

Water Supply Act 1955

Commencement: 3 January 1955

LAWS OF THE REPUBLIC OF VANUATU REVISED EDITION 1988

CHAPTER 24

WATER SUPPLY

JR 1 of 1955
JR 5 of 1963
JR 11 of 1971
JR 53 of 1973
JR 11 of 1977
Act 9 of 1985

ARRANGEMENT OF SECTIONS

SECTION

PART I

Connection to the Water Supply

1. Application for connection to water supply
2. Connection to water supply
3. Extension to end at boundary of property
4. Cost of extension
5. Payment of deposit
6. Consequence of failure to complete payment
7. Bank guarantee required in certain cases
8. Liability for cost of extension in event of change of ownership of property

9. Authority of owner required for connection of other persons within 5 years of extension

PART II

Regulation of the Supply of Water

10. Interpretation

11. Water charges

12. Water readings
13. Objections to accounts

14. Disconnecting water supply in case of non-payment of account
15. Ownership and responsibility for maintenance of apparatus
16. Offences
17. Government not liable for failure to supply water
18. Disconnection of water supply from premises vacated without notice
19. Examination of installation
20. Regulations

WATER SUPPLY

To provide for connections to the public water supply, the regulation of the supply of water by pipe by Government and the maintenance and protection of the water supply undertaking.

PART I CONNECTION TO THE WATER SUPPLY

APPLICATION FOR CONNECTION TO WATER SUPPLY

1. Any person or group of persons (hereinafter referred to as "the applicant") being the owner or occupier of any immovable property and requiring such property to be connected to the public water supply may apply in writing to the Director of Public Works.

CONNECTION TO WATER SUPPLY

2. Subject to technical and material practicability the Public Works Department shall connect the property of the applicant to the water supply system on payment by him of the cost of any necessary extension from the water mains to the property to be served.

EXTENSION TO END AT BOUNDARY OF PROPERTY

3. The extension shall end at the boundary of the property to be served at which point shall be placed the water meter of the Public Works Department. Any part of the supply system between the water mains and the meter shall thereafter be deemed to belong to the Public Works Department and any part beyond the meter the property of the applicant.

COST OF EXTENSION

4. The cost of extension shall be calculated on the basis of the actual cost of labour and materials used in the extension and any alterations required to the supply system to permit the extension; to this amount shall be added a surcharge of 25 per cent to cover the cost of supervision and overheads.

PAYMENT OF DEPOSIT

5. Before work on the extension is commenced the applicant shall deposit with the Treasury an amount equal to 25 per cent of the estimated cost of extension as assessed by the Public Works Department. The applicant shall pay the balance within 3 months of the extension being completed, the date of completion being notified to the applicant by the Director of Public Works in writing.

CONSEQUENCE OF FAILURE TO COMPLETE PAYMENT

6. In the event of the applicant failing to complete payment within the prescribed time the Public Works Department may, without prejudice to the recovery of any amount due for labour used, disconnect the property and recover the materials used in the extension.

BANK GUARANTEE REQUIRED IN CERTAIN CASES

7. Before work is commenced on any extension estimated to cost more than VT9,000 the applicant may be required to produce a bank guarantee or other acceptable security equal to the amount payable after completion of the extension.

LIABILITY FOR COST OF EXTENSION IN EVENT OF CHANGE OF OWNERSHIP OF PROPERTY

8. If ownership of the property changes before the cost of extension is paid by the applicant the liability for any balance due shall remain with the applicant until the new owner of the property accepts liability in writing and produces security to the satisfaction of the Director of Public Works to replace any security given under section 7. On completion of payment any rights over the extension arising under section 9 shall be deemed to belong to the owner of the property served by such extension.

AUTHORITY OF OWNER REQUIRED FOR CONNECTION OF OTHER PERSONS WITHIN 5 YEARS OF EXTENSION

9. For a period of 5 years after the date of completion of any extension no other person shall be connected thereto unless authorised in writing by the owner or owners of the property or properties for which the connection was made under the provisions of section 2.

PART II REGULATION OF THE SUPPLY OF WATER

INTERPRETATION

10. In this Part, unless the context otherwise requires-

"consumer" means a person in occupation of any premises to which a water supply pipe and meter have been laid;

"Minister" means the Minister responsible for water supply;

"premises" means any land, building or other property to which a water supply pipe and meter have been laid;

"Director of Public Works" includes any person charged with the duties of that office.

WATER CHARGES

11. The charges in respect of water supplied by pipe to a consumer's premises shall be prescribed by Order made by the Minister.

METER READINGS

12. (1) All water registered on a meter shall be held to have been consumed by the consumer and meter readings shall be taken by a person authorised in writing by the Director of Public Works for that purpose:

Provided that in the event of the consumer's meter breaking down or being defective during any quarter, his consumption may be determined by the person authorised to read meters by averaging the consumer's consumption over 4 previous quarters. If the consumer has occupied the premises for less than 4 quarters, consumption shall be determined by averaging his consumption over his period of occupation.

(2) An account shall be sent in the months of April, July, October and January to each consumer, and, subject to the provision of section 13, a consumer shall, within 1 month of the receipt of such account, pay to the Government the sum stated to be due.

OBJECTIONS TO ACCOUNTS

13. Should a consumer object to an account he may within 7 days of receipt of such account present his objections in writing to the Director of Public Works whose decision as to the amount due shall be final. Failure to object within the prescribed period shall be held to constitute an admission by the consumer of the correctness of the account.

DISCONNECTING WATER SUPPLY IN CASE OF NON-PAYMENT OF ACCOUNT

14. In the event of a consumer failing to pay an account within the period specified in section 12, or, if he shall have lodged an objection to such account in accordance with the provisions of section 13, within 1 month of the communication to him of the decision of the Director of Public Works, the Government may at the cost and expense of the consumer disconnect the supply pipes to the premises of the consumer and discontinue the supply of water to him without prejudice to the rights of the Government to recover from the consumer any sums due by him in respect of water supplied to him and in respect of meter rental and the cost and expense of such disconnection.

OWNERSHIP AND RESPONSIBILITY FOR MAINTENANCE OF APPARATUS

15. The Government shall retain the ownership of, and subject to the provisions of section 17 shall be responsible for the maintenance of, all supply pipes, valves and other apparatus, including the meter, supplied by it. All connections, fittings and other apparatus used in carrying water from a meter to the consumer shall be provided by the consumer at his expense:

Provided that any connection to a meter shall be made only by the Director of Public Works or a person authorised by him to make such connection.

OFFENCES

16. Any person who wilfully or fraudulently or by culpable negligence suffers to be injured or altered any water line or fire hydrant, valve, meter, fittings, apparatus or works belonging to the Government or alters the index of any meter or prevents any meter from duly registering the quantity of water supplied or fraudulently abstracts or uses water supplied by the Government shall be guilty of an offence and shall on conviction be liable to a penalty not exceeding VT20,000, or to imprisonment for a term not exceeding 1 month and the court in imposing such penalty may, in addition, order such offender to sustain the cost of any damage so caused and to pay the Government any charges which by virtue of the offence it may assess the Government to have lost.

GOVERNMENT NOT LIABLE FOR FAILURE TO SUPPLY WATER

17. The Government shall not be liable to any person by reason of any partial or total failure of the supply of water from any cause whatsoever, and may at any time temporarily discontinue the supply of water whenever in the opinion of the Director of Public Works such discontinuance is desirable for the purpose of ensuring the efficient operation of any works under the Government's control or for the purpose of conserving water resources.

DISCONNECTION OF WATER SUPPLY FROM PREMISES VACATED WITHOUT NOTICE

18. If a consumer vacates any premises without giving prior notice in writing to the Director of Public Works, the Director may cause the disconnection of the water supply to such premises, and the consumer shall be held liable for the payment of any charges registered on the meter when the meter reading is taken and for the cost and expense of any disconnection of supply.

EXAMINATION OF INSTALLATION

19. The Director of Public Works shall be entitled to examine any installation provided by the consumer and connected to the water supply, and for that purpose shall have the right to enter any premises to which a water supply pipe and meter have been laid.

REGULATIONS

20. (1) The Minister may by Order make regulations not inconsistent with this Act for the better carrying out or giving effect to the provisions of this part of this Act.

(2) Without derogating from the generality of subsection (1) the Minister may in such Order provide for-

- (a) charges payable by consumers;
- (b) charges payable for the supply of water to ships berthing in the ports of Port Vila and Luganville;
- (c) the payment of deposits by consumers;
- (d) the general conditions under which water is supplied.

SUBSIDIARY LEGISLATION

WATER SUPPLY (FEES AND CHARGES) REGULATIONS

0 36 of 1985

ARRANGEMENT OF REGULATIONS

REGULATIONS

1. Fees and charges
2. Consumer agreement

SCHEDULE 1
SCHEDULE 2

SUBSIDIARY LEGISLATION

WATER SUPPLY (FEES AND CHARGES) REGULATIONS

To prescribe deposit and reconnection fees and charges for water supplied to consumers and ships berthing in Port Vila and Luganville.

FEES AND CHARGES

1. In respect of the several matters contained in Schedule 1 there shall be paid to the Government of the Republic of Vanuatu the several sums for the fees and charges specified in Schedule 1.

CONSUMER AGREEMENT

2. The supply of water to a consumer's premises shall be provided subject to the consumer's agreement specified in Schedule 2.

SCHEDULE 1

1. Deposit fees payable by consumers living in the areas specified in Part A are specified in Part B.

PART A (Areas) - PART B (Fees)

Port Vila - VT3,000
Luganville - VT3,000
Isangel - VT3,000
Lakatoro/Norsup - VT3,000

2. (i) The quarterly water charges payable by consumers living in Port Vila and Luganville shall be as follows -
In respect of each cubic metre of water consumed the charge shall be VT40 per cubic metre.
- (ii) The quarterly water charges payable by consumers living in Lakatoro, Norsup and Isangel shall be as follows -
In respect of each cubic metre of water consumed the charge shall be VT35 per cubic metre.
- (iii) If a meter is faulty and does not register any consumption and the Director of Public Works or his representative or agent is satisfied that the consumer is consuming water, the water charges shall be calculated based on the average of the last 3 actual consumptions. If this happens during the first reading then the flat rate of VT600 shall be applied. If it happens during the second reading the first quarter figure is used. If it happens during the third reading, then the average of the first and second readings are taken.
3. For water supplied to ships berthing in Port Vila and Luganville the charges shall be as follows -

Port Vila - VT50 per cubic metre
Luganville - VT50 per cubic metre.

4. Reconnection fees payable by consumers living in the areas specified in Part A are specified in Part B.

PART A (Areas) - PART B (Fees)

Port Vila - VT1,500
Luganville - VT1,500
Lsangel - VTI,500
Lakatoro/Norsup - VTI,500

SCHEDULE 2

REPUBLIC OF VANUATU

DEPARTMENT OF PUBLIC WORKS AND WATER SUPPLY

(Consumers Agreement No.)

AGREEMENT made the day of 98

BETWEEN the Government of the Republic of Vanuatu represented by the Director of Public Works or his representative or agent (hereinafter the "Government") of the one part

AND of (hereinafter "Consumer") of the other part.

WHEREAS the Government agrees to supply water to the Consumer;

AND WHEREAS having read the provisions of the Water Supply Act, Cap. 24 and the Water Supply (Fees and Charges) Regulations, including any amendment thereto the Consumer agrees to pay the fees and charges specified in the said Regulations made pursuant to the said Act subject to the conditions hereinafter set out -

1. The Consumer agrees -

- (a) to pay the Government a deposit fee of VT..... as an advance on consumption which sum will be refunded when this agreement is terminated;
- (b) to pay for the water charges when the bill is presented by the Government to the consumer and to make payment within the period specified in section 12(2) of the Act;
- (c) to meet the costs of any re-connection after a default by the Consumer;

(d) to report any defects in the meter to the Government as soon as practicable.

2. (i) The Government has the right to disconnect the water supply to the consumer's

premises at any time if the consumer fails to comply with any provision of this agreement and, without prejudice to the rights of the Government, to recover any sum that may then be due for water already consumed.

(ii) Where the Government disconnects the supply of water to the consumer's premises, the Government shall retain the meter and any re-connection may only be made upon the payment of the appropriate fee.

3. This agreement may be terminated by the consumer by giving 2 weeks notice in writing to the Government.

.....
Director of Public Works or his Consumer
representative or agent for the Government
of the Republic of Vanuatu.
