

(4) Any person who contravenes an Order made under this section shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(5) No compensation shall be payable for any loss or damage suffered in consequence of an Order made under this section whereby a restriction only is imposed.

(6) Any person suffering loss or damage in consequence of an Order made under this section, whereby a prohibition or a prohibition and restriction are imposed, shall be paid compensation therefor and, in default of agreement, the amount of such compensation shall be fixed by single arbitrator appointed by the Chief Justice.

25th March, 1955.

J. FLETCHER-COOKE,
Colonial Secretary.

No. 9 OF 1955.

A LAW TO MAKE PROVISION FOR THE CONSERVATION AND USE OF WATER RESOURCES, FOR THE BETTER DISTRIBUTION OF WATER SUPPLIES AND FOR PURPOSES CONNECTED THEREWITH.

R. P. ARMITAGE,]
Governor.

[28th March, 1955.

BE it enacted by His Excellency the Governor and Commander-in-Chief of the Colony of Cyprus as follows :—

Short title.

1. This Law may be cited as the Water (Development and Distribution) Law, 1955.

PART I.—PRELIMINARY.

2. In this Law, unless the context otherwise requires— Interpretation.
 “area” means a water development area declared under the provisions of this Law;

“Chairman” means the Chairman of a Committee;

“Committee” means a Water Development Committee established under this Law;

“Court” means the President of the District Court of the district within which the area or part of the area of a Committee, a party to the proceedings, is situated;

“domestic purposes” means any purposes which, according to the ordinary habits of life, are commonly satisfied in a home in Cyprus but shall not include the use of water for irrigation or for any trade, manufacture or business;

“immovable property” has the same meaning as in section 2 of the Immovable Property (Tenure, Registration and Valuation) Law;

Cap. 231
8 of 1953
4 of 1954

“private water rights” includes a right to take or utilize water irrespective of whether such right is held or enjoyed together with or independently of land;

“property” includes movable and immovable property;

“statutory water undertaker” means a Water Board established under the provisions of the Water Supply (Municipal and Other Areas) Laws, 1951 and 1954;

20 of 1951
21 of 1952
52 of 1954

“supply of water in bulk” means a supply of water for distribution by the undertakers taking the supply;

“water” means any water privately owned and not vested in the Government;

“water undertaker” means any company, partnership, board, commission, committee or other person supplying water within the area;

“waterworks” means wells, bores, reservoirs, dams, weirs, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, mains, pipes, fountains, sluices, valves, pumps, channels, engines and all other structures or appliances used or constructed for the storage, conveyance, supply, distribution, measurement or regulation of water which are so used or have been constructed under or for the purposes of any Law, under which a water undertaker is functioning or for the purposes of his undertaking.

PART II.—DEVELOPMENT AREAS AND COMMITTEES.

3.—(1) If it appears to the Governor-in-Council that the conservation and better use of water resources within a certain area, the provision of sufficient water supplies therein and their equitable distribution and availability at fair prices

Power to Governor-in-Council to declare areas.

or the effective execution of an island-wide policy relating to water, may thereby be more effectively secured, the Governor-in-Council may, by Order (hereinafter referred to as the "development Order") declare such area to be a development area and thereupon the provisions of this Law shall apply to this area.

(2) Any development Order may contain such incidental, consequential and supplementary provisions, as the Governor-in-Council may consider necessary or expedient for the effective carrying out of the Order.

Establishment of Water Development Committees.

4.—(1) On the declaration of an area under section 3, the Governor shall, by Order, establish a Water Development Committee in respect of that area.

(2) A Committee shall consist of—

(a) a Chairman and not more than five other members to be appointed by the Governor to hold office in accordance with the terms of the appointment for four years after the date of their appointment, unless such appointment is previously terminated by the Governor;

(b) where in any area there is functioning any statutory water undertaker such undertaker shall be entitled to be represented on the Committee by a person nominated by him as a member of the Committee to hold office for such period as may be specified in the nomination.

(3) The Governor may, by an Order made under sub-section (1), make further provision as to the method and procedure of nomination of members under paragraph (b) of sub-section (2).

(4) A Committee may make rules governing its own proceedings, the convening of its meetings, the quorum thereof, the appointment of sub-committees for certain purposes, and providing, subject to the approval of the Governor, for the payment of any allowances to any of its members.

(5) A Committee may act notwithstanding a vacancy among the members thereof.

Water Development Committee a body corporate.

5. A Committee, established under the provisions of this Law, shall be a body corporate by the name of "Water Development Committee of....." (*inserting a name indicating the area*) and by that name it shall have perpetual succession and a corporate seal in such form as may be approved by the Governor, with power to hold property, to enter into contracts, to institute or defend suits and other legal proceedings, and, generally, to do all things which may be necessary for the purpose of its establishment.

6.—(1) From and after the date of the establishment of a Committee in an area—

Effects of
establish-
ment of a
Committee.

(a) all water, private water rights and waterworks within the area shall, subject to the provisions of this Law, be transferred to and be vested in the Committee without any conveyance, assignment or transfer whatsoever, free from all charges, encumbrances, rights or liabilities of any nature notwithstanding anything contained in any provision of the Immovable Property (Tenure, Registration and Valuation) Law or any contract or agreement and the Director of Lands and Surveys shall cause any necessary amendment of any registration of any such water, private water rights or waterworks to be made:

Cap. 231.
8 of 1953
4 of 1954.

Provided that any water, water rights or waterworks, vested in any statutory water undertaker operating within the area, or governed and regulated by a special Law in force for the time being, shall not be transferred to or vested in the Committee but shall continue to be vested in and be the property of such undertaker:

Provided further that the owner of any water or waterworks or the beneficiary of any water rights vested under this paragraph in the Committee shall, for a period of three months from the date of such vesting or, in case of an application under section 26, until his application is disposed of, continue to exercise the same rights and perform the same acts in connection with that water, water rights or waterworks as on the date of the vesting;

(b) any statutory water undertaker functioning within the area shall, subject to the provisions of this Law, continue to function under the provisions of the Law under which he was functioning;

(c) any water undertaker, other than a statutory water undertaker, operating within the area may, subject to the provisions of this Law, continue to operate for one month after the date of the establishment of the Committee but if he desires to continue operating as such thereafter he shall, within the aforesaid period of one month apply, in the prescribed form to the Committee for a permit to continue and the Committee, if satisfied that he was actually operating on the date of the Committee's establishment, may grant the permit under such terms and conditions as the Committee may deem fit:

Provided that the Committee may, pending consideration of an application for a permit under this

paragraph, grant to the applicant an interim permit until the application is disposed of :

Provided further that any person aggrieved by the refusal to grant such permit or by the terms and conditions imposed by the Committee may appeal to the Tribunal, whose decision shall be final and conclusive.

For the purposes of this proviso "Tribunal" means a tribunal consisting of two persons appointed by the Governor under the chairmanship of a judicial officer appointed by the Chief Justice ;

- (d) subject to the provisions of the Wells Law and subject to paragraphs (b) and (c) of this sub-section, no person shall acquire, transfer, enjoy or operate any water, water rights or waterworks within the area, or shall convey or bring thereto or distribute thereto, therefrom or therein any water save under a permit, and subject to such terms and conditions as the Committee may impose.

(2) Any person who acts in contravention of paragraph (d) of sub-section (1) shall be liable to imprisonment not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine and any waterworks, other than waterworks consisting of immovable property, used in connection with the water in respect of which the offence was committed shall be forfeited.

Minutes.

7. Minutes of the proceedings of every meeting of a Committee shall be drawn up correctly and entered in a book kept for that purpose and shall be signed by the Chairman and, when so signed, shall be received in evidence in all proceedings without further proof.

Executing
decisions of
Committee.

8.—(1) It shall be the duty of the Chairman to see that all and every decision of the Committee is duly executed and, where such decision necessitates the expenditure of funds, to see that such expenditure is in accordance with the approved estimates.

(2) Notices and all documents and communications from the Committee shall be signed by the Chairman and communications to the Committee shall be addressed to the Chairman.

PART III.—FUNCTIONS OF THE COMMITTEE.

Functions of
a Committee.

9. Subject to the provisions of this Law, a Committee shall, within its area, have power to perform all or any of the following functions :—

- (a) to promote the conservation and develop the use of water resources and co-ordinate the distribution of water supplies ;

- (b) to provide and maintain, or secure or promote the provision and maintenance of, a good and sufficient supply of water and to keep or cause to be kept clean and in good repair all waterworks connected therewith :

Provided that no supply of water for any other purposes shall be made unless the supply of water for domestic purposes is not likely to be diminished or affected thereby ;

- (c) to furnish a supply of water in bulk, on such terms as may be agreed, to any water undertaker, whether statutory or not, within the area and, subject to the approval of the Governor, to any water undertaker, whether statutory or not, outside the area ;
- (d) to carry out a survey of all or any of the water resources in or available for the area and of the existing consumption of, and demand for, water supplies in the area ;
- (e) to prepare an estimate of the future water supply requirements of the area ;
- (f) to advise the Governor upon matters connected with the conservation and use of water resources and the administration and operation of any Law relating to or in any way affecting any such matters ;
- (g) to advise statutory water undertakers in the preparation and co-ordination of schemes relating to water supply ;
- (h) to require any water undertaker, whether statutory or not, to furnish information relating to their existing or proposed waterworks, the consumption of water and the demand for water supplies in the area where they are supplying or are authorized to supply water and the water resources in or available in that area ;
- (i) to require any water undertaker, whether statutory or not, functioning within the area to comply with such directions as the Committee may deem necessary for the better co-ordination of water supplies and distribution of water within the area :

Provided that any water undertaker dissatisfied with any such directions may within the prescribed period appeal to the Tribunal, whose decision thereon shall be final and conclusive.

For the purposes of this proviso " Tribunal " has the same meaning as in the second proviso to paragraph (c) of section 6.

General powers of the Committee.

10. For the purpose of providing its area, or any part thereof, with a supply of water, a Committee may, subject to the provisions of this Law—

- (a) construct, take on lease, or, with the approval of the Governor, purchase by agreement any waterworks wherever situated ;
- (b) with the approval of the Governor, purchase by agreement any immovable property, waterworks or undertaking of any water undertaker other than a statutory water undertaker ;
- (c) impose water rates or charges for the supply of water and for any services rendered in connection therewith ;
- (d) contract with any person for the supply of water to the Committee.

Power to the Committee to appoint officers.

11. The Committee may appoint such officers and servants as may be necessary for the efficient exercise of the powers and duties vested in, and imposed on, the Committee by this Law :

Provided that such officers and servants shall hold office during the pleasure of the Committee and shall receive such remuneration as the Committee, with the approval of the Governor, shall determine.

Power to enter upon land and compensation for damage.

12.—(1) Any person appointed by the Committee for the purpose of carrying out any repairs or improvements to any waterworks may, by himself, his agents or contractors, subject to a written authorization by the Chairman and after giving twenty-four hours prior notice to the owner and the occupier of any land, enter upon such land for the purpose of carrying out the work and cut down or remove all such trees, hedges, dry walls or other things which it may be necessary to cut down or remove for such purpose :

Provided that where any such land is situated within any forest no entry thereupon shall be made and no trees, hedges, dry walls or other things shall be cut or removed unless the consent of the Conservator of Forests is first obtained.

(2) For all property destroyed or damaged in the exercise of the powers conferred by sub-section (1), compensation shall be paid to the owner thereof by the Committee.

(3) Such compensation, if not otherwise agreed upon, shall be determined by two referees, one to be appointed by the Committee and one by the other party interested and, if such referees fail to agree, the compensation shall be determined by the Director of Lands and Surveys, whose decision thereon shall be final and conclusive.

13. Any person appointed by the Committee for the purpose of carrying out any work under this Law may, by himself, his agents or contractors, subject to a written authorization by the Chairman, open and break up any road or pavement :

Power to
break open
streets.

Provided that such person shall complete or cause the work to be completed with all convenient speed and shall, at the cost and expense of the Committee, fill in the ground and reinstate and make good the road or pavement so opened or broken up and remove the rubbish occasioned thereby, and shall, at all times whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded and shall cause a light sufficient for the warning of users of such road or pavement to be set up and kept thereat every night during which such road or pavement continues to be open or broken up.

14. Where the intended work consists only in the laying of pipes on or under any land or in the construction of any underground channel under any land, other than land covered with buildings, or in repairing or renewing any such pipes or channel, it shall not be necessary to acquire any land in connection therewith but in every such case the Committee shall, before laying such pipes or constructing such channel or repairing or renewing any such pipe or channel, serve on the owner and on the occupier of the land or affix on the land by means of a notice board, a notice of their intention together with a description of the intended work ; and, if within fourteen days after the service or affixing of the notice, the owner and the occupier fail to give their consent or if they attach to their consent any conditions to which the Committee objects, the Colonial Secretary may give his consent for the laying of such pipes or the construction of such channel or the repairing or renewing of such pipes or channel, either unconditionally or subject to such terms and conditions, including the payment of compensation as he thinks just, and such consent shall be sufficient authority for the carrying out of the intended work in accordance with the terms and conditions thereof.

Laying of
Pipes.

15. If any rates or charges payable under this Law or any Regulations made thereunder are not paid when properly due under this Law or any Regulations made thereunder, the Committee may, without prejudice to their right to proceed as in section 41 provided, cut off the supply of water to the premises and recover the expenses reasonably incurred by the Committee in so doing in the same manner as if they were a rate or charge due.

Power to
Committee
to cut off
supply.

Power to enter premises.

16.—(1) The Chairman of a Committee or any person authorized by him in writing in that behalf, may, without warrant, enter any premises at any time between the hours of sunrise and sunset or, in the case of any business premises, at any hour when the business is usually carried on, for the purpose of ascertaining whether the provisions of this Law or any Regulations made thereunder are being complied with :

Provided that admission to any premises used as a dwelling house shall not be demanded under this section unless twenty-four hours' prior notice of the intended entry has been given to the occupier.

(2) Any person who prevents or obstructs any person mentioned in sub-section (1) in the exercise of the powers conferred upon him by that sub-section shall be guilty of an offence and shall be liable to imprisonment not exceeding one month or to a fine not exceeding ten pounds or to both such imprisonment and fine.

Power to depute duties, powers and authorities.

17. The Chairman may, at any time by writing under his hand, depute to any person all or any of the duties, powers and authorities vested in him by the provisions of this Law.

COMPULSORY ACQUISITION OF IMMOVABLE PROPERTY.

Compulsory acquisition of immovable property or waterworks.

18.—(1) If any immovable property or waterworks, whether within the area or outside, required for any purpose within the duties or powers of a Committee cannot be acquired by agreement, the Committee may, by resolution passed by not less than three members thereof, decide that the immovable property or waterworks be acquired compulsorily for the purpose specified therein. Copy of such resolution and of the minutes relating thereto, together with a plan of such immovable property or waterworks and particulars as regards its owner, estimated value, description and any other matter which may be necessary for the purpose, shall be forwarded by the Chairman to the Governor for his consideration as hereinafter provided.

Schedule.

(2) The Chairman, before submitting for the consideration of the Governor the documents mentioned in sub-section (1) shall cause a notice in the form set out in the Schedule to be published in the *Gazette* and also to be posted at a conspicuous place within the area in which the immovable property or waterworks to be acquired are situated.

(3) At the expiration of the period set out in the notice, the Chairman shall forward to the Governor the documents mentioned in sub-section (1), together with any objection or statement made against the proposed acquisition.

(4) If the Governor approves the plan submitted and considers it expedient, having regard to all the circumstances, that the Committee should be permitted to acquire the immovable property or waterworks in question, he may, by notification published in the *Gazette*, sanction the acquisition of such immovable property or waterworks and, thereupon, such property or waterworks shall vest in the Committee free from all encumbrances and the notification of the Governor as aforesaid shall, in so far as it relates to immovable property, be sufficient authority to the Director of Lands and Surveys to cause the registration of such immovable property to be made in the name of such Committee in accordance with the plan approved by the Governor :

Provided that a Committee shall not be permitted to acquire a part only of any building if the owner thereof is willing and able to give a good title to the whole thereof.

(5) If the owner of the immovable property or waterworks does not agree with the Committee as to the sum to be paid as compensation for it, the same shall be determined and paid in accordance with the provisions of any Law in force for the time being provided for the acquisition of immovable property for public purposes.

COMPULSORY ACQUISITION OF UNDERTAKINGS.

19. A Committee may, with the authority of the Governor, acquire compulsorily as a going concern the undertaking of any non statutory water undertaker, whether operating within the area or outside, in any case where it deems it necessary so to do in the public interest and, in particular, in order to promote the simplification and standardization of methods of a supply of water and the co-ordination of its distribution within the area.

Compulsory acquisition of undertakings.

20. Where a Committee has been authorized by the Governor under section 19 to acquire the undertaking of any non statutory water undertaker, such Committee shall serve on such undertaker, either personally or by double registered post, a notice in writing specifying the date on which the Committee proposes to acquire the undertaking (in this Law referred to as "the date of acquisition") and, as from such date,—

Undertakings to vest on notice.

(a) the undertaking shall be transferred to, and vest in, the Committee free from all charges and encumbrances whatsoever, including all property and assets of the non statutory water undertaker in connection with the undertaking and the Director of Lands and Surveys shall cause any necessary amendment of any registration of any immovable property to be made ;

- (b) all book debts and other monies owing to the former water undertaker on account of the undertaking and the right to sue for, recover and give receipts for such debts and monies shall be transferred to, and vest in, the Committee ;
- (c) the rights and liabilities of the former water undertaker under any contract in respect of a work in connection with the undertaking which is in the course of construction, extension or repair shall be transferred to, and vest in, the Committee ;
- (d) the rights and liabilities of the former water undertaker under any contract in respect of the supply of water shall be transferred to, and vest in, the Committee.

Compensation on acquisition of undertaking.
Cap. 5.

21.—(1) The compensation in respect of the acquisition of the undertaking of a non statutory water undertaker shall, in default of agreement, be determined by arbitration under the provisions of the Arbitration Law, in accordance with the principles set out in sub-section (2), by reference to two arbitrators one to be appointed by each party and every such reference shall be deemed to constitute an arbitration agreement within the meaning of the said Law.

(2) In determining the compensation to be paid under sub-section (1) the arbitrators shall, subject to the provisions of section 23, have regard to the following considerations, and to the bearing of any such consideration upon the others, namely :—

- (a) the fair market value at the date of acquisition of the immovable property, waterworks, materials and plant of the undertakers suitable to, and used by, them for the purposes of the undertaking, due regard being had to the nature and condition of such immovable property, waterworks, materials and plant and to the state of repair thereof ;
- (b) the value, as assessed by the arbitrators, of any book debts and other monies and of any rights and liabilities transferred to the Committee by operation of paragraphs (b), (c) and (d) of section 20 ;
- (c) any amount collected by way of premiums by the undertakers in connection with the undertaking.

(3) Where the compensation for the acquisition of any undertaking is determined by arbitration in accordance with the provisions of this section, the Committee shall pay interest at the rate of four per centum per annum upon the amount of such compensation or any outstanding balance thereof from the date of the acquisition until the date of payment by the Committee of such compensation or balance.

(4) Where any property or any undertaking which is compulsorily acquired under the provisions of this Law is subject to any mortgage or any other legal charge whatsoever, the compensation or such part thereof as may be sufficient to discharge the mortgage or other charge, shall be paid to the mortgagee or person in whose favour the charge operates in satisfaction in whole or in part of the sum secured by the mortgage or which is subject to the charge.

22. Where there are persons having a share in, or any other right over, the water of any undertaking which is compulsorily acquired under the provisions of this Law, the following provisions shall have effect:—

Compensation
water on
acquisition
of under-
taking.

(a) the Committee shall, subject to the conditions under which such share or right was enjoyed or exercised, continue to supply every such person with a quantity of water sufficient for his reasonable domestic needs, having regard to the quantity of water which such person was receiving at the time of the acquisition of the undertaking and to the Committee's other commitments and obligations under this Law ;

(b) the person so supplied shall pay the same rates or charges paid by him on the date of the acquisition :

Provided that if the quantity of the water supplied is more than that received by him on the date of the acquisition or if its quality is improved, or if for the maintenance of the supply of the same quantity of water additional expenditure is required, the Committee may impose such additional rates or charges, as it may deem fit, but so that the rates or charges payable by such person shall not exceed the rates or charges payable under this Law by any person who had no share in, or any other right over, the water of the undertaking ;

(c) the fair market value of the water so supplied, at the date of the acquisition, shall be taken into account in estimating the compensation payable under section 23 and shall be deducted therefrom accordingly ;

(d) if any dispute arises as to the quantity of water to be supplied by the Committee, such dispute shall be referred by the Committee to the Director of Lands and Surveys for his decision :

Provided that any party aggrieved by the decision may, within thirty days from the communication to him of such decision, appeal to the Court of the district in which the water is found and the decision of such Court shall be final and conclusive on all parties.

GENERAL PROVISIONS IN RESPECT OF COMPULSORY
ACQUISITION.

Power to the
Governor
to have
compensa-
tion
ascertained
before
sanctioning
acquisition.

23.—(1) The Governor may, before sanctioning the compulsory acquisition of an immovable property or waterworks under sub-section (4) of section 18 or before authorizing the compulsory acquisition of the undertaking of any water undertaker under section 19, require the compensation to be paid in respect thereof to be ascertained in the manner provided by the immediately following provisions of this section.

(2) Where the Governor has required under sub-section (1) the ascertainment of the compensation the Committee shall—

(a) in the case of acquisition of immovable property serve a notice on any person interested calling upon him to have the compensation to be paid in respect thereof agreed upon or in default of agreement determined by arbitration ;

(b) in the case of acquisition of an undertaking serve on the water undertaker concerned a notice in writing (in this Law referred to as “ the notice of the proposed acquisition ”) informing him of the proposed acquisition, specifying the date thereof and calling upon him to have the compensation to be paid in respect thereof agreed upon or in default thereof determined by arbitration :

Provided that where any person to whom a notice under this sub-section is to be served is an infant, mental patient or is prohibited by a competent Court from the management of his affairs or is absent from the Colony, the provisions of section 72 of the Immovable Property (Tenure, Registration and Valuation) Law shall apply *mutatis mutandis*.

(3) If within one month from the serving of a notice under sub-section (2) the compensation payable by the Committee is not agreed upon, such compensation shall be determined by arbitration under the provisions of the Arbitration Law, or any Law amending or substituted for the same, in accordance with the principles set out in the Land Acquisition Law, or any Law amending or substituted for the same, in the case of acquisition of immovable property, or in sub-section (2) of section 21 in the case of acquisition of an undertaking, by reference to two arbitrators, one to be appointed by each party, and every such reference shall be deemed to constitute an arbitration agreement within the meaning of the said Law :

Provided that in determining such compensation in the case of an undertaking the date specified in the notice of the proposed acquisition shall be deemed to be the date of acquisition.

Cap. 231.
8 of 1953
4 of 1954.

Cap. 5.

Cap. 233.
26 of 1952.

(4) If the Committee considers that the amount of compensation to be paid in respect of the acquisition as determined by the arbitrators is such that it would be against the public interest to proceed with the proposed acquisition, the Committee may, with the authority of the Governor—

(a) in the case of a notice published in the *Gazette* under sub-section (2) of section 18 withdraw such notice by a notice to that effect published in the *Gazette* ;

(b) in the case of a notice of acquisition under section 20 withdraw, by a notice in writing served upon the water undertaker, the notice of the proposed acquisition,

and thereupon in either case such notice shall be deemed to be of no effect :

Provided that the Committee shall pay to the water undertaker any expenses reasonably incurred by him as a result of the service of a notice under sub-section (2).

(5) For the purposes of this section a notice may be served either personally or by a double registered post.

24. A Committee may, at any time before the vesting in it of any immovable property or any undertaking of any non statutory water undertaker, abandon the acquisition :

Abandonment of acquisition.

Provided that all costs and expenses incurred by any owner or occupier of the immovable property or the non statutory water undertaker as a result of such abandonment shall be paid by the Committee.

25. A Committee may, with the consent of the Governor, sell, lease or exchange any immovable property, waterworks or undertaking compulsorily acquired under the provisions of this Law which is found not to be required for the purposes in respect of which it has been acquired.

Power to a Committee to sell immovable property, etc., compulsorily acquired.

PART IV.—COMPENSATION FOR WATER, PRIVATE WATER RIGHTS AND WATERWORKS.

26.—(1) Any person claiming that any water, water rights or waterworks belonging to or enjoyed by him have been vested in the Committee under paragraph (a) of sub-section (1) of section 6 may, within three months from the date of the establishment of such Committee, lodge with its Chairman a petition in writing in the prescribed form (hereinafter in this section called “the petition”) specifying the water, water rights or waterworks claimed by him and the grounds upon which the petitioner relies to establish his claim.

Claims by interested parties.

(2) The Chairman shall, upon receipt of the petition, submit the petition to the Committee for consideration.

(3) The Committee shall, with all reasonable speed, proceed to consider the petition and shall inform the petitioner in writing of its decision not later than three months from the date of the lodging of the petition.

(4)—(a) If the petitioner's claim is accepted by the Committee, compensation shall be paid to him as in this Law provided.

(b) If the petitioner's claim is not accepted by the Committee, the Chairman shall, within fifteen days from the date of the decision of the Committee, transmit the petition to the Court.

(5) The Court shall, within two months from the date of the transmission of the petition, under sub-section (4), fix a date for the hearing thereof and shall cause notice thereof to be served upon the petitioner and the Chairman or any other interested party.

(6) The procedure for the time being in force relating to the hearing of civil actions shall apply to the hearing of the petition and the Court shall, in relation to any such hearing, have all the powers of a Court in trying a civil case.

(7) The Court shall determine the nature, extent and value of the water, water rights or waterworks claimed and estimate the compensation to be paid thereof, and its judgment shall be final and conclusive and no appeal shall lie therefrom :

Provided that the Court, at any stage of the proceedings and subject to any Rules of Court, may, on its own motion, and shall, at the request of any of the parties, reserve for the opinion of the Supreme Court any question of law arising in the proceedings, in the form of a special case, and the Supreme Court shall hear and determine the question of law arising in such special case and such opinion shall be binding on the Court.

Principles of
determining
compensa-
tion.

Cap. 233.
26 of 1952

27.—(1) In estimating the compensation to be paid under sub-section (7) of section 26 the Court shall, subject to sub-section (2) and sub-sections (2) and (3) of section 28, apply the same principles *mutatis mutandis* applicable in the assessment of compensation for the compulsory acquisition of land under the Land Acquisition Law or any Law amending or substituted for the same.

(2) In estimating the compensation under sub-section (1) and in applying the principles applicable to the assessment of compensation for compulsory acquisition of land the

Court shall have regard to the following considerations and to the bearing of any such considerations upon the other, namely—

- (a) where the water was held or enjoyed together with any land, the average net income derived therefrom during the immediately preceding five years, capitalized at the rate of four per centum ;
- (b) where the water was held or enjoyed independently of any land the amount which such water could fetch if sold in the open market by a willing seller to a willing buyer.

28.—(1) A Committee may, instead of paying in cash the whole or any part of the compensation, undertake to supply the beneficiary of any water or private water rights, vested in the Committee under paragraph (a) of sub-section (1) of section 6, with a quantity of water sufficient for his reasonable domestic needs and for irrigation purposes of such land within the area as has been irrigated by such quantity of water during the five years immediately preceding the date of the vesting, if any, due regard being had to the quantity of water at the disposal of the Committee and the other commitments of the Committee.

Compensation water on vesting of water, etc.

(2) The fair market value of any water undertaken to be supplied by the Committee under sub-section (1) shall be taken into account in estimating the compensation under section 26.

(3) Where in supplying compensation water under sub-section (1) any capital improvement of any waterworks are made, the fair market value of such improvements shall be taken into consideration in estimating the compensation under section 26.

29. Compensation payable under the provisions of this Part in respect of any water or water rights vested in a Committee under paragraph (a) of sub-section (1) of section 6 shall be paid as soon as such compensation has been agreed or otherwise determined under the provisions of this Law together with interest thereon at the rate of four per centum per annum as from the date of the vesting to the date of final payment :

Payment of compensation by a Committee.

Provided that the Court may fix another time for, and the manner of, payment :

Provided further that, by agreement, any compensation may be discharged by the supply of such quantity of compensation water as may be agreed upon between the Committee and the beneficiary concerned.

30. A Committee may, with the consent of the persons entitled thereto, discharge the whole or any part of the compensation payable under this Part by the issue to or the

Discharge of compensation by issue of securities.

creation in favour of the persons entitled thereto of such amount of securities as are equivalent in value to the whole or part, as the case may be, of the compensation in respect of which the securities are issued or created.

PART V.—GENERAL FINANCIAL PROVISIONS.

Power to a Committee to borrow money.

31. For the purpose of enabling a Committee to carry out its functions under this Law, the Committee may, with the consent of the Governor, borrow money from any person in such manner and subject to such conditions as the Governor may impose.

Power to a Committee to issue securities.

32.—(1) A Committee may, for the purpose of raising money which it is authorized to borrow under this Law and for the payment of any compensation payable under this Law, issue stock debentures or other securities.

(2) All such securities and interest thereon shall be charged on the property and the revenues of the Committee.

(3) Subject to the provisions of this Law, any securities created by the Committee under the provisions of this Law shall be issued, transferred, dealt with and redeemed according to Regulations made by the Governor in Council.

Power to Governor to guarantee loans to a Committee.

33. The Governor may guarantee in such manner and upon such terms as it may think fit the payment of the interest and principal or either of them, of any loan proposed to be raised by a Committee.

Fund.

34. All sums received by a Committee shall be paid into a fund, and out of that fund the salaries and remuneration, of the officers and servants of the Committee and all expenses and obligations incurred by the Committee, shall be paid.

Investment of monies.

35. All monies of a Committee not immediately required to be expended in meeting any obligations or for the discharge of any functions of the Committee may be invested in such securities as may be approved by the Governor.

Scales of rates and charges for water supply.

36.—(1) All rates or charges made by a Committee for the supply of water and for any services rendered by the Committee, in connection therewith, shall be fixed at such rate and on such scale that the revenue derived therefrom by the Committee in any year, together with its revenue (if any) in such year from other sources, will be sufficient and only sufficient, as nearly as might be, to pay all expenses and meet all obligations of the Committee properly chargeable to income in that year (including the payments falling to be made in such year by the Committee in respect of the interest on, or repayment of, the principal of any money borrowed by the Committee and provision for the redemption of securities

issued by a Committee under this Law) and such sums as a Committee may think proper to set aside in that year for reserve fund, extensions, renewals, depreciation, loans and other like purposes.

(2) The rates or charges under this section may, if a Committee thinks fit, be fixed at different rates and scales for different localities or for different purposes, but so that no undue preference shall be given to any locality.

37.—(1) A Committee shall cause proper accounts and books in relation thereto to be kept, and shall prepare an annual statement of accounts. Accounts and audit.

(2) The accounts of the Committee and of their officers shall be audited by an auditor or auditors appointed annually by the Committee subject to the approval of the Accountant-General.

(3) As soon as the accounts have been audited, the Chairman shall send a copy thereof to the Governor, together with a copy of any report of the auditor thereon, and shall publish the accounts in such manner as the Governor may direct.

(4) The auditor's fees and any expenses of the audit shall be paid by the Committee.

38. A Committee shall be exempt from the payment of any stamp duty under any Law for the time being in force relating to stamp duties. Exemption from stamp duties.

PART VI.—MISCELLANEOUS.

39.—(1) Where a complaint is made to the Governor that a Committee or a statutory water undertaker has made default in the performance of any of the duties mentioned in this Law or in enforcing any of the provisions of this Law which it is their duty to enforce, the Governor, if satisfied after due inquiry that the Committee or the undertaker has been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. Default powers of the Governor.

(2) If such duty is not performed by the time limited in the order, such order may be removed into the Supreme Court and enforced as if the same had been an order of such Court, or the Governor may appoint a temporary board consisting of three or more persons to perform such particular duty, and shall by order direct that the expenses of performing the same shall be paid by the Committee in default, and any order made for the payment of such expenses may be removed into the Supreme Court and enforced as if the same were an order of such Court. The Governor may from time to time by order change the constitution of any such board.

(3) Any board appointed under this section to perform the duty of a defaulting Committee shall, in the performance and for the purposes of such duty, be invested with all the powers of such Committee necessary for the performance of such duty.

Power to
Governor
to abolish
an area.

40. The Governor may, by order published in the *Gazette*, abolish any area and give such incidental, consequential and supplementary directions as to him may seem fit for the effective carrying out of the order including directions for the winding up of the affairs of such area and for the disposal of any assets and liabilities of such area.

Collection
of rates or
charges.

41.—(1) If any rates or charges payable under this Law or any Regulations made thereunder, though properly due, remain unpaid, the Chairman of the Committee may forward to the Comptroller of Inland Revenue a certificate under his hand recording the names of the persons who have failed to pay such rates or charges as specified therein and the Comptroller, upon receipt of such certificate, shall issue a warrant authorizing the collection of such rates or charges, together with an increase of twenty-five per centum over the rates or charges due.

Cap. 303.

(2) Every such warrant shall be in the like form with the necessary modifications as a warrant issued under the Tax Collection Law and shall be enforced and the like proceedings may be had thereon as if it were a warrant issued under the said Law.

Offences.

42.—(1) Any person who fails or refuses, without reasonable excuse, to give to a Committee such information as is required to be given under the provisions of this Law, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five pounds, and, in the case of a continued failure or refusal, to a fine not exceeding five pounds for every day or part of a day on which such failure or refusal continues after the first day on which a conviction is had.

(2) Any person who wilfully gives any false information as is required to be given under the provisions of this Law, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds.

(3) Any person who—

- (a) obstructs any officer or servant of a Committee in carrying out any of the provisions of this Law or any Regulations made thereunder;
- (b) alters, enlarges or obstructs any waterworks or destroys, defaces or moves any level mark, beacon or other structure in connection with such works;
- (c) impounds, diverts or takes any water unless authorized under the provisions of this Law;

(d) interferes with or alters the flow of or pollutes or fouls any water vested in a Committee under this Law or interferes with the distribution of any such water or wastes any such water, or after notice to refrain from doing so takes more water than he is entitled to or uses it in a manner contrary to this Law or any Regulations made thereunder,

shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

(3) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other officer of the body, he as well as the body, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

43.—(1) A Committee may make Regulations for all or any of the following purposes, that is to say:— Regulations.

(a) regulating the laying of main pipes and the connection therewith of the various houses and other buildings by the users of water within the area and the distribution of the water to such houses and other buildings ;

(b) prescribing the size, nature, materials, strength and workmanship and the mode of arrangements, connection, disconnection, alteration and repair of the pipes, channels, fittings and other waterworks used for the purpose of the water supply and providing for the control and test of such pipes, channels, fittings and other waterworks ;

(c) regulating the use of the water and preventing any waste, undue consumption, misuse, erroneous measurement or contamination of such water ;

(d) providing for the maintenance of the water supply within their area and of any works connected therewith ;

(e) regulating the supply and use of water in case of drought or other emergency ;

(f) subject to the provisions of this Law, prescribing the rates or charges to be levied in connection with the supply or use of water and the time or times at which such rates or charges shall be paid ;

(g) providing for and regulating the licensing of waterworks fitters ;

(h) generally, for the better carrying out of the provisions of this Law.

(2) Regulations under this section shall not be inconsistent with the provisions of this or any other Law or any Rules or Regulations made thereunder, and shall be subject to the approval of the Governor and shall not come into operation until they have been approved by him and published in the *Gazette*.

(3) Any Regulations made under sub-section (1) may prescribe a penalty of a fine not exceeding twenty-five pounds for any breach thereof, to be paid into the fund of the Committee.

(4) The Chairman of a Committee may, at his discretion, compound any offence against the provisions of any Regulations by accepting from the person who has committed or who is reasonably suspected of having committed such offence a payment of money not exceeding the maximum monetary penalty prescribed in sub-section (3) and the amount so collected shall be paid into the fund of a Committee.

Court to order payment of fees or duties not paid.

44. Whenever a person is convicted of an offence against this Law or any Regulations made thereunder, the Court trying the offence shall, in addition to any other punishment it may consider fit to impose on such person, order such person to pay any rates or charges due in respect of the matter to which the offence relates.

SCHEDULE.
(Section 18).

THE WATER (DEVELOPMENT AND DISTRIBUTION) LAW, 1955.

Notice is hereby given that the following immovable property/waterworks (*describe property to be acquired*) is required by the Water Development Committee of..... for.....(*set out the purpose*).

Any person claiming to have any right or interest in the said immovable property/waterworks, who objects to the acquisition thereof, is required within six weeks from the date of the posting of this notice to send to me a statement of his rights and interest and of the evidence thereof, and of any claim made by him in respect of such right or interest.

The Water Development Committee of.....is willing to treat for the acquisition of the said immovable property/waterworks.

A plan showing the immovable property described above is available for inspection at.....

More particulars with regard to the waterworks may also be obtained at.....

Dated this day of , 19 ,

.....
Chairman of the Water Development Committee of.....

Posted this day of , 19 .

(Sgd).....

29th March, 1955.

J. FLETCHER-COOKE,
Colonial Secretary.