

No. 18.] *Water and Sewerage Authority Act* [1984.

SAINT LUCIA

No. 18 of 1984

ARRANGEMENT OF SECTIONS

PART I

Sections PRELIMINARY

1. Short Title
2. Interpretation

PART II

NATIONAL POLICY AND ESTABLISHMENT OF THE WATER AND SEWERAGE  
AUTHORITY

3. National Policy for Water
4. Establishment of the Water and Sewerage Authority
5. Constitution of Authority

PART III

FUNCTIONS AND POWERS OF THE AUTHORITY

6. Transfer of Functions of Central Water Authority
7. Water Conservation
8. Protection of Gathering Grounds
9. Power to require information on abstractions
10. Water Supply
11. Sewerage and Sewage Disposal
12. Compulsory acquisition and vesting of lands
13. Powers of entry into land
14. General Powers

No. 18.]            *Water and Sewerage Authority Act*            [1984.

PART IV

FINANCE

15. General duties and powers
16. Deficits
17. Revenue and Reserves
18. Exemption from duties and taxes
19. Temporary investment of funds
20. Power to borrow
21. Guarantee of borrowing of Authority
22. Grants in aid
23. Accounts and budgets
24. Water and Sewage Charges
25. Computation of Charges
26. Charges
27. Public Fire Service
28. Public Standpipes
29. Recovery of debts and cutting off supplies
30. Owner and occupier liability

PART V

TRANSITIONAL AND MISCELLANEOUS

31. Transfer of Assets, Liabilities and Functions
32. Transfer of functions of Castries City Council in relation to Sewerage and Sewage Disposal
33. Regulations
34. Compensation
35. Annual Report
36. Repeal.

SCHEDULE

Membership of Authority, Procedures, Administration and Delegation

No. 18.]      *Water and Sewerage Authority Act*      [1984.

I ASSENT

[L.S.]

ALLEN LEWIS,  
*Governor-General.*

*3rd October, 1984,*

**SAINT LUCIA**

---

**No. 18 of 1984**

AN ACT to make provision for a national policy for water, for the establishment of an Authority to be known as the Water and Sewerage Authority, for conferring on that Authority functions as to water, including sewerage and sewage disposal, and for connected purposes.

[ 6th Octoberr, 1984. ]

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

1. This Act may be cited as the Water and Sewerage Authority Act, 1984. Short title

## PART I

## PRELIMINARY

- Interpretation 2. In this Act —
- No. 24 of 1964 “ Authority ” means the Water and Sewerage Authority established by section 4 ;
- “ Central Water Authority ” means the Authority constituted under section 3 of the Central Water Authority Ordinance ;
- “ Chairman ” means the Chairman of the Authority and includes any person for the time being performing the functions of Chairman ;
- “ charge ” means any charge or rate levied by the Authority under this Act ;
- “ financial year ” means such period of twelve months as the Authority with the approval of the Minister may determine to be its financial year, so however that the first financial year shall be the period commencing with the commencement of this Act and ending with such day as shall be fixed by the Authority ;
- “ gathering ground ” means any surface of land which collects the rainfall for the purposes of the water works ;
- “ General Manager ” means the General Manager of the Authority appointed under paragraph 19 of the Schedule and includes any person for the time being performing the functions of the General Manager and any person authorised by the General Manager to perform any of the functions of the General Manager ;
- “ government ” means the Government of Saint Lucia ;
- “ land ” includes any interest in land and any easement or right in, to or over land ;
- No. 22 of 1967 “ local authority ” means the Castries Corporation constituted pursuant to the Castries Corporation Act ; or any town, village or district council constituted pursuant to the Local Authorities Ordinance ;
- Cap. 239.

- “ Minister ” means the Minister to whom responsibility for Water and Sewerage Authority is assigned ;
- “ potable water ” means water which is satisfactory for human consumption and meets the requirements of the health authority ;
- “ public utility ” means a statutory authority performing services to the public for which any compensation or payment whatsoever is required ;
- “ sewage works ” means any works for the collection, transmission, treatment and disposal of sewage or any part of such works ;
- “ sewerage ” includes industrial and commercial waste and such other matters or substance as may be prescribed ;
- “ street ” includes any highway, road, lane, footway, square, court, alley or passage whether a thoroughfare or not ;
- “ supply of potable water for domestic purposes ”
- (i) means a supply of water for drinking, washing, cooking and sanitary purposes ; and
  - (ii) includes, where the water is drawn from a tap inside a house and no hosepipe or similar apparatus is used, a supply for watering a garden, for horses kept for private use and for washing vehicles so kept ; but
  - (iii) does not include a supply of water for industrial or commercial purposes ;
- “ supply of water for industrial or commercial purposes ” means water used in connection with any profession, trade, business and industrial or commercial enterprise ;
- “ watercourse ” means all rivers, streams, ditches, drains, cuts, culverts, dykes and passages through which water flows, except water mains and public sewers ;
- “ water works ” means any works for the collection, production, treatment, storage, supply and distribution of water or any part of such works.

No. 18.] *Water and Sewerage Authority Act* [1984.

## PART II

NATIONAL POLICY AND ESTABLISHMENT OF  
THE WATER AUTHORITY

National  
Policy for Water  
and Sewerage

3.—(1) The Government, shall promote a national policy for water in Saint Lucia and shall so discharge its functions in respect of the following matters as to secure the effective execution of that policy by the bodies responsible therefor, namely :—

- (a) the provision of water supplies and the conservation, augmentation, distribution and proper use of water resources including preservation and protection of gathering grounds ;
- (b) sewerage and the treatment and disposal of sewage and other effluents.

(2) The Ministry of Finance and Planning shall collate and publish information from which assessments can be made of the actual and prospective demand for water, and of actual and prospective water resources, in Saint Lucia.

Establishment  
of the Water  
and Sewerage  
Authority

4.—(1) For the purpose of exercising functions conferred on it by virtue of Part III of this Act, there is established in accordance with the following provisions of this section a body corporate to be known as the Water and Sewerage Authority.

No. 18 of 1968

(2) Subject to this Act, section 19 of the Interpretation Act shall apply to the Authority.

Constitution  
of Authority

5.—(1) The Authority shall consist of the following members who together shall constitute its board of directors, responsible for its policy and general administration :—

- (a) a Chairman appointed by the Prime Minister ;
- (b) four officers to be nominated by —
  - (i) the Ministry of Agriculture ;
  - (ii) the Ministry of Health ;
  - (iii) the Ministry of Communications and Works ;
  - (iv) the Ministry of Finance and Planning ;

No. 18.] *Water and Sewerage Authority Act* [1984.]

- (c) one person nominated by the Saint Lucia Chamber of Commerce ;
- (d) one out-district member appointed by the Minister.

(2) One member of the Board of Directors constituted under subsection (1) shall be appointed as the Deputy Chairman by the Prime Minister.

(3) The provisions relating to terms of office of members, vacation of office, appointments to fill casual vacancies, disqualification for, and reappointment to membership, remuneration and allowances for members and other matters contained in the Schedule to this Act, shall have effect with respect to the Authority.

Schedule

### PART III

#### FUNCTIONS AND POWERS OF THE AUTHORITY

6. The functions which immediately before the commencement of this Act were exercisable by the Central Water Authority under any enactment or instrument shall be exercisable by the Authority and accordingly in any enactment or instrument any reference to the Central Water Authority shall be construed as a reference to the Authority.

Transfer of functions of Central Water Authority

7.—(1) The Authority shall take all such action as may be necessary or expedient for the purpose of conserving, redistributing or otherwise augmenting water resources in Saint Lucia.

Water Conservation

(2) Without prejudice to the generality of the foregoing, the Authority shall —

- (a) prepare and thereafter keep under review a hydrometric scheme for obtaining, recording and analysing particulars of rainfall, evaporation of water and the flow level or volume of inland waters ;
- (b) carry out periodical surveys of the water in Saint Lucia and prepare reports thereon ;
- (c) prepare estimates of the future demand for the use of water ;

No. 18.] *Water and Sewerage Authority Act* [1984.

- (d) prepare plans for the purpose of securing the more efficient management of water in Saint Lucia, including the meeting of future demands for water and the use of water ;
- (e) carry out such engineering or other operations as it considers necessary or expedient for the purpose of implementing any plan prepared under paragraph (d).

(3) In carrying out the provisions of subsection (2) the Authority shall consult the Ministry of Finance and Planning and any other Ministry, local authority or body likely to be affected and shall send to the Ministry of Finance and Planning and to any other Ministry, local authority or body likely to be affected a copy of any report prepared by the Authority in consequence of a survey under this section.

Protection of  
Gathering  
Grounds

8.—(1) If it appears to the Authority to be necessary for the purpose of protecting against pollution any water, whether on the surface or underground, which belongs to it, or which it is for the time being authorised to take, or for the purpose of preventing diminution of the amount of water or of storage capacity in any gathering ground for water, it shall by regulation —

- (a) define the area within which it deems it necessary to exercise control, and
- (b) prohibit or regulate the doing within that area of any act specified in the regulations.

(2) Regulations made under this section may contain different provisions for different parts of the defined area.

(3) Without prejudice to the generality of the provisions of subsection (1) the acts prohibited or regulated by such regulations may include —

- (a) the placing, deposit or discharge within the area of material of any kind that is likely to impair the quality or significantly reduce the quantity of the water or the storage capacity of the gathering ground ;

No. 18.] *Water and Sewerage Authority Act* [1984.

(b) such other acts as may be considered conducive to the pollution or diminution of the supply of water in any river or water course.

(4) If it appears to the Authority that by reason of deforestation or threatened deforestation the storage capacity of any gathering ground (whether or not an area defined by regulations under this section) is seriously threatened, it shall without prejudice to any other powers under this or any other Act or instrument request the Chief Forest Officer to take appropriate action under the Forest Soil and Water Conservation Ordinance to prevent or regulate such deforestation or threatened deforestation, whereupon it shall be the responsibility of the Chief Forest Officer to take such action as he deems necessary.

Cap. 25

(5) The powers of the Authority under this section shall be in addition and without prejudice to any powers it may have under the Public Health Act or any Regulations made thereunder.

No. 8 of 1975

**9.—**(1) The Authority may give directions requiring any person who is abstracting water from any watercourse to give such information to the Authority as to the abstraction, at such times and in such form, as may be specified in the directions.

Power to  
require  
information  
on  
abstractions

(2) The Authority may also give directions requiring any person discharging effluents into any watercourse with the approval of the Authority to furnish such information as to the discharge as may be specified in the directions.

(3) Any person who fails to comply with directions given by the Authority under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not less than three thousand dollars.

**10.—**(1) The Authority shall unless prevented by drought, other extraordinary event or unavoidable accident provide to the public, in accordance with the provisions of this Act and any regulations, a supply of

Water Supply

potable water for domestic purposes and a potable or otherwise satisfactory supply for agricultural, industrial or commercial purposes.

(2) In particular and without prejudice to the generality of the provisions of subsection (1) the Authority shall —

- (a) prepare schemes for the development of water resources and for the supply of water and construct, maintain and operate such schemes ;
- (b) keep under constant review the quality, reliability and availability of water supplies and advise the Minister thereon ;
- (c) control and regulate the production, treatment, storage, transmission, distribution and use of water for public purposes ;
- (d) design, construct, acquire, operate and maintain water works for the purpose of supplying water for public purposes ;
- (e) disseminate information and advice with respect to the management, collection, production, transmission, treatment, storage, supply and distribution of water.

(3) The Authority shall as soon as reasonably practicable make regulations for conserving water and for preventing waste, undue consumption, misuse or contamination of water supplied by the Authority.

(4) Without prejudice to the generality of subsection (3) such regulations may include provisions —

- (a) prescribing the size, nature, materials, strength and workmanship, and the mode of arrangement, connection, disconnection alteration and repair of the water fittings to be used ;
- (b) forbidding illegal reconnection or the use of any water fittings which are of such a nature or are so arranged or connected as to cause or permit waste, unauthorised consumption, misuse, erroneous measurement or contamination of water, or reverberation in pipes ; and

(c) prescribing the circumstances in which, and the methods by which, water supplied by the Authority is to be stored on any premises.

(5) If the Authority is satisfied that by reason of an exceptional shortage of rain, a serious deficiency of supplies of water exists or is threatened, then it shall by regulation, and subject to the provisions of this section, make such provision as appears to the Authority to be expedient, with a view to meeting the deficiency.

(6) Without prejudice to the generality of the provisions of subsection (5) such regulations may include provision authorising the Authority to—

- (a) take water from any source specified in the regulations ;
- (b) prohibit or limit the use of water for any purpose ;
- (c) prohibit or limit the taking by any person of water from a source specified in the regulations if the Authority is satisfied that the taking of water from that source seriously affects the supplies available to the Authority ;
- (d) supply water by means of stand-pipes or water tanks, and to erect or set up and maintain stand-pipes or water tanks in any street.

(7) The Authority shall give reasonable public notice of the making of any regulations under subsections (5) and (6) and shall be liable to pay compensation to any person who suffers damage by reason of things done or omitted by the Authority in pursuance of such regulations.

(8) Regulations under subsections (5) and (6) shall remain in force no longer than is necessary to meet the deficiency or threatened deficiency but shall be revoked as soon as practicable after the deficiency or threatened deficiency has been made good or removed.

11.—(1) The Authority is hereby empowered to provide in accordance with the provisions of this Act and any regulations such public sewers as may be necessary and to make such provision, by means of

No. 18.] *Water and Sewerage Authority Act* [1984.

sewage disposal works, marine treatment or otherwise, as may be necessary for effectually dealing with the contents of the sewers.

No. 8 of 1975

(2) In discharging its functions under this section the Authority shall comply with the Public Health Act and the Regulations made thereunder.

(3) In particular and without prejudice to the generality of the provisions of subsection (1) the Authority may —

- (a) prepare schemes for sewerage and sewage disposal services and construct, maintain and operate such schemes ;
- (b) design, construct, acquire, operate and maintain sewerage works for the purpose of receiving, treating and disposing of sewage ;
- (c) control and regulate the disposal of sewage through sewerage plants that are not part of the Authority's systems ;
- (d) disseminate information and advice with respect to the installation, maintenance and management of such sewerage plants as are mentioned in paragraph (c).

Ch. 152

(4) On the commencement of this Act, the Sewerage Authority constituted under sections 4 and 5 of the Public Health (Sewerage and Drainage) Ordinance shall stand dissolved and shall be reconstituted in the manner provided in section 4 of this Act.

(5) The Authority may adopt or take over the operation of any such plant as is mentioned in paragraph (c) of subsection (3) on such terms as it may agree with the owner thereof.

(6) The Authority shall as soon as reasonably practicable make regulations governing the making of connections to public sewers, prohibiting or controlling the discharge of certain effluents to public sewers and prohibiting unauthorised communications to such sewers.

Compulsory  
acquisition  
and vesting  
of lands

**12.**—(1) The Governor-General, when and as often as land is required for the purposes of this Act, may acquire under the provisions of the Land Acquisition

No. 18.] *Water and Sewerage Authority Act* [1984.

Ordinance any lands, and may exercise all powers under the Ordinance in relation to any acquisition or intended acquisition of such lands. Cap. 109

(2) The Governor-General may, by order, vest any lands so acquired in the Authority. Any such order shall be published in the *Gazette* and shall vest the lands absolutely in the Authority as from the date thereof free from any encumbrances of any nature whatsoever.

(3) Nothing herein contained shall prejudice the right of any person having an interest in any lands acquired as aforesaid within the provisions of the Land Acquisition Ordinance. Provided however, that compensation for any lands acquired under this section shall be determined in accordance with the provisions of section 19 of the Land Acquisition Ordinance save that the date at which such compensation is to be assessed is the date from which the declaration pursuant to section 3 of the said Ordinance shall be published. Cap 109

**13.—(1)** Any person duly authorised by the Authority may at any reasonable time — Powers of entry onto land

- (a) enter upon land for the purpose of performing any functions of the Authority, whether in relation to that land or not ;
- (b) enter upon land and inspect or survey it and inspect any articles thereon for the purpose of determining whether, and if so in what manner, any functions of the Authority are to be performed in relation to any land, or whether any statutory provision relating to any such function is being or has been complied with.

(2) A person authorised under subsection (1) to enter upon any land may take with him to the land in question such other persons and such equipment as may be necessary.

(3) Before the exercise of rights of entry under this section the Authority shall give reasonable notice to the owner or occupier of the land in question except

No. 18.] *Water and Sewerage Authority Act* [1984.

in an emergency when it shall be sufficient for notice to be given as soon as possible after the necessity for entry has arisen.

General  
powers

14.—(1) The Authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which in the opinion of the Authority is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

(2) Without prejudice to the generality of subsection (1) the Authority may —

- (a) enter upon any land for the purpose of laying water mains or sewers ;
- (b) enter upon any land for the purpose of using for public supply any watercourse, spring or pond thereon ;
- (c) divert or impound water from any watercourse, spring or pond ;
- (d) break open any street for the purpose of laying any water main or sewer therein or of repairing or removing any such main or sewer.

(3) Before the exercise of rights under this section the Authority shall —

- (a) give reasonable notice to the owner or occupier of any land affected ;
  - (b) in the case of the breaking open of any street give reasonable notice to the authority responsible there for and any public utility whose apparatus may be affected thereby,
- except in an emergency when it shall be sufficient for notice to be given as soon as possible after the necessity for exercising those rights has arisen.

(4) The Authority shall be liable to pay compensation to any owner or occupier of land who suffers damage by reason of the exercise of the Authority's powers under this section, and land or streets disturbed by the Authority in the performance of its functions shall be restored to their original condition as soon as practicable.

(5) Any person who hinders or obstructs the Authority or any person duly authorised by the Authority to enter land under this section or section 13 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

## PART IV

## FINANCE

15.—(1) Subject to the provisions of section 16 the Authority shall use its best endeavours —

General  
duties and  
powers

- (a) to ensure that, taking one year with another, its revenue is sufficient to meet its total outgoings properly chargeable to revenue account ;
- (b) to ensure that its charges are adequate for the discharge of its duty under this section, taking into account its current circumstances and future prospects.

16. If on the commencement of this Act and until such time thereafter as the Authority is self-supporting the Authority's revenue is insufficient to meet its total outgoings properly chargeable to revenue account, then and in such case the Government shall pay to the Authority from the Consolidated Fund a sum equal to that deficiency.

Deficits

17.—(1) The revenue of the Authority shall consist of —

Revenue and  
Reserves

- (a) the sums received by the Authority in respect of charges levied and payable in pursuance of the provisions of this Act and any regulations made thereunder ; and
- (b) all other sums except loans that may become payable to or vested in the Authority in respect of any matter incidental to its powers and duties.

(2) The Authority shall charge to revenue account in every year all charges which are proper to be made to revenue account including such allocations to reserve as it considers adequate.

No. 18.] *Water and Sewerage Authority Act* [1984.

Exemption  
from duties  
and taxes

**18.** Notwithstanding the provisions contained in any other law the Authority shall not be liable to payment of any import duty, stamp duty, income tax, municipal tax or any other duty or tax whatsoever.

Temporary  
investment  
of funds

**19.** The Authority may from time to time temporarily invest any of its surplus funds.

Power to  
borrow

**20.** The Authority may borrow by way of overdraft or otherwise such sums as it may require for meeting its obligations and discharging its functions.

Guarantee of  
borrowing of  
Authority

**21.—(1)** With the approval of Parliament, the Minister for Finance may guarantee in such manner and on such conditions as he may think fit, the repayments of the principal of and the payments of interest and other charges on any borrowing by the Authority.

(2) Where the Minister is satisfied that there has been default in the repayment of any such principal or the payment of any such interest or other charges guaranteed under the provisions of this section he shall direct the payment out of the Consolidated Fund of the amount in respect of which there has been such default.

(3) The Authority shall make to the Accountant-General at such times and in such manner as the Minister for Finance may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister for Finance may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.

Grants in  
aid

**22.** The Authority may subject to the approval of the Ministry of Finance negotiate, apply for and accept grants in aid of any of its functions from any agency.

Accounts  
and budgets

**23.—(1)** It shall be the duty of the Authority —  
(a) to prepare a budget for each financial year ;  
(b) to keep proper accounts and proper records in relation to the accounts ;

(c) to prepare in respect of each financial year a statement of accounts.

(2) As soon as the statement of accounts mentioned in subsection (1) is audited in accordance with subsection (3), the Authority shall send to the Minister a copy of any report made by the Auditor thereon and the Minister shall lay a copy thereof before Parliament.

(3) All accounts of the Authority shall be audited by qualified auditors appointed by the Authority.

(4) The Authority shall, as soon as reasonably practicable, make regulations governing the conduct of its financial systems.

24.—(1) Subject to the provisions of this Act and the Public Utilities Commission Act the Authority shall have power to fix, demand, take and recover such charges for the services performed, facilities provided or rights made available by the Authority (including separate charges for separate services, facilities or rights, or combined charges for more than one service, facility or right).

Water and  
Sewerage  
Charges  
No. 12 of 1975

(2) The Authority may fix any of its charges by means of a scheme made under section 25 or by agreement with any person.

(3) Subject to subsections (4) and (5), the Authority may fix its charges by reference to such criteria, and may adopt such systems for the calculation of their amount, as appears to the Authority to be appropriate.

(4) For the purpose of charges under this Act the charging area shall be the whole of Saint Lucia.

(5) Without prejudice to the generality of subsections (1) to (4) and subject to subsection (1), the charges fixed by the Authority may include —

- (a) a basic rate payable in respect of all premises other than those referred to in paragraphs (b) and (c), being such proportion of the assessed annual value of the premises for taxation purposes as the Authority deems appropriate ;
- (b) a charge related to the quantity of water supplied to any premises ;

No. 18.] *Water and Sewerage Authority Act* [1984.

(c) a charge for sewerage and sewage disposal services provided to any premises ; and

(d) a charge related to the nature or composition of any trade effluent discharge to a public sewer.

(6) Nothing in any enactment or in any agreement or arrangement between any individual and a predecessor of the Authority shall so operate, in relation to the Authority, as to oblige it to fix separate charges for separate services, facilities or rights.

Computation  
of Charges

**25.**—(1) In any case where charges are payable to the Authority by reference to the volume of water supplied to any premises or the volume of effluent discharged therefrom, or for any other reason the Authority may :—

(a) install on those premises a meter for measuring that volume, and the register of the meter shall, subject to the provisions of any regulations under this section, be *prima facie* evidence of that volume, or

(b) use any other means which it deems appropriate for determining the volume to be charged.

(2) In case of the failure of a meter installed under paragraph (a) of subsection (1) or a dispute as to its accuracy the Authority may use any other means which it deems appropriate for determining the volume to be charged.

(3) The Authority may by regulation make provision with respect to the installation, connection, disconnection, maintenance, authentication and testing of meters and other related matters whether under this section or otherwise.

Charges

**26.**—(1) The Authority may make a scheme (in this Act referred to as a “charge scheme”) for the charges to be paid for any services performed, facilities provided or rights made available by the Authority.

No. 18.] *Water and Sewerage Authority Act* [1984.]

(2) Charge schemes shall be so framed as to show the methods by which and the principles on which the charges are to be made, and shall be published in such manner as in the opinion of the Authority will secure adequate publicity for them.

(3) A charge scheme may revoke or amend any previous charge scheme made by the Authority.

(4) Nothing in any charge scheme shall affect any power of the Authority to make any agreement as to charges that it is empowered to make by any enactment passed before the commencement of this Act.

**27.** There shall be no charge for water used by the Saint Lucia Fire Services, in cases of fire. Public fire service

**28.** So long as there is no charge for water used by the public from public stand-pipes this service shall be considered an obligation of the Government. Public standpipes

**29.—(1)** All charges, compensation, damages, costs, expenses or other sums due to the Authority under the provisions of this Act may be recovered by the Authority as a civil debt. Recovery of debts and cutting off supplies

(2) The Authority is empowered, to issue general or special directions to cut off and stop the supply of water to any premises in respect of which any charge is in arrear, despite proceedings for recovery thereof and may continue the stoppage of such supply until all arrears of charges accrued or payable in respect of such premises, are paid.

**30.—(1)** Notwithstanding any agreement between the owner and 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. Owner and occupier liability

(2) If the occupier, as between himself and the owner of the premises, is not liable to pay the rates or charges, he is entitled to deduct from the rent payable by him any sum paid by him in respect of such rates or charges.

No. 18.] *Water and Sewerage Authority Act* [1984.

(3) If the owner, as between himself and the occupier of premises is not liable to pay the rates or charges the owner is entitled to recover as if it were additional rent, any sum payable by the occupier but paid by the owner.

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

## PART V

### TRANSITIONAL AND MISCELLANEOUS

Transfer of  
Assets,  
Liabilities,  
and Functions

**31.—**(1) Upon the commencement of this Act all lands and other property vested immediately before the commencement of this Act in the Central Water Authority shall be transferred to and vested in the Authority.

(2) All rights, privileges and advantages and all the obligations to which immediately before the commencement of this Act, the Central Water Authority was entitled or subject to, as the case may be, are hereby transferred to and conferred or imposed on the Authority for the purposes of this Act.

(3) A reference in any deed, contract, bond or security or other document subsisting immediately before the commencement of this Act against or in favour of the Central Water Authority shall have full force or effect against or in favour of the Authority and be enforceable as fully and effectually as if, instead of the Central Water Authority, the Authority had been named therein and had been a party thereto.

Transfer of  
functions of  
Castries City  
Council in  
relation to  
Sewerage and  
sewage  
disposal

**32.—**(1) As from a date to be appointed by the Minister on the recommendation of the Authority the powers and duties at present exercised by the Castries City Council in relation to sewerage and sewage disposal shall be vested in the Authority.

(2) For the purposes of subsection (1) the Authority may enter into an agreement with the Castries City Council in regard to the terms on which any property, rights, privileges, advantages or obligations relating to

No. 18.]            *Water and Sewerage Authority Act*            [1984.

sewerage or sewage disposal shall be transferred to the Authority and in default of agreement the Cabinet may determine any such matters.

(3) The Minister may make regulations in regard to the terms as agreed or determined in default of agreement under subsection (2).

**33.** All regulations under this Act shall be made by the Authority with the approval of the Minister and shall be subject to negative resolution of the House. Regulations

**34.** Where in this Act reference is made to the payment of compensation by the Authority to any person such compensation, shall, in default of agreement, be determined in accordance with the provisions of the Land Acquisition Ordinance. Compensation  
Cap. 109

**35.** The Authority shall present to the Minister as soon as possible after the end of each financial year, a report on the discharge of its functions during that year. Annual report

**36.** The Central Water Authority Ordinance 1964 and the Central Water Authority Ordinance (Amendment) Act 1968 are hereby repealed. Repeal  
No. 24 of 1964  
No. 18 of 1968

Passed in the House of Assembly this 7th day of September, 1984.

W. ST. CLAIR-DANIEL,  
*Speaker.*

Passed in the Senate this 18th day of September, 1984.

E. HENRY GIRAUDY,  
*President.*

No. 18.] *Water and Sewerage Authority Act* [1984.

## SCHEDULE

Section 5

MEMBERSHIP OF AUTHORITY PROCEDURES, ADMINISTRATION  
AND DELEGATION

## Membership

1. Every member of the Authority except the Chairman and Deputy Chairman shall hold office for a period of three years and shall be eligible for re-appointment.

2. Where a member ceases to be a member for any reason another member may be appointed in his place for the remainder of the time for which the former member would have served.

3. The Chairman shall preside over meetings of the Authority and in his absence the Deputy Chairman shall preside. In the absence of both the Chairman and Deputy Chairman the members present may elect one of their numbers to preside over the meeting.

4. In the event of incapacity due to illness or other temporary cause or of the temporary absence from Saint Lucia of any member the Minister may, subject to this section, and subject to the recommendation of the Ministry or other organization he represents appoint any other person to act as a temporary member during the time the incapacity or absence continues.

5. The appointment of any member and the termination of his office by death, resignation, effluxion of time or otherwise shall be notified in the *Gazette*.

Procedure  
and Meetings  
of the  
Authority

6. The Authority shall meet at such times as may be necessary or expedient for the transaction of business and in any case not fewer than ten times a year, and such meetings shall be held at such time and on such days as the Authority may determine.

7. (a) The Chairman may at any time call a special meeting of the Authority.

(b) The Chairman shall call a special meeting of the Authority within seven days of a requisition for that purpose addressed to him by any three members to consider the matters contained in such requisition.

8. Four members shall form a quorum at any meeting of the Authority. Any member disqualified from taking part in any deliberation or decision of the Authority with respect to any matter, shall be disregarded for the purpose of constituting a quorum for deliberating on or deciding that matter.

9. The decision of the Authority with regard to any question shall be determined by vote of the majority of the members present at the meeting of the Authority. When the votes of the members present in regard to any question are equally divided, the Chairman presiding at the meeting shall have a second or casting vote.

No. 18.] *Water and Sewerage Authority Act* [1984.

10. Minutes of the proceedings of each meeting of the Authority shall be kept in such manner as the Authority may determine and shall be confirmed as soon as practicable thereafter at a subsequent meeting.

11. A member who absents himself without leave of the Chairman from three consecutive meetings of the Authority shall cease to be a member.

12. It shall be the duty of a member who is in any way, whether directly or indirectly, interested in an application to the Authority for a contract or proposed contract with the Authority to declare the nature of his interest at the first meeting of the Authority held thereafter.

Disclosure of interest and abstaining from voting

13. A member shall not vote in respect of any contract or proposed contract with the Authority in which he is in any way interested, whether directly or indirectly.

14. The Authority may appoint a committee to examine and report to it on any matter whatsoever arising out of or connected with any of its functions under this Act.

Committees

15. Any such committee as aforesaid shall consist of at least one member together with such other persons, whether members or not, whose assistance or service the Authority may desire.

16. The Authority may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Authority may think fit.

17. Subject to the provisions of this Act, the Authority may delegate to any member or committee appointed in accordance with paragraph 14 the power to carry out any duty on its behalf.

Provided that such duties shall not include the making of a rate or charge or the raising of a loan.

18. There shall be paid from the funds of the Authority to the Chairman and other members such fees or allowances as the Authority may, subject to any direction by the Minister, determine.

Remuneration of members

19. The Authority may with the approval of the Minister and at such salary and upon such terms and conditions as it may determine, appoint a General Manager who shall be the chief executive officer of the Authority and shall exercise all the functions entrusted to him by the Board of Directors.

Appointment of General Manager

20. In the event of the absence of the General Manager, the Authority may appoint any person to act as General Manager during the period of such absence upon such terms and conditions as it may determine.

No. 18.]                      *Water and Sewerage Authority Act*                      [1984.

Seal of the  
Authority

21. The Seal of the Authority shall be kept in the custody of the Chairman or of the General Manager and may be affixed to instruments pursuant to a resolution of the Authority in the presence of the Chairman or Deputy Chairman and the General Manager.

22. The Seal of the Authority shall be authenticated by the signature of the Chairman or Deputy Chairman and of the General Manager.

23. All deeds, instruments, contracts and other documents, other than those required by law to be under seal, made by, and all decisions of the Authority may be signified under the hand of the Chairman or the Deputy Chairman and of the General Manager.