
[Legal Notice No. 145]

PROVINCIAL GOVERNMENT ACT 1981

(No. 7 of 1981)

ISABEL PROVINCE (BUALA STATION) WATER SUPPLY
ORDINANCE 1993

AN
ORDINANCE
TO

PROVIDE FOR THE MAINTENANCE OF WATER SUPPLY
SYSTEMS AND THE RECOVERY OF WATER CHARGES AT
BUALA STATION.

Enacted by the Isabel Provincial Assembly.

ARRANGEMENT OF SECTIONS

Sections:

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Short title
and commence-
ment.

1. This Ordinance shall be cited as the Isabel Province (Buala Station) Water Supply Ordinance 1993 and shall come into force after assent by the Minister of Provincial Government and upon publication in the Solomon Islands Gazette.

Area of
application.

2. This Ordinance shall apply only to the area situated and known as Buala Station which is for the purpose of this Ordinance the area bounded by a line commencing at the point 90 00860 North 567400 East at the mouth of the Paphaja River and bearing due South which follows the river up stream being the common boundary line with customary land due East to a point 90 00015 North 565206 East thence along the Jejevo river down stream to a point 90 002 North 565579 East at the mouth of a small stream thereby is the returning point generally along the coastal line sea front due west to the point of commencement.

Liability
to provide
water supply.

3. The Provincial Government of Isabel Province shall be responsible for the provision and installation and inspection of the water supply system to the area to which this Ordinance relates and to make reasonable charges for the supply of water and the installation of fittings for the supply thereof and the maintenance and repair thereof as hereinafter provided.

3.1 The Provincial Government as a Water Undertaker may supply or propose to supply to each and every dwelling house store or building housing a commercial undertaking on such water fittings as are required or allowed by any bye laws if so limited or otherwise as it thinks fit and may install repair or alter any such fittings whether supplied by them or not and may provide any materials and do any work required in connection with the installation repair or alteration of water fittings.

3.2 The Provincial Government may make such charges as may be reasonable for any fitting supplied or any materials provided or work done under this section and may recover such charges summarily as a civil debt from any person or persons on whose behalf and/or request any of the before mentioned services are provided save and except for persons occupying property belonging to the Provincial Government who shall not be charged for repairs.

4.0 It shall be the duty of the Provincial Government to provide a domestic supply of water to all new buildings whether for use as domestic dwelling houses or commercial undertakings.

Duty of
the
Province.

4.1 Water rates payable to the Provincial Government under this or any other enactment shall be recoverable as hereinafter provided.

5.0 The Occupier of premises whether domestic or commercial shall be liable for the payment of water rates.

Liability
for water
rates.

5.1 The water rate payable shall be payable on demand and recovered from the Occupier of premises as a civil debt or a simple contract debt in any Court of competent jurisdiction and subject to the rights of the Provincial Government as hereinafter set out.

5.2 If any person fails to pay within seven days after a demand therefore any instalment of water rate payable by him or her in respect of any premises the Provincial Government may cut off the supply of water to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as any instalment due:

Provided that if before the expiration of the said seven days notice in writing is given to the Provincial Government by the debtor that there is a dispute as to the amount due in respect of the water rate or as to liability to pay the rate they shall not cut off the supply of water until the dispute has been settled either by agreement or on the application of either party to the Local Magistrates' Court.

5.3 Where any supply of water is cut off by the Provincial Government in contravention of the provisions of this section it shall be liable on summary conviction to a fine not exceeding \$2.50 for each day during which the water remains cut off.

5.4 In this section "Water Rate" includes any additional charge payable to the Provincial Government in respect of a supply of water for domestic purposes within the meaning of that expression and as provided in section 3.2 hereof.

5.5 Where in the exercise of their powers under this section or for any other reason the Provincial Government cuts off the supply of water to an inhabited house they shall within forty eight hours give notice that they have done so to the Environmental Health Authority for the district in which the house is situated and if they fail to do so shall be liable on summary conviction to a fine not exceeding \$100.00.

5.6 Nothing in this Ordinance shall affect any enactment under which the Provincial Government are also a rating authority and empowered to collect rates rents or charges together with general rates.

5.7 Subject to the provisions of this Ordinance the Provincial Government shall not be liable if the supply of water is limited or discontinued during periods of drought.

Right of
entry.

6.0 For the prupose of enforcing the provisions of this Ordinance and not further or otherwise the duly authorised servants or agents of the Provincial Government shall have a right of access to any premises to which water is supplied by them in the following circumstances:-

6.1 Admission to any premises habitually used as a dwelling house shall not be demanded as of right unless twenty four hours notice of the intended entry has been given to the Occupier either verbally or in writing.

6.2 Where any person is entitled to enter by virtue of such a right of entry and has been refused to that Person or that refusal is apprehended or the premises are unoccupied or the Occupier if temporarily absent or that the case is one of the urgency or that the application for admission would defeat the object of the entry the person wishing to effect entry to the premises shall apply to a Magistrate for a warrant and if granted may take such other persons as may be necessary and on leaving any unoccupied premises which he or she has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

6.3 Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

6.4 Any person who wilfully obstructs any person upon whom a right of entry has been conferred by any of the foregoing provisions of this Ordinance or by any warrant issued under this section shall be liable on summary conviction to a fine not exceeding \$50.00.

Notices.

7.0 All notices consents approvals demands and other documents authorised or required by or under this Ordinance or any other enactments incorporating any revisions thereof are to be given made or issued by the Provincial Minister of Works and all notices and applications authorised or required by or under this Ordinance shall be in writing.

7.1 Any notice consent approval demand or other document which the Provincial Government are authorised or required by or under this Ordinance to give make or issue may be signed on behalf of the Provincial Government by the Minister of Works, the Provincial Secretary, the Provincial Treasurer or such other persons appointed to act in that capacity for the time being.

7.2 Any document purporting to bear the signature of any person expressed to hold an office by virtue of which he is under this section empowered to sign such document or expressed to be fully authorised by the Provincial Government to sign such document the particular document shall for the purposes of this Ordinance or any regulations made thereunder be deemed until the contrary is shown to be duly given and or issued by the authority concerned.

7.3 Any notice consent approval demand or other document which is required or authorised by this Ordinance to be given or served on any person may in any case where no other provisions relating to service are made may be served in the following manner that is to say:-

- (a) By delivering it personally to the addressee.
- (b) In the case of an officer of the Provincial Government by leaving it or sending it in a prepaid letter addressed to him at his office.
- (c) In the case of any person by leaving it or sending it in a prepaid letter to him at his usual or last known address.
- (d) In the case of an incorporated company or body by delivering it to the Secretary at its registered or principal office.
- (e) In the case of a document to be given to or served on a person as being the owner of any premises if it is not practicable after reasonable enquiry to ascertain the name and address of the person or on whom it should be given or served or if the premises are unoccupied by addressing it to the person concerned by the description "Owner or Occupier" of the premises naming them to which the notice relates and delivering it to some person on the premises to whom it can be delivered or by affixing it or a copy thereof to some conspicuous part of the premises.

Chargeable
water
rates.

8.0 The Provincial Government may charge water rates under this Ordinance and such rates shall be fixed by the Executive from time to time.

8.1 Such water rates shall be payable monthly and if not so paid shall be payable on demand as herein provided.

8.2 Where the water supply connects to any premises either for the first time or after discontinuance of supply the then current instalment of water rates shall become due and payable on the day when the supply is connected or reconnected as the case may be and the liability of a person to pay an instalment of water rate shall not be affected by the fact that before the end of the period in respect of which the instalment became payable by him or his tenant as the case may be he removes from the premises in question or causes the supply of water thereto to be discontinued. Adjustment will be made for the period during which the supply of water to the premises may be discontinued.

8.3 An authorised officer of the Provincial Government may between the hours of seven in the forenoon and one hour before sunset on producing if so required evidence of his authority to enter any premises supplied with water by the Provincial Government in order to examine if there be any waste or misuse of water and if after production of his authority he is refused admittance to the premises or is obstructed in making his examination the person refusing him admittance or so obstructing him shall be guilty of an offence and liable to a fine not exceeding \$20.00.

8.4 If the Provincial Government have reason to think that some injury or defect in a supply pipe which they are not under an obligation to maintain is causing or is likely to cause waste of water or injury to persons or property they may execute such work as they think necessary or expedient in the circumstances of the case without being requested to do so and if any injury to or defect in the pipe is discovered the expenses reasonably incurred by the Provincial Government in discovering it and in executing repairs shall be recoverable by them summarily as a civil debt from the owner of the premises supplied without prejudice as to the rights and obligations as between themselves and the owner and the occupiers of the premises.

9.0 If any person fraudulently alters the index of any meter used by the Provincial Government for measuring the water supplied by them or prevents any such meter from registering correctly the quantity of water supplied he shall without prejudice to any other right or remedy of the Provincial Government be guilty of an offence and liable to a fine not exceeding \$100.00 and the Provincial Government may do all such work as is necessary for securing the proper working of the meter and may recover the expenses reasonably incurred by them in so doing from the offender summarily as a civil debt if no Compensation Order is made as part of his sentence.

9.1 For the purpose of this section if it is proved that a consumer has altered the index of a meter it shall rest upon him to prove that he did not alter it fraudulently and the existence of any artificial means under the control of a consumer or preventing a meter from registering correctly shall be evidence that he has fraudulently prevented the meter from registering correctly.

9.2 If any person either:-

- (a) wilfully and without the consent of the Provincial Government; or
- (b) negligently turns on opens, closes, shuts off or otherwise interferes with any valve or other work or apparatus belonging to the Provincial Government and thereby causes the supply of water to be interfered with he shall be guilty of an offence and liable to a fine not exceeding \$10.00 whether proceedings be taken against him in respect of his offence or not the Provincial Government may recover from him summarily as a civil debt the amount of any damage sustained unless a Compensation Order to satisfy the amount due is made by a Court imposing sentence in respect of his offence. Provided always that this section shall not apply to a consumer closing a stop-cock fixed on the service pipe supplying his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

9.3 A consumer who has not obtained the consent of the Provincial Government shall not connect or disconnect any meter by means of which water supplied by the Provincial Government is intended to be or has been measured for the purposes of the payment to be made to them but if he requires such a meter to be connected or

disconnected shall give not less than twenty four hours notice of his requirements to the Provincial Government and of the time when the work can be commenced and thereupon the Provincial Government shall carry out the necessary work as soon as practicable and may recover from the consumer summarily as a civil debt the expenses reasonably incurred by them in so doing.

Passed by the Isabel Provincial Assembly this eleventh day of March 1993.

This printed impression has been carefully compared by me against the Ordinance passed by the Isabel Provincial Assembly and found by me to be a true and correct copy of the said Ordinance.

D. DARA
Clerk to the Provincial Assembly

Assented to by the Honourable Minister for Provincial Government this twenty-third day of June 1993.

E. SERI
Minister for Provincial Government