

PROVINCIAL GOVERNMENT ACT 1997
(No. 7 of 1997)

THE TEMOTU (LATA TOWNSHIP) WATER SUPPLY
ORDINANCE 2005
AN
ORDINANCE
TO
PROVIDE FOR THE MAINTENANCE OF WATER SUPPLY
SYSTEMS AND THE RECOVERY OF WATER CHARGES
AT LATA TOWN

Enacted by the Temotu Provincial Assembly

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1. **Short title and commencement** - This Ordinance shall be cited as the Temotu (Lata Township) Water Supply Ordinance 2005 and shall come into force after assent by the Minister of Provincial Government.

2. **Interpretation** - In this Ordinance, unless the context otherwise requires -
“Executive” means the Temotu Provincial Executive.

“Water System” means the totality of the water and infrastructure from an including the water source to the supply of water to the consumer.

3. **Area of application** - This Ordinance applies only to the area situated and known as Lata Town and encompasses the areas known as LR 751, 668, 896, 791, 589 lot 2, 700, 925, 926 lot 3, 797, 750, 813 and 926 lot 1.
4. **Responsibility to provide water supply** - Subject to the provisions of this Ordinance, the Provincial Government is responsible for the supply of wholesome water to Lata Township and the installation and maintenance of the water supply system and to make reasonable charges for the supply of water and the installation of fittings and for the maintenance and repair of the system.
5. **Consent required connecting or disconnecting water** - A person intending to use or disconnect water supplied under this ordinance shall obtain the consent of the Provincial Assembly.
6. **Power to stop water** - The Provincial Government may stop water services temporarily if that is necessary to:
 - (a) undertake repairs to any part of the water service;
 - (b) respond appropriately to a situation or an event that is or may become a nuisance or danger to public health: or
 - (c) in the event of water shortage.
7. **Power to restrict water supply** - The water supply to a person's property or building may be restricted if the person:
 - (a) commits an offence under this Ordinance; or
 - (b) fails or refuses to do anything required by this Ordinance in respect of water, or water system;
 - (c) refuses entry to, or obstructs an Authorised Officer.

8. **Wastage of water** - A person who is supplied reticulated water under this Ordinance must not waste the water or allow to be wasted or misused
 - 8.1 The expenses reasonably incurred by the Provincial Government in discovering the wastage or misused of water shall be recoverable by them whether or not the cause of the wastage or misuse was by supply pipes or fittings which the Provincial Government is not obligated to maintain.
9. **Supply of water fittings** - The Provincial Government may supply and regulate the supply of water fittings and may do any work in connection with the installation, repair and alteration of water fittings whether supplied by them or not.
10. **Charges for the supply of work done on water fittings** - the Provincial Government may charge for any fittings supplied or any materials provided and for any work done in regard to to the installation, repair or alteration of water fittings.
11. **Chargeable water rate** - The Provincial Government may charge water rates under this Ordinance and such rates shall be fixed by the Executive from time to time.
 - 11.1 Such water rates shall be payable monthly and if not so paid shall be payable on demand as provided in section 15.1.
12. **Appointment of Authorised Officers** - The Provincial Government may appoint suitable persons to be Authorised Officers to ensure that the matter covered by this Ordinance are adequately administered and enforced.
13. **Right of entry** - Any Authorised Officer and duly authorized agents and servants of the Provincial Government shall on producing if required some authenticated document, have the right of access to any premises at all reasonable times to which water is supplied for the purpose of:
 - (a) ascertaining whether there is in connection of the premises any contravention of this Ordinance;

- (b) ascertaining whether or not circumstances exist which would authorise or require the Provincial Government to take action or execute any work under this Ordinance; and
 - (c) taking any action or executing any work authorised or required under this Ordinance.
- 13.1 Admission to any dwelling not being a workshop or work place shall not be demanded as of right unless 24 hours of notice of the intended entry has been given to the occupier in writing.
- 13.2 Any person who willfully obstructs any person upon whom a right of entry has been conferred under this Ordinance shall be liable on a summary conviction to summary conviction to a fine not exceeding \$200.00.
14. **Notices** - All notices, consents, demands and other documents authorised under this Ordinance shall be in writing and signed by such person the Provincial Government so authorises.
- 14.1 Any notice, consent, demand or other document required to be served under this Ordinance may be served either:
- (a) by delivering it to the person on whom it is to be served; or
 - (b) in the case of an incorporated society or body be delivering it to the secretary; or
 - (c) by leaving it with an adult Occupier of the premises or place to which the notice relates or by posting it upon a conspicuous part of the premises or place.
15. **Liability for water rates** -The Occupier of premises whether domestic or commercial shall be liable for the payment of water rates. For the purpose of this section the water rate includes any additional charges under this Ordinance and payable to the Provincial Government.
- 15.1 The water rate is payable on demand. If any person fails to pay within 14 days after a demand is made in

writing and served on the Occupier for payment of water rate due in respect of the premises, the Provincial Government may, subject to section 15.2, cut off the supply of water to premises and recover the expenses reasonably incurred by them in doing so.

15.2 If before the expiration of the 14 days, the Occupier gives notice to the Provincial Government that there is a dispute as to the amount due in respect of the water rate or as to liability to pay the rate the Provincial Government shall not cut off the water until dispute is settled.

15.3 Where the Provincial Government cuts off the supply of water to an inhabited house, it shall within 48 hours notify that they have done so to the Environmental Health Authority for th district.

16. **Offences** - Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who:
- (a) obtains water without the consent of the Provincial Government;
 - (b) takes water from the Provincial Government to supply another person without consent; or
 - (c) permits that other person to take water supplied by the Provincial Government;
 - (d) fraudulently altering the index of any meter or other device used for measuring water supplied to them or prevents such a device from registering correctly the quantity of water supplied;
 - (e) baths or washes cloths or other things in, or throws animals, refuse, litter or debris into the water of a water source;
 - (f) carries out work on or in relation to a water source without first -
 - (i) notifying the Provincial Government of the intention to carry out the work;

- (ii) obtaining authorisation from the Provincial Government to undertake work on terms the Provincial Government thinks fit.
- 16.1 If a person willfully or negligently or without the consent of the Provincial Government opens, shuts or otherwise interferes with any valve or other work or apparatus belonging to the Provincial Government which causes the supply of water to be interfered with shall be guilty of an offence and liable to a fine not exceeding \$500. Provided that this section shall not apply to a consumer closing a stop-clock fixed on the service pipe supplying his or her premises so long as he or she has obtained the consent of any other consumer whose supply will be affected by the closure
- 16.2 The Provincial Government may:
- (a) recover expenses reasonably incurred in enforcing this Ordinance; and
 - (b) in addition to, or instead of, the penalty for the offence under section 16, recover the cost incurred in repairing any damage done to the water system.

Passed by the Temotu Provincial Assembly this first day of September 2005.

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

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Clerk of the Provincial Assembly

Assented to by the Honourable Minister for Provincial Government

this sixth day of December 2005.

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Minister for Provincial Government

Honiara, Solomon Islands
Printed under the authority of the
Solomon Islands Government

Printed by Solomon Islands Printers Ltd.