), and any variation, revision, termination and diminution thereof shall be registered by the Authority in the manner to be prescribed in regulations to be made.
 - (5) Every licence granted under this section shall specify –
 - (a) the person to whom it is granted;
 - (b) the location of the works;
 - (c) the maximum quantity that may be abstracted in any period, the rate of abstraction and the purpose for which the water is to be used and the land in which respect the licence is granted;
 - (d) the works existing; and
 - (e) the duration of the licence.
14. (1) Where the Authority has granted a licence subject to the construction of works within a specified period, it may on application and notwithstanding that the period previously allowed may have expired, extend the period for the construction of such works on not more than two occasions.
- (2) An applicant shall notify the Authority in the manner to be prescribed, in regulations to be made, of the date of commencement and completion of the works and the Authority at its discretion may cause the works to be inspected during construction and on completion by an officer designated by the Authority.
- (3) No licence issued under this section shall be deemed to imply any guarantee that the works are properly designed or constructed nor shall support or justify any claim of any nature against the Crown, the Authority or any public officer in connection with such works.

Discretion of the
Authority.

15. Without derogating from the generality of the discretion of the Authority under the provisions of this Part, the Authority shall in the exercise of that discretion have regard to the following matters –

- (a) the policy directives issued by the Governor;
- (b) the provisions of the water resources development plan provided for by section 5:

Provided that the Authority shall not licence a proposed abstraction of ground water unless it is satisfied that such abstraction is for a beneficial use as defined in this Law.

No prescriptive rights
to water.

16. No person shall, after the date of commencement of this Law, acquire or be deemed to have acquired any right to abstract or use any ground water by reason of length of use or elapse of time.

PART IV REVISIONS, VARIATIONS, TERMINATION AND DIMINUTION OF LICENCES

Meaning of licence.

17. For the purpose of this Part, the term licence shall include a licence granted pursuant to section 10, 11, 12, or 13.

Inadequacy of water
supply for satisfaction
of water abstraction
licences.

18. If at any time in any specified area, the quantity of water to which licences exist is insufficient to satisfy all such licences and unlicensed domestic abstractions, the Authority may review the allocation of ground water in that area, and in so doing they may revise the quantity allowed by any licence and the terms and conditions thereof to the use of water in that area and record such revised quantity, terms and conditions in the register of water licences and so inform the holders of the licences:

Provided that the Authority shall have regard to the principle that where full use of the water has been maintained to the extent permitted by a licence, no licence shall be cancelled or reduced except in proportion with all other licences in the same area.

Suspension or variation
of licences on account
of excessive use.

19. Where in the opinion of the Authority the supply of ground water from any source or in any area is or is likely to –

- (a) become insufficient for the needs of persons using it on account of excessive use, drought or of an emergency; or
- (b) deteriorate in quality on account of abstraction in excessive quantities or at an excessive rate,

the Authority at any time may suspend or vary, by notice to the holders of water licences, all or any licence to abstract or use water from that source, or in that area, for such period as they may deem necessary, and upon such notice being given by the Authority, such licences shall cease for the

period of suspension or shall be exercisable only as so varied, as the case may be.

Variation of licence on application.

20. The Authority may, on the application of the holder of a licence, terminate or diminish the right granted thereunder or vary any of the conditions thereof.

Termination for breach of a condition.

21. (1) Where the holder of a licence has —
(a) failed to comply with any condition, express or implied, subject to which the licence was granted;
(b) abstracted or used ground water in excess of that authorised or has used ground water for a purpose not authorised by grant; or
(c) committed an offence against this Law,
the Authority may by notice in writing addressed to the holder declare the licence to be terminated:

Provided that where the default is one capable of being remedied, the Authority shall first serve on the holder notice in writing specifying the default and requiring the holder to remedy the same within such time as may be specified in the notice and if the default is so remedied the Authority shall not declare the licence terminated.

(2) In the case where a breach under paragraph(b) of subsection (1) occurs, the licence holder shall be guilty of an offence under section 51 on account of his wasteful use.

Termination or diminution for public purposes.

22. (1) Where the Governor deems it necessary or expedient in the interest of the use of ground water in such manner as to promote the public benefit or the utilization of such ground water in such manner as to promote the economic well-being of the community, he may authorise the Authority to give notice in writing addressed to the holder of any licence terminating or diminishing the licence granted thereunder to the extent that the water is required for such public benefit or economic well-being and thereupon the licence shall lapse or shall be exercisable only as so diminished, as the case may be.

(2) The holder of any licence terminated or diminished under subsection (1) shall be eligible to receive as an ex-gratia payment from the Authority such sum not exceeding three thousand dollars as the Authority may, in its absolute discretion, determine.

(3) The holder of any licence terminated or diminished under subsection (1) shall have recourse from the determination of the Authority under this section, in the manner provided for in Part X.

Termination or diminution for non-use.

23. (1) If at any time the Authority has reason to believe that the holder of a licence has not, during the preceding period of twelve months, made full use of the licence, it may by notice in writing addressed to such holder call upon him to show cause why such licence should not be

terminated, diminished or modified in such respects as may be specified in the notice.

(2) If within thirty days of the service of such notice no reply has been received by the Authority, it may declare the licence terminated, diminished or modified as the case may be.

(3) The holder of a licence upon whom a notice has been served under subsection (1) may, within thirty days of such service, submit to the Authority a statement in writing of reasons why the licence should not be terminated, diminished or modified as the case may be and shall have a right to be heard in the matter.

(4) The Authority shall consider any statement submitted to it under subsection (3) and shall, if so required, give the holder an opportunity of being heard in person or by his legal representative, and may thereafter by notice in writing addressed to the holder —

- (a) declare the licence terminated;
- (b) declare the licence diminished or modified in such respects as may be specified in the declaration; or
- (c) declare the licence to be unchanged.

PART V WATER POLLUTION CONTROL

When activities and discharges unlawful.

24. (1) It shall be an offence for any person to undertake any activity likely to affect ground water, including —

- (i) the discharge of any sewage effluent, trade effluent or other wastes into ground water, into or onto the ground;
- (ii) the construction, replacement or alteration of canals; and
- (iii) quarrying,

except with a permit from the Authority, and subject to such terms and conditions as it deems fit, including standards of effluent quality.

(2) The grant of a permit for the undertaking of any activity under subsection (1) shall not have the effect of dispensing with the necessity of obtaining planning permission therefore when such permission is required by the Development and Planning Law (Revised).

Development and Planning Law (R).

When discharges into territorial waters lawful.

25. (1) It shall be an offence for any person to discharge any sewage, trade effluent or other wastes into the territorial waters, except with a permit from the Authority, and subject to such terms and conditions as it deems fit, including standards of effluent quality.

(2) Nothing in this section shall apply to the discharge of any matter or substance from a vessel into the territorial waters.

Grant of permits.

26. (1) Applications for the obtaining or renewal of a permit under sections 24 or 25 shall be made and disposed of in a manner to be prescribed by regulations to be made:

Provided that -

- (a) any person wishing to object to the grant or renewal of a permit shall be given an opportunity to do so; and

- (b) a permit shall be subject to restrictions as to its duration as may be specified in regulations to be made.

(2) A permit may be modified, suspended or revoked by the Authority —

- (a) for any material false statement in the permit application;
- (b) for breach of any condition of the permit;
- (c) for refusal to allow inspection of works as provided by subparagraph (v) of paragraph (f) of subsection (1) of section 7;
- (d) to protect ground water;
- (e) to protect public health, public safety, or public welfare; or
- (f) to protect any commercial, domestic or municipal uses of water.

Permits to be
registered.

27. Permits granted by the Authority under sections 24 or 26 and any modification, suspension or revocation thereof shall be registered by the Authority in the manner to be provided by regulations to be made.

PART VI WATER SUPPLY

When connections
lawful.

28. (1) It shall be unlawful for any person to connect his premises to a public water supply system owned or operated by the Authority, except with its consent.

(2) Any person who contravenes subsection (1) shall be guilty of an offence, and liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both such fines and imprisonment, and upon such conviction the Authority shall disconnect the premises at the expense of the owner or occupier thereof.

Water supply
connections.

29. (1) Where in any public or private road, there exist public water supply pipes or mains owned or operated by the Authority, the owners or occupiers of any premises may make application for a supply of water therefrom.

(2) Upon the application being granted on the terms prescribed, the Authority shall at the expense of the applicant lay the necessary mains and services to bring water to the boundary of the premises or an agreed point.

(3) The mains and services laid up to and including the meter located immediately within the boundary of the premises or at the agreed point shall be vested in the Authority.

Supply of water
defaults may be cut off
while default continues.

30. (1) Where a person who has been supplied with water under an agreement with the Authority makes default in any payment due thereunder or takes water excessively beyond his reasonable needs, the Authority may thirty days after such default cut off and discontinue such supply using any reasonable means in that behalf until the amount due

together with any incidental expenses incurred to the Authority have been paid, whereupon the supply shall be restored without unreasonable delay.

(2) If at any time after the water supply has been cut off from any premises the owner or occupier of the premises shall fraudulently obtain a renewal of supply without the order of the Authority such owner or occupier shall be guilty of an offence and liable on conviction to a fine not exceeding fifty dollars in respect of each day during which the supply shall have been so renewed.

Purity of water for
domestic purposes.

31. The Authority shall secure that the water in any works belonging to it or operated by it from which water is supplied for human consumption is pure and wholesome and meets the standards of purity, both chemical and bacteriological, laid down in regulations made or to be made under subsection (1) of section 4 of the Public Health Law, 1981.

Law 6 of 1981.

PART VII SEWERAGE AND SEWAGE DISPOSAL

New buildings to be
connected to sewerage
system.

32. (1) Subject to subsection (2) of section 34, all new or reconstructed buildings within the area to which the public sewerage system extends shall be connected to it.

(2) On failure or neglect by the owner of any such building to connect it to the public sewerage system, the Authority may enter into the building at any reasonable time and connect the same, and the expense thereof shall become a debt due from the owner to the Authority and a charge upon the building and, in addition, the owner shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Connection of existing
buildings.

33. (1) Subject to subsection (2) of section 34, the Authority may, by notice in writing, require the owner or occupier of any existing building found by the Authority to be disposing of sewage into ground waters or into or onto the ground to connect the building at his own expense to the public sewerage system, within such period as the Authority may allow:

Provided that such a system must be readily accessible.

(2) On failure or neglect by the owner or occupier to cause any such building to be connected to the public sewerage system within the period allowed, the Authority may enter into the building at any reasonable time and connect the same, and the expense thereof shall become a debt due from the owner or occupier to the Authority and a charge upon the building and, in addition the owner or occupier (as the case may be) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

No connection or discharge or trade effluent without consent.

Power of Authority to require proposed sewer to be so constructed as to form part of a central system.

34. (1) No person shall connect any sewer or storm-water drain to the public sewerage system without the consent in writing of the Authority.

(2) No person shall discharge any trade effluent into the sewerage system owned or operated by the Authority, without a permit from the Authority and subject to such terms and conditions as it deems fit, including standards of effluent quality.

35. (1) Where a person proposes to construct a sewer the Authority may, if it considers that the proposed sewer is, or is likely to be needed to form part of the public sewerage systems which it has provided or is proposing to provide, require him to construct the sewer in a manner differing, as regards materials or size of pipes, depth fall, direction or outfall, or otherwise, from the manner in which he proposes, or could otherwise be required by it, to construct it, and it shall be his duty to comply with such requirements:

Provided that, if he is aggrieved by any such requirements of the Authority, he may within twenty eight days appeal to the Grand Court which may either disallow the requirements or allow them with or without modification.

(2) The Authority, in the exercise of its powers under this section, shall repay to the person constructing the sewer the extra expenses reasonably incurred by him in complying with its requirements and, until the sewer becomes part of the Authority's system, it shall repay to him so much of any expenses reasonably incurred by him in repairing or maintaining it as may be attributable to its requirements and, if any question arises as to the amount of any payment to be made to him under this subsection, that question may by his application be determined by a court of competent jurisdiction.

(3) Any person who, having under this section been required by the Authority to construct a sewer in a particular manner, constructs it otherwise than in accordance with such requirements shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand dollars.

Provided that any such fine shall not prejudice the right of the Authority to any other remedy.

36. Nothing in this Law shall exempt the Authority, in its disposal of sewage and trade effluents, from complying with Part V:

Provided that any reference to the Authority contained in that Part shall be construed as a reference to the Governor.

37. (1) Any person engaged in the business of emptying septic tanks or cesspools shall apply for a permit to do so from the Authority, in so much as all materials removed by these operators shall be disposed of as the Authority may direct and to the satisfaction of the Chief Environmental Health Officer.

(2) Any person contravening the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding ten

Water pollution control.

Septic tank and cesspool empties.

Certain matters not to
be passed into
Authority's sewer.

thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

38. (1) No person shall throw, empty, turn or suffer or permit to be thrown, emptied or passed into any sewer under the control of the Authority, or into any sewer communicating with such a sewer —

- (a) any matter likely to injure the sewer, or to interfere with the free flow of its contents, or to prejudicially affect the treatment and disposal of its contents;
- (b) any chemical refuse, chemical, acid, petrol or any inflammable liquid; or
- (c) unless written permission from the Authority is obtained, any surface water run-off.

(2) Any person who contravenes this section shall be guilty of an offence and liable on conviction to a fine not exceeding ten thousand five hundred dollars and to a further fine of five hundred dollars for each day on which the offence continues after first notification of the offence by the Authority.

PART VIII LICENSING OF WELL-DIGGERS

All commercial well-
diggers to be licensed.

39. (1) No person shall, after the expiration of three months from the date on which this Law comes into effect, for hire or reward, construct, enlarge or alter any well unless he holds a well-digger's licence issued or renewed as provided by regulations to be made by the Authority.

(2) Any person who acts in contravention of subsection (1) shall be guilty of an offence and liable on conviction to the penalties specified in section 54.

Revocation of well-
diggers licence.

40. The Authority may at any time revoke a well-digger's licence if the holder has contravened any provision of this Law with which it was his duty to comply, but before exercising its power under this section the Authority shall give such holder an opportunity of making representations in regard to such revocation.

Duties of well-diggers.

41. (1) A person holding a well-digger's licence who —

- (a) fails to satisfy himself prior to constructing, enlarging or altering a well for any other person that such person holds a licence enabling it to be so constructed, enlarged or altered, where such a licence is required; or
- (b) fails to make to the Authority such returns relating to the construction of wells by him as may be prescribed in regulations to be made, or who makes any such return which is incomplete or inaccurate in any detail,

shall be guilty of an offence and liable on conviction to the penalties specified in section 54.

(2) In any prosecution in which it is alleged that any person holding a well-digger's licence has failed to satisfy himself as provided for in subsection (1), it shall be evidence of such failure that the person for whom the well is constructed, enlarged or altered does not hold a licence enabling such work to be done.

Register of licences

42. The Authority shall keep a register of well-diggers' licences.

PART IX MISCELLANEOUS POWERS

Right to obtain
information.

43. (1) The Authority may by notice in writing served on any person who is the holder of a licence or entitled to the possession of any land require him to keep such records and, additionally or alternatively, to furnish in such form and manner and within such time as may be specified in the notice or as may be prescribed by regulations to be made by the Authority, such periodical or other estimates or returns –

- (a) as the Authority may specify, for the purpose of ascertaining the amount or rate of water abstracted under the authority of a licence or the amount and quantity of sewage or trade effluent discharged under the authority of a permit;
- (b) relating to such matters as may be prescribed, as matters on which a person may be required to give information as being relevant to the conservation and best use of water in the Islands.

(2) Any person required to keep records or to furnish estimates or returns under this section who fails to do so shall, unless he proves that he has reasonable excuse for such failure, be guilty of an offence and liable on conviction to the penalties specified in section 54, in addition to the suspension or cancellation of his licence or permit.

Power to inspect
works, take samples.

44. (1) Any person authorized by the Authority shall, on producing (if so required) some duly authenticated document showing his authority, be entitled at all reasonable hours to enter upon any land –

- (a) to monitor compliance with the provisions of this Law and with any conditions subject to which a licence or permit has been granted under this Law;
- (b) to inspect and investigate conditions relating to the quality of ground water;
- (c) to install, maintain, read or test any meter installed for the purposes of this Law.

(2) Any person acting under subsection (1) shall be entitled to –

- (a) take measure to ascertain the quantity of water abstracted or capable of being abstracted by means of any works;
- (b) examine records kept for the purpose of this Law;
- (c) take a sample of any water or effluent or other substance which

may appear to him as being capable of affecting the quality of ground water.

(3) Any person authorized by the Authority shall, on producing (if so required) some duly authenticated document showing his authority, be entitled at all reasonable hours to enter upon any land to make such investigations and surveys as the Authority may consider necessary in the interests of the conservation and best use of water in the Islands, and may establish and maintain on any such land, without other authority than this Law, works for the purpose of obtaining and recording information and statistics as to the hydrological and hydrogeological condition of the Islands:

Provided that compensation shall be payable by the Authority for all damage done and for any land occupied for the construction of works and, in default of agreement, the amount shall be determined by a court of competent jurisdiction.

(4) Any person wilfully obstructing a person authorized by the Authority in the exercise of his powers under this section or interfering with or damaging any works established or maintained under subsection (3) shall be guilty of an offence and liable on conviction to the penalties specified in section 54.

Power to require repair
etc.

45. If in the opinion of the Authority any works are so constructed, maintained, or used or are being so constructed as to constitute a danger to life, health or property, it may require any person for the time being enjoying the benefits of those works to carry out such repairs or to effect such additions or modifications to such works or to carry out such demolition or to change the use of the works in such manner as the Authority may consider necessary, and may by notice in writing suspend any licence or permit granted or renewed under this Law, until it is satisfied that such requirements have been fulfilled.

Power to require
demolition of unlawful
works and stop water
abstraction pollution etc.

46. (1) The Authority may by notice in writing require any person –
- (a) who has constructed, enlarged, altered or undertaken or caused to be constructed, enlarged, altered or undertaken any works, canals or any quarrying, operations contrary to the provisions of this Law; or
 - (b) whose licence in respect of any such works or operations has been terminated under the provisions of this Law or has otherwise come to an end,

to modify, demolish or remove such works or operations within such period, not being less than twenty days after the service thereof, as may be specified in the notice.

(2) The Authority may by notice in writing require any person who causes or knowingly permits –

- (a) the abstraction of ground water otherwise than in accordance with the provisions of this Law;
- (b) the discharge of any sewage, trade effluent or other

wastes into ground waters into or onto the ground or into the territorial waters, contrary to the provisions of this Law;

(c) the discharge of trade effluents into the public sewerage system owned or operated by the Authority, otherwise than in accordance with a permit granted by the Authority; or

(d) any ground water to run to waste, to take steps as may be specified in the notice either forthwith or within such time as may be specified to cease or prevent such abstraction, discharge or waste.

(3) If a person on whom a notice has been served under this section is aggrieved by the notice he may, at any time within thirty days of the service thereof, appeal against the notice to a Magistrate's Court; and on any such appeal the court –

(a) if satisfied that the notice was an unlawful notice, may quash the same;

(b) if satisfied that the notice was inequitable and that it would be appropriate to vary its terms, may vary it accordingly; or

(c) in any other case, shall dismiss the appeal, and may make such order as to costs as it thinks just.

(4) When an appeal is made to the court under subsection (3) by a person upon whom a notice under this section has been served the operation of the notice shall be suspended pending the final determination or withdrawal of the appeal and, where the notice is varied on any such appeal or where the appeal is dismissed, then the court may, if it thinks fit, direct that the notice shall not come into force until such date, not being later than twenty-eight days from the determination or dismissal of the appeal:

Provided that the operation of a notice which is expressed to take effect forthwith shall not be so suspended but shall continue in operation unless the court hearing the appeal otherwise orders.

(5) The Authority may at the request of the person on whom it is served extend any period specified in a notice under this section for the taking of any steps.

47. (1) If any steps required to be taken by notice under section 46 have not been taken, the Authority may enter on the land and take those steps, and may recover as a simple contract debt in a court of competent jurisdiction from the holder of a licence or of a permit granted or renewed under this Law, any expenses reasonably incurred by the Authority in that behalf and if that person having been entitled to appeal to the court under section 46 has failed to appeal, he shall not be entitled to any proceedings to dispute the validity of the action taken by the Authority under this subsection upon any grounds that could have been raised by

such as appeal.

(2) Subject to the provisions of this section, where a notice has been served under subsection (2) of section 46 on the holder of a licence or of a permit granted or renewed under this Law, and within the period specified in the notice or within such extended period as the Authority may allow, any steps required by the notice have not been taken, that person shall be guilty of an offence and liable on conviction to the penalties specified in section 54, in addition to the cancellation of his licence or permit.

PART X APPEALS

Appeal to the
Magistrate's Court.

48. (1) Any person aggrieved by a decision of the Authority may by notice appeal to the Magistrate's Court.

(2) A notice under this section shall be served within such time and in such manner as may be prescribed in regulations to be made.

(3) The court, subject to the provisions of this section, may allow or dismiss an appeal, or may reverse or vary any part of the decision of the Authority, whether the appeal relates to that part or not, and may otherwise deal with the appeal as if the application had been made to it in the first instance.

(4) Before determining an appeal under this section, the court shall, if the appellant so desires, afford him an opportunity of making representations to a person appointed by the court for that purpose.

(5) In the exercise of his powers under this section the court shall have regard to the matters specified in section 15.

Appeal to the Grand
Court.

49. (1) Any party to an appeal under section 48 who is aggrieved by the decision of the court in the matter may appeal to the Grand Court on a point of law within twenty-one days after receipt of notification of such decision or within such longer period as the Grand Court may allow.

(2) On an appeal under this section, the Grand court may make such order, including an order for costs, as it thinks fit.

(3) Another order of the Grand Court made under subsection (2) shall be final and not subject to any appeal.

PART XI PENALTIES AND SUPPLEMENTARY

Sale of ground water.

50. Any person who, without the authority of a licence granted under this Law, sells ground water abstracted thereunder shall be guilty of an offence and liable on conviction to the penalties specified in section 54, in addition to the revocation of his licence.

Control of waste of
abstraction.

51. (1) No person shall cause or allow any ground water to run to waste from any well or pond, except for the purpose of testing the extent or quality of the supply or of cleaning, sterilizing, examining or repairing the well or pond.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable on conviction to the penalties prescribed in section 54:

Provided that where any water interferes or threatens to interfere with the execution or operation of any underground works it shall not be an offence under this subsection to cause or allow the water to run to waste so far as it may be necessary to enable the works to be executed if no other method of disposing of the water is reasonably practicable.

Wilful damage.

52. Any person who wilfully injures or causes to be injured the public water supply system or the public sewerage system owned or operated by the Authority in any manner whatever shall be guilty of an offence and liable on conviction to the penalties specified in section 54, in addition to the payment of such sum as may be determined by a court of competent jurisdiction as compensation to the Authority for any expense incurred or likely to be incurred in repairing the injury.

False statement.

53. It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, either for himself or any other person, any licence, permit, franchise license, or authority capable of being granted under this Law and any person committing such an offence shall on conviction be liable to the penalties prescribed in section 54.

Penalties.

54. (1) A person guilty of an offence under subsection (1) of section 12, subsection (1) of section 24, section 25, subsection (2) of section 39 or subsection (2) of section 51 shall be liable to a fine not exceeding six thousand dollars and imprisonment of up to one year, or to both such fine and imprisonment.

(2) A person guilty of an offence under subsection (1) of section 41, subsection (2) of section 43, subsection (4) of section 44, subsection (2) of section 47 or sections 50, 52 and 53 shall be liable to a fine not exceeding three thousand dollars and imprisonment of up to six months, or to both such fine and imprisonment.

(3) In addition to the penalties imposed in terms of this section, the court may, in the event of a continuing offence, impose a further fine not exceeding one hundred dollars in respect of each day after the first during which the offence continues.

Offences by
corporations.

55. Where an offence under this Law which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect or default on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who is purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

Connections to water supply and sewerage systems.

Central Planning Authority to consult with Authority.

Public Health Law, Law 6 of 1981.

Duty of Authority to keep maps showing their sewers and supply lines.

Vesting of property.

Power to make regulations.

56. All pipe-laying and other works for the purpose of connecting any premises to a water supply and sewerage system owned or operated by the Authority shall be effected by the Authority, or by a plumber licensed by the Authority under this Law under the supervision of the Authority, at the expense of the owner or occupier of such premises.

57. (1) Where plans for the construction, reconstruction or extension of a building are deposited with the Central Planning Authority in accordance with the Development and Planning Law (Revised) four copies of such plans shall be submitted to the Authority for its approval in respect of the proposals for water supply and sewage disposal, and the Central Planning Authority shall adopt the recommendations of the Authority in respect to sewage treatment, disposal and water supply.

(2) Before making any such recommendations, the Authority shall consult with the Chief Environmental Health Officer appointed under the Public Health Law, 1981.

58. The Authority shall keep deposited at their offices, for inspection by any person at any reasonable hours free of charge, maps showing and distinguishing all public water supply and public sewerage lines.

59. (1) There is vested in the Authority without further assurance the plant, equipment and tools, the property of Sewers and Sewerage Project of the Government used in connection with such land, which shall be recorded in an inventory and valuation prepared at the direction of the Financial Secretary and approved by the Authority and entered as assets in the accounts of the Authority.

(2) In consideration of such vesting, the Authority shall pay to the Government the amount of the valuation mentioned in subsection (1).

60. (1) The Governor may, after consultation with the Authority, make regulations —

- (a) prescribing anything which is required to be, or which may be prescribed under this Law;
- (b) prescribing the registers and records to be kept and the manner in which they are to be kept;
- (c) providing for the forms to be used in respect of any matter required or permitted to be done under this Law;
- (d) providing for the advertisement of applications for licences and permits under this Law and for the giving of notice to interested persons;
- (e) providing for and regulating the making of objection and the time within which such objections shall be made;
- (f) regulating the procedure on appeals under this Law;
- (g) prescribing the manner in which and the matters on which persons may be required to give information as provided in

- section 43, being matters relevant to the conservation and best use of water resources in the Islands;
- (h) prescribing standards and requirements for the drilling, construction and completion of wells, the plugging, filling or capping of boreholes not used for the production of water or the water from which is not used, and the filing of returns;
 - (i) preventing the waste, misuse and pollution of water supplied by the Authority, including the metering of such water, and the imposing of penalties on persons who —
 - (i) fail to comply with such regulations;
 - (ii) interference with any person in the execution of his duties under any such regulations; and
 - (iii) damage or interfere with any meter;
 - (j) prescribing charges for water supplied via the public water supply systems;
 - (k) prescribing charges for the collection, treatment and disposal of sewage via the public sewerage system;
 - (l) prescribing criteria for charging for the collection, treatment and disposal of sewage via a system other than the public sewerage system;
 - (m) prescribing charges and fees for connecting to the public water supply system and the public sewerage system, and for the hire of water meters;
 - (n) prescribing the registration, licensing and the revocation of licences, duties and qualification of plumbers licenced to carry out work, approved by the Authority;
 - (o) prescribing the minimum standards and specifications to be used in the design, construction, protection and maintenance of water and sewerage installations and apparatus, the conditions under which such installations or apparatus are to be worked or operated and the prohibition of the use of dangerous apparatus;
 - (p) prescribing qualifications for the licensing of well-diggers;
 - (q) prescribing effluent quality standards or criteria therefor;
 - (r) fees for licenses and permits issued under this Law; and
 - (s) generally for the better carrying out of the provisions of this Law.

Fees.

61. Such fees as may be prescribed in regulations shall be payable in relation to anything done by the Authority or Governor under this Law, and the Authority or the Governor (as the case may be) may decline to exercise its or his powers under this Law unless such fees have been paid.

Service of notices etc.

62. (1) Any notice or other document required or authorized by this Law to be served or given by the Authority or by the Governor shall be deemed to have been duly served or given —

- (a) if delivered personally to, or if left at the last known place of abode or business of, the person on or to whom the notice of other document is to be served or given; or
- (b) if sent by prepaid letter addressed to the person on or to whom the notice or other document is to be served or given at his last known place of abode or business whether in or out of the Islands.

(2) Service of any notice of other document by post in accordance with paragraph (b) of subsection (1) shall prima facie be deemed to have been effected at the time when it would be delivered in the ordinary course of post.

(3) Any notice or other document required to be served on or given to any person having an interest in, or being entitled to possession of, any land, shall be deemed to be duly served on all persons having an interest in and on all persons entitled to possession of the land (other than a person who has furnished an address for the service on him of any notice) if it is addressed by the description of "the occupier" of the land (describing it) and is affixed conspicuously to some object on that land.

Repeals.

Cap. 103.

Law 6 of 1981.

63. The following are repealed –

- (a) Part IV of the Mining Law;
- (b) section 51 (to the extent that it is inconsistent with subsection (1) of section 37 of this Law) and Part XI of the Public Health Law, 1981;
- (c) regulation 16 of the Development and Planning Regulations, 1977, to the extent that it is inconsistent with Part VI of this Law.

SCHEDULE

CONSTITUTION AND PROCEDURE OF THE AUTHORITY (SECTION 3(3))

1. Appointed members shall, subject to the provisions of this Schedule, be eligible for re-appointment.
2. An ex officio member may, in case of inability to attend a meeting, designate a delegate to attend that meeting on his behalf.
3. The Governor may appoint any person to act temporarily in the place of an appointed member, in case of his absence or inability to act.
4. Appointed members may at any time resign their office by instrument in writing

addressed to the Governor, and such shall take effect as from the date of receipt of such instrument by the Governor.

5. The Governor may at any time revoke the appointment of an appointed member.
6. The Authority shall meet at least once every three months and also at such other times as may be convened by the Chairman, and all such meetings shall be held at such places and times and on such days as the Chairman may determine.
7. If the Chairman is absent from a meeting, the other members present at the meeting shall elect one of their number to preside thereat as Chairman.
8. The quorum shall be five members.
9. The decisions shall be by a majority of votes of the members present and voting, and the Chairman shall have a casting vote in any case in which the voting is equal, but not an original vote.
10. Minutes shall be confirmed by the Chairman as soon as practicable at the next subsequent meeting.
11. The validity of any proceedings shall not be affected by any vacancy amongst the members or by any defect in the appointment of any member.
12. The Authority shall have the power to co-opt any person whom it considers able to assist it in its deliberations and any person so co-opted shall be deemed to be a member for so long as he is co-opted, save that he shall have no vote and shall not be counted for the purposes of constituting a quorum.
13. The members of the Authority who are not public officers shall be paid such emoluments as may be determined by the Governor.
14. In this Schedule, "Chairman" includes a person appointed or elected (as the case may be) to act temporarily in place of the Chairman.
15. Any member having a personal interest in any matter under consideration by the Authority shall immediately declare such interest and shall refrain from taking part in any relevant determination by the Authority.
16. Subject to the provisions of this Schedule, the Authority shall have power to regulate its own proceedings.

Passed the Legislative Assembly this 9th day of December, 1982.

PETER LLOYD

President.

SYBIL McLAUGHLIN

Clerk of the Legislative Assembly.

(Price \$2.80)