

CHAPTER 194.

WATERCOURSES AND WATERWORKS.

(21st June, 1945.)

6/1945.
18/1953.

1. This Ordinance may be cited as the Watercourses and Waterworks Ordinance. Short title.

2. In this Ordinance— Interpretation.
 - “Director of Public Works” means the Director of Public Works of the Colony;
 - “distribution area” means any area defined as such by an order of the Administrator in Council for the purposes of this Ordinance;
 - “street” includes any court, alley, highway, thoroughfare, public passage or place, however the same may be called;
 - “watercourse” means any pond, spring or stream now vested or which shall hereafter be vested in the Crown;
 - “waterworks” means all reservoirs, wells, dams, tanks, cisterns, tunnels, filters, beds, conduits, aqueducts, pipes, stand-pipes, showers, valves, pumps, engines, culverts and all machinery and appliances, lands, buildings and things used for or in connection with the supply of water, which have been constructed or maintained from public funds or which shall hereafter be so constructed or maintained.

3. All watercourses and waterworks shall continue to vest in the Crown as heretofore and any watercourse which may hereafter be declared to be subject to the provisions of this Ordinance and any waterworks which may be constructed under the provisions of this Ordinance shall likewise vest in the Crown. Watercourses and waterworks to vest in Crown.

4. (1) The Director of Public Works shall control, manage, maintain and supervise all watercourses and waterworks in the Island of Antigua and shall provide (so far as is practicable) an adequate water supply for the consumers therein. Powers and duties of Director of Public Works.

(2) It shall be lawful for the Director of Public Works—

(a) to construct or lay down any waterworks for improving or augmenting the water supply;

(b) to attach gutters to the roof, and to erect tanks on the premises, of any public building that is to say, any building to which the public or any portion of the public may have access (on payment or otherwise) unless there is already on any such building appliances of sufficient size to contain five gallons of water for every square foot of the horizontal area covered by the roof thereof;

(c) at all reasonable times (with his servants or agents) to enter any public building as aforesaid and to enter upon and to pass and repass over any land for the purpose of carrying out the provisions of this Ordinance;

(d) whenever it may be expedient or necessary for the purpose of conserving the water supply or for extending, altering or repairing the waterworks or for the purpose of connecting or repairing water services or in the case of fire to diminish, withhold, suspend or divert (without prejudice to the payment of water rate) the supply of water through the waterworks;

(e) whenever it may be expedient or necessary for the construction, alteration, maintenance or repair of any waterworks to break open any street :

Provided that until the roadway is restored the place where it is broken open shall be watched and properly lighted.

Power to make regulations.

5. (1) The Director of Public Works may, with the approval of the Administrator in Council, make regulations relating to all or any of the following matters—

(a) the method of making application for a supply of water;

(b) the charges to be made for connecting water service appliances to premises;

(c) regulating the supply of water to consumers;

(d) regulating the supply of water from any tank or reservoir forming part of the waterworks;

(e) the circumstances (other than in times of emergency) in which a water supply may be stopped;

(f) the prevention of waste, misuse and pollution of water;

(g) securing the waterworks from injury of any kind;

(h) the cleaning, maintenance, protection and prevention of obstruction of watercourses;

(i) the sanitary control of watersheds;

(j) the forms of all notices to be given or sent by the Public Works Department and the issuing and service thereof;

(k) the payment of rates; and

(l) generally, for more effectually carrying out the provisions of this Ordinance.

(2) Regulations made under paragraph (h) of subsection (1) of this section may—

(a) authorize any officer of the Public Works Department to cut, fell, or burn any tree or underwood whatsoever growing or that shall grow within a distance of thirty feet of any watercourse; and

(b) prohibit within the distance aforesaid the cultivation of any land or the depasturing or grazing thereon of any livestock.

6. (1) The Director of Public Works may, with the approval of the Administrator in Council, levy a general water rate or a water service rate on all premises in distribution areas.

Power to
levy rates.

(2) A general water rate or a water service rate may be made to apply to all distribution areas or different rates may be fixed for different distribution areas or, in the case of a water service rate, for different classes of premises.

(3) All such rates shall be payable in such manner and at such times (whether fixed by reference to the service of a notice or demand or otherwise) as the Director of Public Works shall prescribe by regulation made under section 5.

(4) The expression "general water rate" means a rate levied on premises which are not supplied with water by means of a service to such premises, and the expression "water service rate" means a rate levied on premises which are supplied with water by means of a service to such premises.

Exemption from rates.

7. The power of the Director of Public Works to levy rates under section 6 shall be subject to such general or special exemptions as may, from time to time, be approved by the Administrator in Council.

Expenses and revenue.

8. (1) All expenses incurred or payable by the Director of Public Works in carrying out the provisions of this Ordinance shall be met out of funds provided annually by the Legislative Council and all expenditure and disbursements shall be made in accordance with the Financial Instructions for the time being in force.

(2) All rates and other charges collected by the Director of Public Works shall be paid into the Treasury for the public use of the Colony.

Power to bring watercourses within the provisions of the Ordinance.

9. (1) The Legislative Council may, from time to time, by resolution declare that any watercourse shall be subject to the provisions of this Ordinance and thereupon the said provisions shall apply accordingly.

(2) A copy of every such resolution shall be published in the *Gazette* and in two newspapers, if any, circulating in the Island of Antigua.

Power to remove watercourses or waterworks from the provisions of the Ordinance.

10. (1) With respect to any watercourse the Legislative Council may, and with respect to any waterworks the Director of Public Works may, by resolution declare that the provisions of this Ordinance, other than section 3, shall cease to apply to that watercourse or waterworks, as the case may be, and thereupon the said provisions shall cease to apply accordingly.

(2) A copy of every such resolution shall be published in the *Gazette* and in two newspapers, if any, circulating in the Island of Antigua.

Power to declare area to be a watershed.

11. For the purposes of this Ordinance, where in the opinion of the Administrator in Council the drainage of water from any area flows or is conveyed to a watercourse or waterworks the Administrator in Council may, by order, declare that area or any part of that area to be a watershed.

12. Compensation shall be payable in any case where actual damage or injury is occasioned to any property by any act or thing done in the execution of this Ordinance or any regulations made thereunder and, in the event of any dispute arising as to the amount payable, the amount claimed shall be deemed to be a civil debt and may be recoverable summarily under the provisions of the Magistrate's Code of Procedure Act.

Compensation.

Cap. 48.

13. (1) Every person who—

Offences.

(a) bathes in any watercourse or any part of the waterworks; or

(b) drives or permits or suffers any animal to be driven into or to enter into any watercourse or into any waterworks; or

(c) washes in or throws into or causes or suffers to be washed in or thrown into any watercourse or waterworks any animal or the carcase or part of the carcase of any dead animal; or

(d) puts or throws or causes or suffers to be put or thrown into any watercourse or waterworks any rubbish, dirt or filth, or any foul or offensive or obnoxious matter, whether solid or liquid; or

(e) washes or cleanses or suffers or causes to be washed or cleansed in any watercourse or waterworks any cloth, wool, leather or skin of any animal or any clothes; or

(f) causes or suffers the water from any sink, privy, sewer, drain, engine or boiler or any foul or filthy water being and lying upon any land or premises, which is under his management and control or under the management and control of his servants or agents, to run or flow into any watercourse or waterworks; or

(g) does or commits any other act or thing whatsoever whereby any water flowing to or from any watercourse or waterworks is fouled or polluted or the flow thereof impeded or interrupted or the water improperly abstracted or wasted; or

(h) without the consent of the Director of Public Works, diverts or takes the water supplying or flowing into any waterworks; or

(i) without the consent of the Director of Public Works, constructs, alters or extends the service in his

premises or connects any tap on his premises with the distributory pipes of the waterworks; or

(j) without the consent of the Director of Public Works, does any act whereby the water from any watercourse or waterworks is drawn off or diminished in quantity or wasted; or

(k) willfully moves, breaks or injures any lock, cock, valve, tap, pipe or other appliance forming part of or used in connection with the waterworks; or

(l) contravenes any regulation made under this Ordinance,

shall be guilty of an offence.

(2) In proving interference with the due flow of water from the waterworks or of any watercourse or the pollution thereof, evidence may be given of repeated acts which together caused such interference or pollution, although each act taken by itself may not be sufficient for that purpose.

Selling or
supplying water
an offence.

14. If any person whose premises are supplied with water by the Director of Public Works supplies or sells to any other person any such water or permits any other person to take any such water, from his premises, he shall be guilty of an offence:

Provided that any such first mentioned person shall not be guilty of an offence against this section if he permits any other person to use such water—

(a) for the purpose of extinguishing a fire; or

(b) where that other person is supplied with water by the Director of Public Works but the pipes or other appliances leading to his premises are out of order or are undergoing repairs; or

(c) where that other person is living in a separate part of the same building or in another building on the same premises.

Neglect to give
notice of want
of repair an
offence.

15. Any person whose premises are supplied with water by the Director of Public Works who suffers any stop-cock, pipe or other waterworks on his premises to be out of repair, without giving notice to the Director of Public Works, so that the water supplied to him shall be wasted, shall be guilty of an offence.

16. Any person who resists, obstructs, molests or assaults, or who assists any person in resisting, obstructing, molesting or assaulting the Director of Public Works or any officer or servant of the Public Works Department acting under the provisions of this Ordinance or any regulations made thereunder shall be guilty of an offence.

Resisting or obstructing, etc., an offence.

17. Any person who is guilty of an offence against this Ordinance shall be liable on summary conviction to a penalty not exceeding ninety-six dollars and, in the case of a continuing offence, he shall be liable to a further penalty not exceeding nine dollars and sixty cents a day for every day during which the offence continues.

Penalty for offence.

18. Every proceeding instituted under this Ordinance shall be taken in the name and at the instance of the Director of Public Works.

Proceedings to be laid in name of Director of Public Works.

19. All rates and other charges payable under the provisions of this Ordinance or of any regulations made thereunder may be recovered by civil process before a Magistrate in the manner provided by the Magistrate's Code of Procedure Act for the recovery of debts arising out of simple contract.

Rates and charges how recoverable.

Cap. 48.