

Solomon Islands Water Authority Act 1993

LAWS OF SOLOMON ISLANDS

[1996 EDITION]

CHAPTER 130

SOLOMON ISLANDS WATER AUTHORITY

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SOLOMON ISLANDS WATER AUTHORITY

AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF A WATER AUTHORITY FOR SOLOMON ISLANDS, TO PROVIDE FOR THE PROPER MANAGEMENT AND DEVELOPMENT OF URBAN WATER RESOURCES AND SERVICES AND SEWERAGE SERVICES IN SOLOMON ISLANDS AND FOR OTHER MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

[17th May 1993]

16 of 1992

PART I PRELIMINARY

Short title

1. This Act may be cited as the Solomon Islands Water Authority Act.

Application of Act

2. The provisions of this Act shall apply to the whole of Solomon Islands, or to such areas or parts of Solomon Islands as the Minister may, from time to time prescribe by Order.

Interpretation

- 3.—(1) In this Act unless the context otherwise requires—

"additional works agreement" means an agreement entered into under section 20;

"approval" in relation to Part III, means an approval to develop land given by an appropriate body;

"area", in relation to the Authority, means the area of operations of the Authority;

"authorised person" means an employee or other person acting on behalf of the Authority;

"Board" means the Board of the Authority established under section 6;

"catchment area" means an area of land declared by an order in force under section 18 to be a catchment area;

"charging period", in relation to the Authority, means a period declared by an order in force under section 22 to be a charging period for the Authority;

"compliance certificate" means a certificate referred to in section 21;

"Council" means a Provincial Government of a province or the Honiara Town Council, as the case may be and includes an area council;

"developer" means a person to whom an approval to which Part III applies has been given;

"development", in relation to land, means—

- (a) the erection of a building on the land;
- (b) the carrying out of work in, on, over or under the land;
- (c) the use of the land or of a building or work on the land; or
- (d) the subdivision of the land;

"land" includes an easement or right over, through or above any land;

"member" means a director of the Board of the Authority;

"meter" includes any measuring device;

"Minister" means the Minister who for the time being is charged with responsibility of administering urban water supply;

"owner" shall have the meaning ascribed to it in the Land and Titles Act;

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"public road" means a road the public are entitled to use, whether or not it is declared as a public road under the Roads Act or any Provincial Ordinance;

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"service charge" means—

- (a) a water service charge;
- (b) a sewerage service charge;
- (c) a loan service charge;
- (d) a development works service charge; or
- (e) a special industry service charge, that may be levied under Part IV;

"special industry" means an industry declared by an order in force under section 22 to be a special industry;

"work or works", include—

- (a) water mains and water headwork;
- (b) sewer mains and sewage treatment works; and
- (c) any works ancillary to the works referred to in paragraphs (a) or (b).

(2) A reference in this Act to—

- (a) the erection of a building includes a reference to the rebuilding of, the making of structural alterations to, or the enlargement or extension of, a building or the placing or relocating of a building on land; and
- (b) the carrying out of a work includes a reference to the rebuilding of, the making of alterations to, or the enlargement or extension of, a work; and
- (c) a work includes a reference to any physical activity in relation to land that is specified by a regulation to be a work for the purpose of this Act; and
- (d) the subdivision of land is a reference to—
 - (i) (without limiting the following provisions of this paragraph) the subdivision of land within the meaning of the provisions of the Land and Titles Act; or

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- (ii) any other division of land into two or more parts which, after the division, would be obviously adapted for separate occupation, use or disposition; or

(iii) the redivision of land, by such a subdivision or by any other division, into different parts which, after the redivision, would be obviously adapted for separate occupation, use or disposition; or

(e) the carrying out of development includes a reference to the erection of a building, the carrying out of work, the use of land or of a building or work, or the subdivision of land, as the case may require.

Objects

4.—(1) The objects of the Authority shall be—

(a) to ensure that water resources allocated for urban water supply are properly managed, distributed, allocated and used in ways which are consistent with proper water management practices;

(b) to provide water and related services to meet the needs for users in a commercial manner consistent with the overall policies of the Government.

(2) In exercising its functions, the Authority may have regard to such matters as it considers would be appropriate for the attainment of its objects including, but without limiting the generality of the foregoing—

(a) promotion of efficient use of urban water resources;

(b) the necessity for integrated catchment management and planning of land use and the use of urban water resources;

(c) public interest and community needs;

(d) conservation of urban water resources;

(e) pollution control and prevention; and

(f) efficient use of human, material and financial resources.

PART II

ESTABLISHMENT OF THE AUTHORITY, MANAGEMENT, FUNCTIONS AND POWERS

Establishment of the Authority

5.—(1) There shall be established for the purpose of this Act, a body to be known as Solomon Islands Water Authority (hereinafter referred to as the Authority) which shall be a body corporate to which the provisions of Part VII of the Interpretation and General Provisions Act shall apply.

(2) The provisions of the First Schedule shall have effect as to the constitution of the Authority and otherwise in relation thereto.

First Schedule

Establishment of the Board of Directors

6.—(1) There shall be established for the purposes of this Act, a Board of Directors of the Authority which shall, subject to the provisions of this Act, be responsible for the policy and general administration of the affairs of the Authority.

(2) The provisions of the Second Schedule shall have effect as to the constitution of the Board and otherwise in relation thereto.

Second Schedule

Functions of the Authority

7. The functions of the Authority shall be—

- (a) to control, regulate, develop, manage, conserve and utilise urban water resources in the best interests, of Solomon Islands;
- (b) to formulate national policies relating to the control and use of urban water resources;
- (c) to ensure that the water supplied for consumption meets the prescribed water quality standards;
- (d) to provide, construct, operate, manage and maintain, buildings, works, systems and services for impounding, conserving and supplying water for domestic, industrial, commercial and other purposes;
- (e) to provide, construct, operate, manage and maintain buildings, works, systems and services for the conveyance, treatment and disposal of sewage, disposal of trade and industrial waste and other connected purposes; and
- (f) any other like function.

Power of Minister to issue directions

8. The Minister may after consultation with the Chairman, give to the Authority such directions of a general character as to the policy to be followed by the Authority in the performance of its functions as appear to the Minister to be necessary, and the Board shall give effect thereto.

Declaration of area of operation

9.—(1) The Minister may by Order published in the Gazette declare the whole of Solomon Islands or any part thereof to be an area of operation for the purposes of this Act.

(2) Where the Minister declares, an area of operation pursuant to the provisions of subsection (1), the Order may specify the functions which the Authority may exercise in respect of the area of operation.

Powers of the Authority

10.—(1) Subject to the provisions of subsections (2) and (3), the Authority shall have powers to do anything which is calculated to facilitate the discharge of its functions, or is incidental or conducive to their discharge.

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

- (a) acquire, hold and dispose of movable and immovable property;
- (b) act as agent for other persons or appoint agents on its behalf;
- (c) enter into agreements or arrangements with any person or institution, whether, national or international, providing participation, assistance or co-operation with its activities;
- (d) establish and maintain funds to meet contingencies and for such other purposes as it may think fit; and
- (e) generate revenue by levying and recovering charges, fees, rates and capital contributions.

(3) Subject to the provisions of this Act and to the approval of the Minister, the Authority may—

- (a) form subsidiary companies, enter into partnership or joint ventures to carry on any activities which the Authority has power under this Act to carry on;
- (b) enter into any commercial operations in respect of its activities, services or products; and
- (d) [sic] effect and maintain or contribute to insurance schemes.

Powers of entry to carry out works

11.—(1) The Authority may, by its employees and authorised persons—

- (a) enter and occupy land and there exercise any of its functions, including the carrying out of any work on, below or above the surface of the land;
- (b) divert water from, or alter the course of a stream, river or waterway; and
- (c) impound or take water on, in or under the surface of any land.

(2) The power conferred by this section is sufficient authority for such employees or authorised persons to enter or occupy land or any part of a building (except an enclosed part occupied as a separate dwelling) in the exercise of the Authority's functions during daylight for the purpose of—

- (a) reading a meter; or
- (b) ascertaining whether trade waste is present or is being (or has recently been) discharged to a work of the Authority,

unless the employee or authorised person is refused access by the lawful occupier of the land.

(3) The Authority may, in accordance with the regulations, attach a ventilating shaft, pipe or tube for a sewer to the wall of a building.

(4) The Authority may remove or use anything dug up or obtained in the exercise of its powers under this section.

(5) The Authority shall—

- (a) do as little damage as practicable in exercising its powers under this section; and
- (b) compensate all persons who suffer damage by the exercise of the powers,

in relation to the land entered.

Assessment and payment of compensation for damage caused by works, etc

12.—(1) Subject to the provisions of this Part, every person whose land has been used in laying down pipes, carrying out any works or for any other purposes of this Act shall be entitled to reasonable compensation for any damage sustained by him by reason of such use of his land, such compensation shall be ascertained and awarded in the following manner—

- (a) by way of reinstatement, repair, construction of works; or
- (b) by way of payment of money:

Provided, however, that where the Authority provides a sewer, compensation shall be payable only if such construction of a sewer causes damage to or interference with an existing building or structure.

(2) In all instances in which compensation is claimed it shall be lawful for the Authority, to agree with the claimant for the payment of such sums of money by way of

compensation as the Authority may think reasonable.

(3) A claim for compensation under this section shall not be effective unless such claim is made in writing not later than six months after the damage was suffered.

Powers of entry on land for inspections

13.—(1) Subject to the provisions of subsections (2) and (3), the Authority may by its employees or authorised persons enter—

- (a) at any time any land or building other than a dwelling-house;
- (b) a dwelling-house at a reasonable time during daylight.

(2) The Authority shall not exercise the powers conferred by subsection (1) except for the purpose of ascertaining—

- (a) the character and condition of the land or building;
- (b) the condition or location of any pipe, sewer, drain, channel, fitting or other work used in connection with the land or building;
- (c) whether any use, consumption, waste, misuse or undue consumption of water supplied by the Authority is occurring; or
- (d) whether any offence against this Act has been or is being committed.

(3) The Authority shall not exercise the powers conferred by subsection (1) unless reasonable written notice of its intention to do so has first been given to the owner or occupier of the land, building or dwelling-house.

(4) The Authority may, by notice in writing given to the owner or occupier of the land or building, require all defective or improper work discovered on an inspection to be repaired, altered or removed within twenty-four hours or such longer period as is stated in the notice.

(5) If a notice under subsection (4) is not complied with, the Authority may, by its employees or authorised persons, enter the land, building or dwelling-house and repair, alter or remove the defective or improper work.

(6) The costs and expenses incurred by the Authority pursuant to the exercise of its powers under subsections (4) or (5), as the case may be, shall be recoverable from the owner or occupier as a service charge.

(7) If, on an inspection under this section—

- (a) no defective or improper work is discovered;

- (b) no waste, misuse or undue consumption of water supplied by the Authority is occurring; or
- (c) there is no breach of any provisions of this Act, the Authority shall make good any damage or disturbance caused by it for the purposes of the inspection.

(8) In exercising its powers under this section, the Authority shall do as little damage as practicable.

Power to open up roads and streets

14.—(1) For the purposes of performing its functions, the Authority may, on giving reasonable notice to the appropriate government Ministry or other body exercising control or management over any public road, street or public reserve, open or break up—

- (a) such road, street, public reserve or pavements; or
- (b) any sewer, drain, tunnel or pipe under such road, street, public reserve or pavements.

(2) On completion of any works conducted by the Authority pursuant to the exercise of its powers under subsection (1), the Authority shall as soon as practicable restore the surface of such road, street, public reserve or pavement to the condition or order as it was previously.

Altering position of conduit

15.—(1) If—

- (a) the Authority, in order to exercise its functions, needs an alteration to be made in the position of a conduit owned by another person; and
- (b) the alteration would not permanently damage the conduit or adversely affect its operation,

the Authority may serve on the person a written notice that complies with subsection (2).

(2) A notice referred to in subsection (1) shall—

- (a) specify the alteration needed;
- (b) require the alteration be made within a reasonable time stated in the notice; and
- (c) include an undertaking by the Authority to pay reasonable cost of the alteration.

(3) If the alteration is not made in accordance with the notice, the Authority may make the alteration in such a manner as not to damage the conduit permanently or adversely affect its operation on completion of the alteration.

(4) In this section, "conduit" means anything that is in or under a public road or street and is used for the conveyance of a substance, energy or signal.

Obstruction of works

16. If a person places a structure or other object in or near any work of the Authority in such a manner as to interfere with the work, the Authority may demolish or remove the structure or other object, repair and restore the work and recover the cost of doing so as debt owing to the Authority by the person who placed the structure or other object there.

Finding source of pollution of water supply

17.—(1) Where the water being supplied by the Authority is suspected as being interfered with so as to cause pollution, the Authority may for the purpose of carrying out an investigation, after due notice to persons likely to be affected, open, break or dig any public or private road or street or any ground.

(2) Where on completion of the investigation it is found that the person to whom notice was given under subsection (1) was not responsible for the interference or pollution of the water, the Authority shall restore the surface dug or damaged to the condition or order as it was previously and repair any other damage caused by its operations.

(3) Where on completion of the investigation it is found that the person to whom notice was given under subsection (1) was responsible for the interference or pollution of the water, the Authority may recover from such person the costs incurred in such investigation.

Declaration of catchment area

18.—(1) Where the Minister on the recommendation of the Authority considers that it is appropriate with a view to preventing, controlling, prohibiting or restricting the carrying out in a particular area from which urban water supply may be extracted, such activities which are considered likely to result in pollution of, or interference with the proper use, flow or control of water, he may make an Order declaring such area as a catchment area and specify in such Order activities which are prohibited or restricted.

(2) Where an order under subsection (1) declaring a specified area as a catchment area has been made no person or in the case of Government owned land no government body shall in that declared area carry on any prohibited or restricted activity without first obtaining written permission from the Minister.

(3) On application being made to the Minister in the prescribed manner the Minister may either refuse the request or permit such activities subject to such restrictions as he may deem appropriate.

Compensation

19. Where an Order made under section 18, affects any land owner, person or group of persons, interests in land, the Authority may enter into negotiations with a view to paying compensation for any loss that such landowners or person or groups of persons may suffer as a result of the restrictions or prohibitions specified in the Order.

PART III CONSTRUCTION OF WORKS

Contracts for the construction of additional works

20.—(1) The Authority may enter into an agreement with the owner of any land providing for the construction of such works as may be specified in the agreement.

(2) Such an agreement may provide for—

(a) the payment to the Authority by the owner of the land—

(i) of the whole of the cost of the construction of the works referred to in the agreement;
or

(ii) of such part of that cost as, in the opinion of the Authority, is reasonable, having regard to the benefit of the works to that land and any other land that may in the opinion of the Authority, be capable of being served by those works; and

(b) such other matters as may be prescribed or agreed upon between the Authority and the owner of the land.

(3) Any works constructed under such an agreement shall be the property of the Authority.

Certificate of Compliance

21.—(1) On obtaining the necessary approval referred to in this Part, the developer may make application in the prescribed form to the Authority for issue of a Certificate of Compliance.

(2) The Authority may by regulations prescribe—

(a) the procedure for the application by a developer for the issue of the Certificate of Compliance;

(b) the requirements to be satisfied in respect of that Certificate of Compliance; and

(c) the form and contents of the Certificate of Compliance.

(3) Where the Authority is satisfied that the requirements prescribed by regulations made

under this section have been complied with it may enter into any agreement with such developer and issue to him a Certificate of Compliance.

Orders for service charges

22. The Minister may, by Order published in the Gazette for the purposes of service charges declare—

- (a) any land described in the Order to be a development area;
- (b) any industry specified in the Order to be a special industry; or
- (c) successive periods (whether or not of the same duration) to be charging periods.

Water main and sewer connections

23.—(1) The Minister may by regulations prescribe the requirements and the procedure for the providing of water mains and sewer mains to any land or premises.

(2) The Authority may by notice declare water mains and sewer mains available for connection.

PART IV SERVICE CHARGES

Authority may levy service charges and impose fees and other charges

24.—(1) The prices to be charged by the Authority for the supply of services specified in subsection (3) shall be in accordance with such tariffs as may, from time to time, be fixed by the Minister on the recommendation of the Authority.

(2) In making its recommendation to the Minister as required in subsection (1), the Authority shall take into consideration the matters specified in this Part.

(3) The charges referred to in subsection (1) shall be in respect of—

- (a) water service;
- (b) sewerage service;
- (c) loan service;
- (d) developmental works service; and
- (e) special industry service,

on land within its area.

(4) The Authority may, in accordance with the regulations impose fees and charges for

any service or thing supplied or provided by it in the exercise of its functions under this Act.

Land in respect of which the Authority may levy service charges

25.—(1) The Authority may only levy water service charges on land—

- (a) to which water is supplied; or
- (b) to which, in the opinion of the Authority, it is reasonably practicable for water to be supplied, from one of the Authority's water mains.

(2) The Authority may only levy sewerage service charges on land—

- (a) from which sewage may be discharged; or
- (b) from which, in the opinion of the Authority, it is reasonably practicable for sewage to be discharged, into one of the Authority's sewer mains.

(3) The Authority may only levy developmental works service charges on land within a development area.

(4) The Authority may only levy special industry service charges on land on which a special industry is conducted.

(5) The Authority may not levy service charges in respect of any land exempted by the Minister by Order made and published in the Gazette.

Classification of lands

26.—(1) The Authority shall specify by regulations the factor or factors according to which the Authority may classify lands for the purpose of levying service charges.

(2) Without limiting the generality of subsection (1), the regulations may specify that the Authority may classify land according to any one or more of the following factors—

- (a) the purpose for which the land is actually being used;
- (b) the intensity with which the land is being used for the purpose;
- (c) the purpose for which the land is capable of being used;
- (d) the nature and extent of the water and sewerage services connected to the land.

(3) For the purposes of subsection (2)(c), land is not capable of being used for a purpose if the use of the land for that purpose would be in contravention of any Act or law relating to the use of land.

Basis of levying service charges

27.—(1) The basis or the criteria on which the Authority may levy service charges shall be as prescribed by regulations made by the Minister.

(2) Without limiting the generality of subsection (1), the regulations may specify that the Authority may levy service charges according to any one or more of the following basis—

- (a) the nominal size (as determined in accordance with the regulations) of the water service pipe supplying water to the land;
- (b) the nominal size (as determined in the regulations) of the sewerage service pipe discharging sewage from the land;
- (c) the area of the land.

Determination by Authority

28.—(1) Before the end of each charging period the Authority shall, in accordance with the regulations, determine—

- (a) the amount of money that it proposes to raise by way of service charges levied on land within its area;
- (b) the factor or factors according to which land within its area is to be classified for the purpose of levying service charges;
- (c) the basis or bases according to which service charges are to be levied; and
- (d) the rate at which service charges are to be levied on, or the maximum or minimum service charges that are applicable to land within its area of operation,

for the next succeeding charging period.

(2) In making a determination under this section, the Authority may have regard to—

- (a) its estimation of the degree of benefit that accrues to land in respect of each service for which the charge is to be levied;
- (b) its estimation of the degree to which each service is or may be used in relation to land in respect of which the charge is to be levied;
- (c) its estimation of the cost involved in the construction, maintenance and operation of each service for which the charge is to be levied; and
- (d) such other matters as it considers relevant to the levying of charges for each such service.

(3) A determination under this section—

- (a) is required to be approved by the Minister and does not have effect unless it is so approved;
- (b) shall be published in the Gazette before the commencement of the charging period to which it relates; and
- (c) shall take effect on the commencement of the charging period to which it relates.

(4) A determination does not fail merely because it is not published in the Gazette before the commencement of the charging period to which it relates but, in that event, no person is liable for payment of the service charges to which the determination relates until the determination is published in the Gazette.

(5) A service charge determined under this section is levied on publication of the determination in the Gazette.

(6) If, for any reason—

- (a) a determination under this section is not made before the charging period to which it relates; or
- (b) there is any irregularity or alleged irregularity in the making of any such determination,

the Minister may extend the time for making the determination (whether or not the time has expired) and may authorise the Authority to do anything necessary to remedy any irregularity and make a valid determination.

29.—(1) After making a determination under section 28, the Authority shall, in accordance with the determination—Assessment of service charges

- (a) classify each parcel of land within its area in respect of which a service charge is to be levied; and
- (b) assess the service charges payable for each such parcel of land.

(2) After it makes an assessment under this section, the Authority shall, in accordance with the regulations, cause a notice to be served on the owner of each parcel of land in respect of which a service charge has been levied.

(3) Such a notice shall include information as to—

- (a) the factor or factors according to which the parcel of land has been classified for the purpose of levying of service charges;
- (b) the basis or bases according to which service charges have been levied in respect of the parcel of land;

- (c) the rate at which service charges have been levied on, or the maximum or minimum charges that are applicable to, the parcel of land; and
- (d) the amounts payable in respect of each service charge that has been levied in respect of the parcel of land.

(4) Upon service of such a notice, the owner of the land to which the notice relates shall become liable for the payment of the service charges specified in the notice.

Certain charges to be a charge on the land

30.—(1) A service charge for payment of which a person is liable is a charge on the land to which the service charge relates.

(2) A charge imposed under section 24(4) for a service or thing supplied or provided in connection with the occupation of land is a charge on the land.

Interest on overdue service charges, etc

31. The Authority may charge interest on overdue fees, service charges and other charges at a rate not exceeding the rate prescribed and provided for in regulations.

PART V FINANCIAL

Funds and resources of the Authority

32. The funds and resources of the Authority shall consist of—

- (a) such sums as may from time to time be provided by Parliament out of the Consolidated Fund;
- (b) such sums of money as may be raised from time to time under Part III;
- (c) all moneys received from investments under section 33;
- (d) such moneys borrowed by way of loans or overdrafts under section 34; and
- (e) all other sums or property which may in any manner become payable to or vested in the Authority in respect of any matter incidental to its functions under this Act or any other law.

Investments

33. Moneys standing to the credit of the Authority may from time to time be invested in securities approved either generally or specially by the Minister.

Loans or overdrafts

34. The Authority may borrow by way of loan or overdraft such sums of money it deems fit not exceeding an amount approved by the Minister.

Government guarantees on borrowing from international or foreign organisations

35.—(1) The Government may guarantee on such terms and conditions as it may determine, loans raised by the Authority from any international or foreign organisation approved by the Government.

(2) All sums payable by the Government under any guarantee given under subsection (1) are hereby charged on the Consolidated Fund.

Exemption from taxation and stamp duty

36.—(1) The income and revenue of the Authority shall not be subject to taxation under any law.

(2) All instruments executed by or on behalf of the Authority shall be exempt from stamp duty.

Exemptions from customs duty

37. No customs or other duty shall be payable upon any machinery or equipment imported into Solomon Islands or taken out of bond in Solomon Islands, by the Authority and shown to the satisfaction of the Comptroller of Customs and Excise to be required solely for the purpose of performing the functions of the Authority under this Act.

Customs duty to be paid in certain circumstances

38. Any machinery or equipment imported into Solomon Islands or taken out of bond in Solomon Islands, free of customs duty or in other similar duty pursuant to the provisions of section 37 shall not without the prior approval in writing of the Comptroller of Customs and Excise be sold or given away at any time within the period prescribed by the Comptroller of Customs and Excise, unless at the time when that machinery or equipment is sold or given away the Comptroller of Customs and Excise is paid such sums which would have been payable in respect of customs and other similar duties in respect of the importation or the taking out of bond in Solomon Islands of that machinery or equipment if it had not been for this section.

Annual Report

39. The Authority shall, before the expiration of six months after the end of the financial year, submit to the Minister a report of its activities during the preceding financial year, and the Minister shall lay before Parliament a copy of the annual report.

Accounts and audit

40.—(1) The Authority shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared an annual statement of accounts in respect of each financial year.

(2) The accounts of the Authority shall be audited annually by an auditor appointed by the Authority and approved by the Auditor-General.

(3) After the end of each financial year, as soon as the accounts of the Authority have been audited, the Authority shall cause a copy of the statement of accounts to be transmitted to the Minister, together with a copy of any report made by the auditor on that statement or on the accounts of the Authority and such explanation of any matters referred to in the auditor's report as may be necessary.

(4) The Minister shall cause a copy of the annual statement of accounts together with the auditor's report to be laid before Parliament.

Recovery of fees, charges and other money

41.—(1) Any charge, fee or money due to the Authority under this Act may be recovered in any court of competent jurisdiction as if it were as debt due to the Government.

(2) An unsatisfied judgment or order of any court for the recovery of any charge or fee from any person shall not be a bar to the recovery of the charge or fee from any other person who is liable under this Act for the payment of the charge or fee.

Certificate as to amount due

42.—(1) The Authority shall, upon written application being made to it and on payment of the fee determined by the Authority, issue to the applicant a certificate—

(a) containing particulars of any amounts payable to the Authority in respect of a parcel of separately assessed land; or

(b) to the effect that no moneys are due to the Authority.

(2) An application for a certificate shall—

(a) specify the name and address of the applicant; and

(b) identify the land to which the application relates.

(3) Such a certificate is conclusive proof, in favour of a purchaser in good faith and for value of the land to which the certificate relates, that, at the date of its issue, no amounts were payable to the Authority in respect of that land other than such amounts as are

specified in the certificate.

Inspection of Council records

43. A Council shall permit an authorised person, at any reasonable time and without charge, to inspect valuation reports or rate or assessment records kept by that Council and make or obtain a copy of, or extract from, the records.

Transitional provisions Survival of unpaid accounts

44. Any amount that was due but unpaid to the Ministry of Transport, Works and Utilities immediately before the commencement of this Act, including any amount that was charged on the land to which the charge relates shall continue to be due and payable and, where applicable, remains a charge on the land until the amount is paid.

PART VI OFFENCES

Illegal diversion water

45.—(1) A person shall not wrongfully take, use or divert any water from which the Authority draws its supply or that is available for supply by the Authority.

(2) Any person who contravenes the provisions of subsection (1) shall on conviction be liable to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding five years or to both such fine and imprisonment.

(3) It shall be presumed, unless the contrary is proved, that any wrongful taking or diversion of water to, or any wrongful use of water on, any land was at the direction, or with the connivance, of the owner or occupier of the land.

Tampering with meter

46.—(1) A person shall not wrongfully alter the index of a meter or prevent a meter from duly registering the quantity of water supplied.

(2) If, in connection with the pipes or other apparatus of the Authority used to supply water to any land, there exists any artificial means for—

- (a) taking, using or diverting the water; or
- (b) altering the index of a meter or preventing it from duly registering the quantity of water supplied,

it shall be presumed, unless the contrary is proved, that the taking, use, diversion,

alteration or prevention was wrongfully effected or caused by the occupier of the land.

(3) Any person who contravenes the provisions of subsection (1) shall on conviction be liable to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

Damage to works

47.—(1) A person shall not wilfully or negligently interfere with, destroy or damage a work or structure that belongs to, or is under the control and management of, the Authority.

(2) Any person who contravenes the provisions of subsection (1) shall on conviction be liable to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding five years or to both such fine and imprisonment.

Obstruction of the Authority

48.—(1) A person shall not—

- (a) wilfully delay or obstruct the Authority or an authorised person exercising a function under this Act;
- (b) threaten or abuse a person exercising functions under this Act; or
- (c) wilfully remove any poles or stakes driven into the ground, or wilfully deface or destroy any mark made, by the Authority in connection with its work.

(2) Any person who contravenes any provisions of subsection (1), shall on conviction be liable to a fine not exceeding two thousand dollars or to imprisonment for one year or to both such fine and imprisonment.

Obstruction of works

49.—(1) A person shall not place a structure in or near any work of the Authority in such a manner as to interfere with the operation of the work.

(2) Any person who contravenes any provisions of subsection (1), shall on conviction be liable to a fine of not exceeding one thousand dollars or a term of imprisonment not exceeding one year or to both such fine and imprisonment.

Exposure of underground pipes

50.—(1) A person shall not, by opening any ground, expose any pipe or other work of the Authority—

- (a) without lawful excuse; or

(b) without having given the Authority at least 2 days' written notice of the intention to open the ground.

(2) Any person who contravenes the provisions of subsection (1) shall on conviction be liable to a fine not exceeding five thousand dollars or a term of imprisonment not exceeding two years or to both such fine and imprisonment.

Work done by unlicensed person

51.—(1) A person shall not undertake or do any work which would have the effect of directly or indirectly connecting any water supply from the mains or disposing of sewage to the sewers, maintained by the Authority, unless such person—

- (a) holds a licence issued by the Authority; or
- (b) does the work under the immediate supervision of the holder of such licence.

(2) Any person who contravenes the provisions of subsection (1) shall on conviction be liable to a fine not exceeding two thousand dollars or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

PART VII MISCELLANEOUS

Provisions of section 35 of Chapter 85 to mutatis mutandis apply to delegation

52. The provisions of section 35 of the Interpretation and General Provisions Act shall mutatis mutandis apply to any delegation of functions made by the Authority or the General Manager, and accordingly for the purposes of this Act, the words "public authority" appearing therein shall be deemed to include "the Authority" and "the General Manager" as the case may require.

Negotiation for purchase of land

53.—(1) Where any land is required for the purposes of the Authority, the Authority shall enter into negotiations with the land owners or any person or group of persons having an interest in the land and make arrangements for the payment of compensation.

(2) Where there is no dispute and agreement is reached pursuant to subsection (1), such agreement shall be reduced to writing and a copy of such agreement shall be transmitted to the Provincial Secretary or other responsible officer of the Council.

Compulsory acquisition

54.—(1) Where there is no prospect of the negotiations provided for in section 53 being concluded on a basis acceptable to the parties, or where the delay in arriving at a satisfactory settlement is not in the public interest the Minister charged with responsibility for the Land and Titles Act, may require the Commissioner of Lands to exercise the powers conferred by Division 2 of Part V of the Land and Titles Act and any other power vested in that behalf.

Cap. 133

(2) Where any land is compulsorily acquired pursuant to subsection (1), such purpose shall in relation to the exercise of any such powers be deemed to be in the public interest.

Council rates

55.—(1) Any land vested in the Authority is exempt from any rates that a Council may levy.

(2) A tunnel, water or sewer main of the Authority is exempt from any rental charge that a Council may levy.

Land tax

56. Land that is vested in the Authority is exempt from any land tax that may be levied.

Regulations

57.—(1) The Minister may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the regulations may make provision for or with respect to—

(a) fees, service charges and other charges, including charges for the abstraction or use of water;

(b) the manner in which service charges and other charges shall be levied, administered and regulated, including the procedure for appeal against such charges;

(c) development of land;

(d) the supply and use of water and without limiting the generality of subsection (3) creating offences relating to the contamination or pollution of water, whether or not while the water is being supplied or used;

(e) catchment areas, including the regulation or prohibition of abstracting, using, polluting or contaminating waters within catchment areas;

(f) classifying quality of water according to criteria specified in keeping with proper water management practices elsewhere;

- (g) water and sewerage systems;
- (h) trade wastes;
- (i) the opening of the surface of roads;
- (j) public recreation; and
- (k) the financial operations of the Authority.

(3) Notwithstanding the provisions of section 66(1) of the Interpretation and General Provisions Act any regulation made under this section may provide that any person contravening any of the provisions of such regulations shall be liable to a fine not exceeding two thousand dollars or imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Cap. 85

Price Control Act not to apply

58. The Price Control Act shall not apply to charges imposed under Part IV of this Act.

Cap. 64

Repeal and savings

59.—(1) The Water Supply Act (hereinafter referred to as the "repealed Act") is hereby repealed.

*1969 Revised Edition
Cap. 18*

(2) Notwithstanding such repeal from and after the coming into operation of this Act—

- (a) all property movable and immovable, owned by the Water Unit and used for the purposes of that Unit immediately prior to that date shall be transferred to and vest in the Authority without further assurance, and the Authority shall have all the powers necessary to take possession of, recover and deal with such property;
- (b) all rights, powers, privileges and interests arising in or out of such property shall vest in the Authority and liabilities subsisting on that date shall be deemed to be liabilities of the Authority;
- (c) all contracts and agreements entered into for the purposes of the Water Unit and subsisting on that date shall be deemed to be contracts and agreements entered into by the Authority;

(d) all actions and proceedings instituted by or against the Water Unit and pending on that date shall be deemed to be actions and proceedings instituted by or against the Authority;

(e) any officer of the Water Unit on that date who is not offered employment with the Authority or is not posted to any other division in the public service shall be deemed to have been terminated from service and the provisions of Part IX of the Public Service Regulations 1979 shall mutatis mutandis apply.

FIRST SCHEDULE

THE SOLOMON ISLANDS WATER AUTHORITY

(Section 5)

Authentication

1.—(1) The seal of the Authority shall be authenticated by the signature of the Chairman or a member of the Board authorised to act in that behalf and an officer of the Authority so authorised.

(2) All 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 any member of the Board authorised to act in that behalf or an officer of the Authority so authorised.

Powers to appoint officers and employees

2. The Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit—

(a) a General Manager of the Authority; and

(b) such other officers, agents and employees as it thinks necessary for the proper carrying out of its functions.

Expenses of the Authority

3. The expenses of the Authority (including remuneration of the staff thereof, the Chairman, and directors) shall be defrayed out of the income of the Authority.

Accounts, audit and estimates

4. The Authority shall keep proper accounts and other records in relation to its business and prepare annual statements of account and reports as set out in Part V of this Act.

Powers of the Minister require returns

5. The Authority shall furnish the Minister with such returns, accounts and other information as he requires with respect to its activities, and shall afford to him the facilities for verifying such information in such manner and at such times as he may reasonably require.

Minister to review the operations of the Authority

6. At the end of each financial year, the Minister shall review the operations of the Authority with a view to determining—

- (a) whether the Authority has operated in accordance with the annual estimates and any approved operating plan; and
- (b) whether the assets of the Authority are sufficient to meet the liabilities of the Authority having regard to any claims or liabilities which may arise during the next ensuing year.

SECOND SCHEDULE

(Section 6)

THE BOARD OF DIRECTORS OF THE AUTHORITY

Board membership

1.—(1) The Board shall consist of the following members, namely—

- (a) a Chairman appointed by the Minister;
- (b) the Permanent Secretary of the Ministry charged with responsibility for the administration of urban water supply; and
- (c) five members appointed by the Minister of whom two shall be public officers.

(2) The General Manager of the Authority shall be an ex officio member of the Board.

Appointment of alternate Chairman

2. In the case of the absence or inability to act of the Chairman, the Minister may appoint any other person to perform the functions of the Chairman.

Tenure of office

3.—(1) The appointment of every member (other than ex officio members) shall be evidenced by instrument in writing, and such instrument shall state the period of office of

the member, which shall not exceed two years.

(2) Every member of the Board shall be eligible for re-appointment.

(3) The Minister may at any time revoke the appointment of any member of the Board appointed by him.

Resignation

4.—(1) Any member of the Board other than the Chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of such instrument such member, shall cease to be a member of the Board.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such instrument.

Publication

5. The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the Gazette.

Vacation of office

6. Any member of the Board who—

- (a) is declared a bankrupt; or
- (b) is sentenced to imprisonment for three months or more for a criminal offence; or
- (c) without reasonable excuse fails to attend three consecutive meetings of the Board,

shall be immediately removed from the Board by the Minister.

Procedure, quorum and meetings

7.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business, so however, that it shall not be less than four meetings in any calendar year.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by two or more members of the Board.

(3) The Chairman shall preside at all meetings of the Board and in the case of absence of the Chairman from any meeting, subject to paragraph 2, the members present and

forming a quorum shall elect one of their number to preside at the meeting.

(4) The decision of the Board shall be by a majority of votes, and in addition to an original vote, the Chairman or any other person presiding at a meeting shall have a casting vote in any case in which the vote is equal.

(5) The General Manager, and such other officers as the Chairman decides, shall attend meetings.

(6) Minutes of each meeting of the Board shall be kept in a proper form.

(7) The Board shall determine its quorum for any particular meeting.

(8) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Remuneration of members

8. There shall be paid to the Chairman and other members of the Board, such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Minister may determine.

Protection of members

9. No action, suit or prosecution or other proceedings shall be brought against any member of the Board in respect of any act done bona fide in pursuance or execution or intended execution of the provisions of this Act.

Offices not public offices

10. The office of the Chairman or other members of the Board shall not be public offices for the purpose of Chapter XIII of the Constitution.

CHAPTER 130 SOLOMON ISLANDS WATER AUTHORITY

Subsidiary Legislation

THE SOLOMON ISLANDS WATER AUTHORITY (AREAS OF OPERATION) ORDER

GN 18/1995

(Section 9)

[10th February 1995]

1. This Order may be cited as the Solomon Islands Water Authority (Areas of Operation) Order.
2. The areas specified in the Schedule hereto are hereby declared to be areas of operation for the purposes of the Act.

SCHEDULE

1. Guadalcanal All those areas of land that are shaded in red colour in map plan number 1.
2. Munda/Noro All those areas of land that are shaded in red colour in map plan number 8/157/5.
3. Lata All those areas of land that are shaded in red colour in map plan number 10/165/16
4. Buala All those areas of land that are shaded in red colour in map plan number 9/160/1.
5. Tulagi All those areas of land that are shaded in red colour in map plan number 9/160/1.
6. Kira Kira All those areas of land that are shaded in red colour in map plan number 10/161/8.
7. Tinggoa All those areas of land that are shaded in red colour in map plan number XH0314.
8. Auki All those areas of land that are shaded in red colour in map plan number XL8028.
9. Gizo All those areas of land that are shaded in red colour in map plan number TM5903.
10. Taro All those areas of land shaded in red colour in map plan number 6/156/10.

PRICES FOR SUPPLY OF SERVICES

LN 92/1995

(Section 24)

The prices to be charged by the Authority for the supply of services shall be as set out in the Schedule hereto—

SCHEDULE

1. MONTHLY CONSUMPTION

Domestic Consumption
Water Water and Wastewater
(\$/kL) (\$/kL)
0kL–35 kL \$0.65 \$0.975
Greater than 35 kL \$1.30 \$1.95
Commercial Consumption \$1.30 \$1.95

2. TULAGI AND AUKI (No Standing Charge)

Domestic Consumption Commercial Consumption
0kL–23kL \$5.00 (Min) \$10.00 (Min)
Greater than 23 kL \$0.30/kL \$1.00/kL
Unmetered Properties \$6.00 \$20.00

3. MONTHLY STANDING CHARGE \$6.20

4. WATER INSTALLATION

Domestic \$350.00
Commercial To be assessed

5. WASTEWATER INSTALLATION

Domestic \$350.00
Commercial To be assessed

6. DISCONNECTION FEE \$50.00

7. RECONNECTION FEE \$50.00

8. METER TESTING FEE \$80.00

9. PLUMBING INVESTIGATION FEE

Domestic \$25.00
Commercial \$50.00

10. DEPOSIT

Domestic \$60.00
Commercial \$300.00

11. INTEREST ON OVERDUE ACCOUNTS 12% pa

12. DISHONOURED CHEQUE FEE 2 × appropriate bank charge

13. CANCELLATION FEE \$25.00

14. AMPLIFICATION CHARGES To be assessed

15. WATER AND SEWER MAINS

EXTENSION CHARGES To be assessed

THE SOLOMON ISLANDS WATER AUTHORITY (FINANCE) REGULATIONS

(Section 57)

[27th May 1994]
LN 62/1994

ARRANGEMENT OF REGULATIONS

REGULATION

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PRELIMINARY**

1. CITATION
2. DEFINITIONS

**PART 2
SERVICE CHARGES AND OTHER CHARGES**

3. LEVY OF FEES AND CHARGES, ETC
4. LAND IN RESPECT OF WHICH THE AUTHORITY MAY LEVY SERVICE CHARGES
5. CLASSIFICATION OF LAND
6. BASES FOR LEVYING SERVICE CHARGES
7. DETERMINATIONS BY THE AUTHORITY
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**PART 3
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20. METERS
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29. LIABILITY OF NEW OWNER
30. LIABILITY OF TENANT
31. PROPORTIONATE LIABILITY FOR SERVICE CHARGE
32. SAVINGS AND TRANSITIONAL

SCHEDULE

**PART I
PRELIMINARY**

Citation

1. These Regulations may be cited as the Solomon Islands Water Authority (Finance) Regulations.

Definitions

2. In these Regulations unless the context otherwise requires—

"appeal" means an objection from a decision referred to in regulation 16;

"commercial land" means land occupied or used as the site of a building used for commercial or business purposes;

"discharge factor" in relation to sewerage services, means the percentage of the water supplied by the Authority which is, in the view of the Authority, discharged to a sewer main of the Authority;

"dwelling" means a house, flat, apartment or similar construction that is occupied or used, or so constructed, designed or adapted as to be capable of being occupied or used, as a separate dwelling;

"Industrial land A" means land occupied or used for heavy or secondary industry development;

"Industrial land B" means land, other than industrial land A, occupied or used for industrial purposes;

"land" includes any estate or interest in land;

"non-residential land" means a parcel of land that is not residential land or vacant land;

"owner" shall have the meaning ascribed to it in the Land and Titles Act (Cap 133);

"residential land" means a parcel of land occupied or used primarily as the site of one or more dwellings.

PART 2 SERVICE CHARGES AND OTHER CHARGES

Levy of fees and charges, etc

3.—(1) The Authority may, in accordance with section 24 of the Act and this Part, charge—

- (a) water service charges;
- (b) sewerage service charges;
- (c) loan service charges;
- (d) developmental works service charges; and
- (e) special industry service charges,

on land within its area.

(2) The Authority may impose fees and charges for any service or thing supplied or provided by it in the exercise of its functions under the Act.

(3) The Authority shall make available for the information of its customers a copy of the full schedule of service charges and other fees and charges as determined and agreed to under the Act.

Land in respect of which the Authority may levy service charges

4.—(1) The Authority may only levy water service charges on land—

(a) to which water is supplied; or

(b) to which, in the opinion of the Authority, it is reasonably practicable for water to be supplied, from one of the Authority's water mains.

(2) The Authority may only levy sewerage service charges on land—

(a) from which sewage may be discharged; or

(b) from which, in the opinion of the Authority, it is reasonably practicable for sewage to be discharged, into one of the Authority's sewer mains.

(3) The Authority may only levy developmental works service charges on land within a development area.

(4) The Authority may only levy special industry service charges on land on which a special industry is conducted.

(5) The Authority may not levy service charges in respect of any land described in the Solomon Islands Water Authority (Exempt Properties) Regulation.

Classification of land

5. For the purposes of section 26 of the Act, the Authority may classify land for the purpose of levying service charges according to one or more of the following factors—

(a) the purpose for which the land is in fact being used;

(b) the intensity with which the land is being used for such purpose;

(c) the purposes for which the land is capable of being used;

(d) the nature and extent of the water and sewerage services connected to the land; or

(e) the location of the land.

Bases for levying service charges

6.—(1) For the purposes of section 27 of the Act the Authority may levy service charges according to one or more of the following bases—

- (a) the nominal size, determined in accordance with paragraph (2), of the water service pipe supplying water to the land;
- (b) the nominal size, determined in accordance with paragraph (3), of the sewerage service pipe discharging sewage from the land;
- (c) the area of the land;
- (d) the assessment by the Authority of the cost of providing the service;
- (e) the assessment by the Authority of the degree of use of the service;
- (f) the location of the land;
- (g) the type, as determined by the Authority, of the water meter servicing the land;
- (h) the existence of a fire service pipe from the Authority's water main to the land.

(2) For the purposes of paragraph (1)(a), the nominal size of a water service pipe supplying water to land shall be—

- (a) the nominal size of the pipe at the point where it joins the water meter registering water supply to the land; or
- (b) if there is no such water meter, the nominal size of the pipe at the point where it enters the land.

(3) For the purposes of paragraph (1)(b), the nominal size of a sewerage service pipe discharging sewage from land (whether the discharge is by gravitation or pressure) is the nominal size of the pipe at the point where it joins the Authority's sewer.

(4) In these Regulations, "nominal size" means the numerical designation of size, "DN", which is common to all components in a piping system other than components designated by outside diameters.

Determinations by the Authority

7. For the purposes of section 28 of the Act, a determination by the Authority to levy service charges and fees shall be made at an ordinary or special meeting of the Board of Directors or of a committee of the Board of Directors after due consideration of a budget estimate.

Availability for connection and liability for charges

8.—(1) Upon a water main or a sewer main of the Authority becoming available for connection, the Authority—

- (a) shall publish in the Gazette notice of its availability; and

(b) may give such other notices as may be prescribed.

(2) An owner of land to which a notice under paragraph (1)(a) relates becomes liable—

(a) in the case of a water main, to payment of water service charges after the expiration of twenty-one days from publication of the notice; or

(b) in the case of a sewer main, to payment of sewerage service charges after the expiration of twenty-one days from publication of the notice.

(3) If an owner does not make a connection to the main of the Authority before becoming liable under paragraph (2) the Authority may make the connection at the expense of the owner.

(4) Any amount due to the Authority for a connection made under paragraph (3) is a charge on the land connected and may be recovered as a debt owed to the Authority by the owner of the land.

(5) If the owner of the land fails—

(a) to connect the land to a water or sewer main before becoming liable under paragraph (2); and

(b) to do any work that by the Act is required to be done by the owner,

the occupier of the land may make the connection or do the work and, in accordance with paragraph (6), recover the cost from the owner with interest at the prescribed rate.

(6) An amount (including interest) recoverable under paragraph (5) by an occupier from an owner may be recovered—

(a) by deducting it from any rent from time to time payable to the owner by the occupier; or

(b) as a debt owed to the occupier by the owner.

(7) Any person desiring to connect premises to a main for the purposes of this regulation may (subject to such conditions as may be imposed by-law) open up the surface and soil of any road or way, public or private, or any footpath or public reserve to the extent required to make the connection.

(8) All plumbing and drainage work associated with the connection of land to the Authority's water or sewer mains shall be undertaken in compliance with the Solomon Islands Water Authority (Water and Sewer) Regulations.

Fees and charges other than services charges

9.—(1) For the purposes of section 24(4) of the Act, the Authority may impose such fees or charges (other than service charges) for goods supplied, or for services provided, as the Authority determines.

(2) The charge for water supplied by the Authority shall reflect the quantity of water supplied by the Authority to the land or premises as registered by meter.

(3) The Authority shall adjust the charge for water supplied if—

- (a) the meter is found to be damaged; or
- (b) the meter has ceased to register; or
- (c) the meter, after being tested in accordance with the Solomon Islands Water Authority (Water and Sewerage Systems) Regulations, is found to register incorrectly.

(4) The adjustment under this regulation may—

(a) if a reading of the meter was recorded for a corresponding period of the previous year, be calculated upon the basis of a daily consumption equal to the average daily consumption during the corresponding period of the previous year; or

(b) if no reading of the meter was recorded for a corresponding period of the previous year, be calculated on the basis of a daily consumption equal to the average daily consumption during the period covered by the first reading taken by the Authority after the meter has been adjusted or another meter has replaced it.

(5) The Authority may agree with an owner or occupier of land or premises to adjust charges for water otherwise than in accordance with paragraph (4).

(6) The Authority may, in the case of an unmetered supply of water, estimate the consumption of water supplied by the Authority for the purpose of imposing a charge under these Regulations.

(7) The charge for sewage collection, as carried out by the Authority, may contain a discharge factor to determine the quantity of water, as a percentage of the quantity measured or estimated as being supplied by the Authority to the land or premises, which is discharged from the land or premises to a sewer main of the Authority.

Charges in respect of leakages within the property boundaries

10.—(1) Where water is or is intended to be supplied to a property by the Authority through a water service that has been installed and includes a meter, and—

- (a) a leak occurs (in the service pipe or the fittings connected to the service pipe) within the boundaries of the property;
- (b) the leak gives a visible or otherwise apparent indication that water is being wasted; and
- (c) the meter registration is increased as a result,

the owner or occupier of the property shall pay for all the water registered by the meter.

(2) Where a leak occurs within the boundaries of the property and meter registration is increased as a result but the leak has given no reasonably sufficient visible or otherwise apparent indication that water is being wasted the Authority shall make an assessment of the quantity of water lost due to the leakage and the owner or occupier of the property shall pay for the cost of the quantity of water so assessed.

(3) In making an assessment under paragraph (2), the Authority shall take into account—

- (a) whether the leak was the result of any action or inaction of the owner or occupier; and
- (b) the length of time for which the leak has occurred.

Charges where leakages occur outside property boundaries

11.—(1) Where water is or is intended to be supplied to a property by the Authority through a water service (including a meter installed outside the boundaries of the property) that passes through land outside the boundaries of the property and a leak occurs (in the service pipe or the fittings connected to the service pipe) between the meter and the property and outside the boundaries of the property the Authority shall make an assessment of the quantity of water lost due to the leakage and the owner or occupier shall be liable.

(2) In making an assessment under paragraph (1), the Authority shall take into account—

- (a) whether the leak was the result of any action or inaction of the owner or occupier; and
- (b) the length of time for which the leak has occurred; and
- (c) whether the leak gives a visible or otherwise apparent indication that water is being wasted,

and the owner or occupier of the property shall pay for the cost of the quantity of water assessed under this regulation.

Payment by instalments

12.—(1) The Authority may notify a person liable to pay service charges levied, or fees or other charges imposed, that payment of the service charges or fees or other charges

may be made to the Authority by a stated number of instalments of specified amounts.

(2) Where there is a failure to make a payment in accordance with the notification, the total unpaid balance may be treated by the Authority as an overdue amount of service charges or fees or other charges even if payment by instalments had commenced.

Payment to the Authority

13.—(1) Payment to the Authority of a service charge or fee or other charge—

(a) is due within the time; and

(b) may be made in any manner, specified in the notice of the service charge or fee in other charge.

(2) Failure to pay a service charge or fee or other charge under these Regulations when it was due for payment, and the Authority as a result incurs any expense in its recovery, the Authority may impose that expense as a further charge and recover it from the person.

(3) A further charge imposed under paragraph (2) is recoverable without notice having been given under paragraph (1).

Interest on unpaid amounts

14.—(1) The Authority may require the payment of interest on an unpaid amount (other than unpaid interest) due to the Authority.

(2) The rate of interest that the Authority may charge on overdue fees, service charges or other charges, shall be as prescribed in the schedule hereto.

(3) The Authority may determine different rates of interest for different unpaid amounts, but no such rate shall exceed the rate prescribed under these Regulations.

(4) Interest may not be charged in respect of a period commencing earlier than seven days after the debtor is notified that interest may be charged.

Adjustment of service charge

15.—(1) Where a service charge is levied on land that has been classified as residential land or non-residential land and the land ceases to belong to that class or the Authority later decides that the classification was incorrect, the Authority shall adjust the service charge in accordance with the correct classification.

(2) An adjustment may take into account more than one change of class occurring during the period to which the adjustment relates.

(3) If a service charge is levied on a basis prescribed by regulation 4 and the Authority later decides that the basis was incorrect, the Authority shall adjust the service charge accordingly.

(4) If the Authority has not acted under paragraphs (1), (2), or (3) and application for it so to act is made to the Authority in writing by the owner of the land concerned stating the grounds of the application, the Authority may act under paragraphs (1), (2), or (3), or may refuse to do so, and shall give the applicant written notice of its decision.

(5) Where a service charge is adjusted under this regulation, the Authority—

- (a) shall (unless notice has been given under paragraph (4)) give written notice of adjustment to the person liable to pay the service charge; and
- (b) may recover any increase as if it were part of the service charge even if an objection has been lodged or made but not determined; and
- (c) shall refund any amount by which a service charge already paid has been decreased or credit the amount towards payment of any amount then payable to the Authority by the person liable to pay the service charge.

Objection to certain service charges

16.—(1) Where a service charge is levied on land that has been classified as residential land or non-residential land the person liable to pay the service charge may, within one month after being served with notice of the levying of the service charge, object to the service charge.

(2) If an adjustment made under regulation 15 results in a service charge being increased, the person liable to pay the amount of the increase may, within one month after being given notice of the increase, object to the adjustment.

(3) Where the application is made to the Authority under regulation 15 to adjust a service charge and the Authority—

- (a) refuses to adjust the service charge; or
- (b) adjusts the service charge otherwise than in accordance with the application,

the applicant may, within one month after being notified of the refusal, object to the refusal.

(4) An objection—

- (a) under paragraph one may be made only on the ground that the classification made for the purpose of levying the service charge was incorrect; or

(b) under paragraph (2) may be made only on the ground that the classification made for the purpose of adjusting the service charge was incorrect; or
(c) under paragraph (3) may be made only on the ground that the refusal by the Authority was unreasonable.

(5) An objection shall be made by lodging with the Authority, or by serving on the Authority by post, a written statement of the ground for the objection and the reason why the objector believes the ground exists.

(6) The Authority may allow, or disallow, an objection in part or in whole and shall give the objector written notice of its decision on the objection.

(7) A service charge may be recovered even if an objection is made under paragraphs (1), (2) or (3) but, if the service charge is altered as a result of the objection or an appeal against disallowance of the objection, any excess amount shall be—

(a) refunded by the Authority or

(b) credited towards payment of any amount then payable to the Authority by the person liable to pay the service charge.

Appeal relating to objection to service charge

17.—(1) Any person who is dissatisfied with a decision made by the Authority, pursuant to regulation 16(4), may within one month of receipt of a written notice appeal to the Magistrate's Court against the decision to a charge.

(2) An appeal under paragraph (1) may only be made on the grounds on which the objection to the decision of the Authority was made under regulation 16(4).

General power to defer or waive payment

18.—(1) Where the Authority is of the opinion that reasonable cause has been shown for the deferral or waiver, it may defer payment of a service charge, or any other charge or fee, on such conditions as it thinks fit, or waive such a payment or any part thereof.

(2) The Authority may establish an account from which to fund any such deferral or waiver.

Making of false statement

19. A person who wilfully makes a false or misleading statement in an application for the refund, deferment or reduction of service charges commits an offence.

PART 3
MISCELLANEOUS

Meters

20.—(1) The Authority may install, and make charges for, meters, pipes and apparatus installed for the measurement, conveyance, reception and storage of water or sewage (including trade wastes).

(2) The Authority may, where it deems necessary, require an owner, occupier or other person requiring a supply of water or the disposal of sewage or liquid wastes to—

- (a) install meters, pipes or apparatus of a type and size approved by the Authority; and
- (b) effect the installation in accordance with the Authority's requirements; and
- (c) maintain the installation in good working order and in accordance with the Authority's requirements or directions.

(3) Where the Authority makes a direction or specifies any requirements under this regulation the owner, occupier or other person to whom it is made shall comply with it.

Service of notices

21.—(1) A notice under the Act to a Department of the Government may be served on the Department Head.

(2) A notice under the Act to a corporation constituted by or under an Act may be served by leaving it or sending it by post to the registered or principal office of the corporation.

(3) A notice under the Act to a person liable to payment of a service charge or fee or other charge, or to a person who is the owner or occupier of land or a building, may be served—

- (a) personally; or
- (b) by leaving it at the place where the person to be served lives or carries on business; or
- (c) by post to the residence or registered or principal place of business of the person to be served; or
- (d) by affixing it to a conspicuous part of the land or building.

(4) Where a notice relates to unoccupied land or premises and the address of the owner is not known to the Authority, such notice may be served by an advertisement that—

- (a) is published in a newspaper circulating in the Authority's area; and

(b) states the amount of the service charge, the period for which it is owing and that a detailed notice of the service charge may be obtained at the office of the Authority; and
(c) states that the advertisement operates as service of the notice.

(5) It is a sufficient description of the addressee of a notice to be served if the notice specifies "the owner", "the occupier" or any other apt description.

Recording of service charge and other charges

22.—(1) The Authority shall keep such records relating to each service charge or in such manner as it determines.

(2) An amendment of the records kept under paragraph (1) may be made by—

- (a) inserting the name of a person who claims to be entitled to be recorded as owner or occupier; or
- (b) inserting the name of a person to whom an account a service charge or other charge should have been rendered or who had, since the levying of a service charge or the imposing of the other charge, become liable to pay it; or
- (c) omitting the name of a person whose name should not have been recorded; or
- (d) increasing or reducing the amount of a service charge or other charge, whether as a result of an error in recording or notifying it or as a result of a determination of the Authority or the outcome of an appeal; or
- (e) inserting particulars of land that should have been the subject of a service charge; or
- (f) making such other amendments as will ensure conformity with the Act and these Regulations.

(3) A liability to make a payment as a result of an amendment accrues on the making of the amendment but the payment is not overdue if made within one month after notice of the amendment and notice of the resulting liability has been given to the person liable.

Crown land held on lease

23.—(1) Where Crown land is leased to a person or held on private purposes, directly or indirectly, any service charge or other charge in respect of the land is payable—

- (a) if the lease has been transferred by way of mortgage, by the mortgagor or, if the Authority fails to recover it from the mortgagor, by the mortgagee; or
- (b) in any other case, by the lessee.

(2) In this regulation, "lessee" includes licensee and permittee.

Crown undertakings

24. Where Crown land is occupied and used by the Crown in connection with a commercial or industrial undertaking, any service charge in respect of the land or other charge imposed is payable from the funds of such undertaking.

Successive Crown lessees in the same charging year

25.—(1) This regulation applies to land—

(a) that, in the same charging year for the Authority, is held successively by two or more lessees under a lease from the Crown (whether or not with an interval between them); and
(b) in respect of which the Authority has levied a service charge for that year or imposed a charge.

(2) In relation to land to which this regulation applies, the Authority may—

(a) make between the successive lessees such adjustment (if any) of the service charge or other charge whether paid or unpaid, as the Authority considers to be proper; and
(b) recover from such lessee the proportion of the service charge or other charge fixed for the lessee by the adjustment; and
(c) make any refund resulting from the adjustment.

Liability of joint owners

26.—(1) If land is owned or held jointly by two or more persons liable to pay a service charge in respect of the land—

(a) they are each jointly and severally liable for payment of the service charge and any other charge; and
(b) as between themselves, each is only liable for such part of the service charge or any other charge as is proportionate to the interest owned or held by the person in the land.

(2) If one person referred to in paragraph (1) pays more than the proportionate part of a service charge or any other charge the person is required by that paragraph to pay, the excess may be recovered by way of contribution from the others jointly liable.

Liability on disposing of land

27.—(1) The liability of a person to pay a service charge or other charge levied by the Authority or a charge imposed in respect of any land does not cease on disposal of the land if notice of the service charge or other charge—

(a) was given before disposal of the land; or

(b) is given after disposal of the land and before the approved notice of the disposal is given to the Authority.

(2) Where a person disposes of any land and pays a service charge levied on the land or other charge imposed that became payable to the Authority after disposal of the land and before the approved notice of the disposal is given to the Authority, the person may recover the amount of the service charge or other charge from the person who acquired the land.

Daily basis of apportionment of service charge

28. As between a person liable to pay a service charge or other apportionment charge in respect of land and—

- (a) a person who acquires the land; or
- (b) the person from whom the land was acquired,

the service charge or other charge shall be apportioned on a daily basis.

Liability of new owner

29.—(1) A person who, by becoming the owner of land, becomes liable to pay all current service charges or fees or other charges levied on, or applicable to, the land, even if notice of them was not given to the person until after becoming the owner of the land.

(2) A person who becomes the owner of land and pays to the Authority a service charge, fee or other charge in respect of the land that was payable before the person became the owner, may recover the whole or a part of the service charge, fee or other charge from the person liable for its payment at the time notice of the service charge was served or notice of the fee or charge was given.

(3) Paragraphs (1) and (2) do not apply to a person who holds land under a lease from the Crown or the Authority (whether or not the land was previously held under such a lease) that was granted after the service charge, or fee or other charge was levied or became applicable.

Liability of tenant

30.—(1) A tenant of land in respect of which a service charge or other charge was remained unpaid for at least one month after becoming due is liable for payment of the service charge or other charge if the Authority serves on the tenant a notice requiring such payment to be made.

(2) A tenant who pays a service charge or other charge in accordance with a notice served

under paragraph (1) may set off the amount paid against rent due.

(3) Where no rent is due, or the amount paid to the Authority exceeds the rent due, the tenant may—

- (a) set off the amount paid, or the excess, against accruing rent; or
- (b) recover the amount paid, or the excess, as a debt due from the owner to the tenant.

(4) A tenant who pays a service charge for a period extending beyond the term of the tenancy may recover the amount paid as a debt due from the owner to the tenant.

(5) The receipt of the Authority for an amount paid under these Regulations is, to the extent of the amount shown therein, a discharge of the tenant from payment of the rent.

(6) In this regulation, "rent" includes money payable under a lease, licence or permit and "tenant" includes occupier.

Proportionate liability for service charge

31.—(1) Where a service charge becomes leviable on land on liability for which it was not previously leviable, the service charge extends only to so much of the service charge as bears to the whole of the service charge the same proportion as is borne to the charging year at the time the liability arises by the part of the year that is unexpired at the time.

(2) Where land on which a service charge is leviable ceases to be leviable for the service charge, liability for the service charge extends only to so much of the service charge as bears to the whole of the service charge the same proportion as is borne to the charging year at the time the liability ceases by the part of the year that has expired at the time.

(3) Where an amount of service charge has been paid in excess of the liability arising under paragraph (2), the Authority shall refund the amount of the excess or credit it towards payment of any amount then payable to the Authority by the person who would otherwise be entitled to a refund.

Savings and transitional

32. Any action taken by, or in respect of, the Water Unit of the Ministry of Transport, Works and Utilities, under the Water Supply Act shall be taken to have been taken by, or in respect of, the Authority under these Regulations.

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(Reg. 14(2))

The interest rate referred to in these Regulations shall be an annual rate of 12%.

**THE SOLOMON ISLANDS WATER AUTHORITY (CATCHMENT AREAS)
REGULATIONS**

LN 42/1995

(Section 57)

[8th May 1995]

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PART I
PRELIMINARY

Citation

- 1. These Regulations may be cited as the Solomon Islands Water Authority (Catchment Areas) Regulations.

Definitions

- 2. In these Regulations, unless the context otherwise requires—

"authorised person" means an employee or other person acting on behalf of the Authority;

"controlled catchment area" means a catchment area, or part thereof, that is the property of the Authority or is under the full control or management;

"pollutant" means any substance or thing which could directly or indirectly alter the environment—

- (a) to its detriment or degradation; or
- (b) to the detriment of any beneficial use;

"plant" includes a tree or shrub;

"vehicle" includes;

- (a) any apparatus drawn or propelled wholly or partly by an animal, volatile spirit, steam, gas, oil, electricity or wind and which is wholly or partly used for the conveyance of persons or things;

- (b) any trailer or caravan, whether or not it is in the course of being towed;
 - (c) any motor vehicle, carriage or motor cycle; and
 - (d) any cycle;
- "wastes" include matter, whether liquid, solid or gaseous and whether useful or useless, which is discharged to the environment.

PART II REGULATION OF CATCHMENT AREAS GENERALLY

Application

3. Except to the extent that its operation is limited to a controlled catchment area, this Part applies to all catchment areas or parts thereof (including the areas identified in the Schedule).

Boundaries

4.—(1) The Authority may erect notices in a catchment area to indicate the boundaries thereof.

(2) A person shall not remove, move, damage, deface, obscure, cover up or interface with any such notice.

Gates not to be opened

5. Except with the approval of the Authority a person shall not open any gate, or remove any barrier to entrance, into any land in a controlled catchment area.

Certain conduct prohibited

6. A person shall not, in a controlled catchment area—

- (a) destroy, capture, injure or annoy any animal; or
- (b) interfere with any animal or interfere with the habitat of any animal; or
- (c) bury a dead body (human or animal) or part thereof;
- (d) damage a plant, or any part of a plant, growing therein; or
- (e) remove from the area a plant, or any part of a plant,

Notwithstanding the provisions of this regulation, the Authority may do anything or take any action which it considers necessary for the proper administration of the catchment area.

Control of pollution and disease in catchment areas

7.—(1) A person shall not bring into or leave in a catchment area any pollutant or wastes.

(2) The owner or occupier of land in a catchment area must not erect, install or operate any sewage collection, treatment or disposal system on the land unless—

(a) the system complies with any standards for such systems approved by the Authority and notified to the person; and

(b) the system is erected, installed or operated in compliance with any conditions imposed by the Authority in respect of the system or of such systems in general.

(3) A person shall comply with any direction given by the Authority or an authorised person for—

(a) the disposal of any pollutant or wastes in a catchment area, or of any other substance that is in a catchment area and that the Authority considers may detrimentally affect any water in the area; or

(b) the removal of any such pollutant, wastes or other substance from a catchment area.

(4) A person (including a body corporate) who becomes aware that any person, animal or property in a catchment area is carrying, infected with or affected by any waterborne infectious disease must notify the Authority of that fact within 24 hours after first becoming so aware.

Pesticides and pest control in catchment areas

8. A person shall not—

(a) bring into, or use or keep any pesticide or toxic material;

(b) take steps to control or eradicate by the use of pesticides or toxic materials any feral animal, animal pest or noxious weed,

In a catchment area, if to do so would pollute or contaminate, or cause a reasonable risk of polluting or contaminating, the water supply in the catchment area.

Stock control in catchment areas

9.—(1) The owner or person in charge of any stock shall ensure that the stock does not enter any land (other than privately owned land) in a catchment area.

(2) Where any stock enters any such land an authorised person may—

(a) drive away, or remove the stock, from such land;

(b) impound, sell, destroy or otherwise dispose of the stock.

(3) Any costs incurred as a result of any action taken under paragraph (2) may be recovered from the owner or person in charge of this stock as a debt due to the Authority.

Animal husbandry

10.—(1) A person shall not erect, maintain or use any cow yard, pigsty, poultry house, animal feed lot, stockyard or stable in each case within 100 metres (or such greater distance as the Authority may determine by notice published in the Gazette) of any stream, reservoir or water course in a catchment area.

(2) A person shall not maintain, use or erect any structures in a catchment area for any intensive animal feed lot, intensive pigsty, intensive poultry operation, trout farm or other concentrated agricultural activity identified by the Authority as a hazard to water to be supplied by the Authority.

Slaughtering

11.—(1) A person shall not slaughter an animal in any manner or under any circumstances or conditions so as to pollute or to cause a reasonable risk of polluting the water supply in a catchment area.

(2) A person who slaughters an animal in a catchment area shall immediately—

- (a) collect and deposit all blood, offal and refuse products in a receptacle made of metal or some other non-absorbent material; and
- (b) remove all such blood, offal and refuse products from the catchment area and dispose of them in such a lawful way as avoids pollution of the water supply in any catchment area.

(3) A person who slaughters an animal in a catchment area shall, as soon as practicable after doing so, thoroughly wash and clean the premises where the slaughter took place.

Alteration of building in catchment area

12.—(1) The Authority may serve on both the owner and the occupier of land within a catchment area a notice to the effect that, not earlier than one month after service of the notice, structural alterations specified in the notice are to be made to a building or other work on the land, subject to any approval required under any Act.

(2) Prior to serving a notice under paragraph (1), the Authority must be satisfied that the alterations specified in the notice are necessary to prevent or minimise pollution of water to be supplied by the Authority.

(3) The notice shall state the reasons for the proposed alterations—

- (a) that the proposed alterations, subject to any approval required under any Act—
 - (i) shall be made by the Authority; or
 - (ii) may, by agreement with the Authority and at an agreed cost to be met by the Authority be made by the owner of the building; and
- (b) that the Authority agrees to pay to the person served with the notice reasonable compensation for any damage suffered by such person and caused by the making of any alterations referred to in the notice; and
- (c) that, not later than one month after service of the notice, the person served may make written representations to the Authority in relation to the proposed alterations.

(4) After serving a notice under paragraph (1), and after considering any representations duly made in relation to the proposed alterations, the Authority may;

- (a) carry out, or agree with the owner for the carrying out of, the alterations specified in the notice or any of them; or
- (b) revoke the notice by a further notice served on the owner and the occupier of the land concerned.

(5) Action taken by the Authority under paragraph (4) (b) does not preclude the Authority from serving a further notice under paragraph (1) in relation to the same building or other work.

Camping, picnicking and boating

13.—(1) In this regulation, "camp" means reside temporarily, whether or not in a tent, caravan, cabin or other structure.

(2) The Authority may reserve any portion of land (other than privately owned land) in a catchment area for camping, picnicking, swimming or boating by means of signs displayed on or adjacent to the portion.

(3) The Authority may impose conditions, not inconsistent with the Act or this regulation, subject to which a person may use a reserved portion of land for camping, picnicking, swimming or boating.

(4) A person must not camp, picnic, swim or boat on or in water in a portion of land in a catchment area unless—

- (a) the portion is reserved for that purpose by signs displayed pursuant to paragraph (2); and
- (b) the person complies with any conditions imposed pursuant to paragraph (3); and
- (c) the person pays the charges (if any) payable in respect of the person's camping, picnicking, swimming or boating on the portion.

Fishing

14. A person shall not, in a controlled catchment area—

- (a) take or attempt to take fish from any stream, reservoir or water course; or
- (b) have in his possession without lawful excuse, any fishing gear.

Shooting

15. A person shall not carry or have in his possession in a controlled catchment area any firearm or prohibited weapon.

Fires

16.—(1) A person shall not—

- (a) light any fire on land in a controlled catchment area unless in a fire place approved by the Authority; or
- (b) do anything on land in a controlled catchment area that may cause a fire (to be elsewhere) than in a fire place approved by the Authority.

(2) This regulation does not apply in respect of privately owned land in a catchment area.

Information requested by authorised person

17. A person shall not give to an authorised person any false or misleading information, knowing it to be false or misleading in response to a request for information by the authorised person in the exercise of his duties in relation to a catchment area.

Investigation of suspected contraventions

18.—(1) An authorised person who has reason to believe that a person has in his or her possession or control, in contravention or because of a contravention or intended contravention of these Regulations, any matter or thing, may request that person to—

- (a) surrender the matter or thing into the officer's possession and control; or
- (b) make any vehicle or receptacle available for inspection by the authorised person for the purpose of investigating the suspected contravention or intended contravention.

(2) Where a person fails to comply with such request the authorised person may direct the person to leave the catchment area immediately.

(3) A person to whom an authorised person gives such a direction shall comply with such direction.

Fees and charges

19.—(1) The Authority may from time to time determine fees or charges payable in respect of the entry by persons or vehicles into catchment area or any part thereof.

(2) A person who is liable to pay fees or charges so determined, may be denied entry unless they are paid on request by an authorised person.

Notice by government bodies

20.—(1) For the purposes of section 18(2) of the Act, notice given to the Authority shall be in writing and shall be served on the Authority.

(2) Such notice shall contain a full description of the proposed activity and a statement of the objectives of the proposed activity.

PART III ADDITIONAL REGULATION OF CONDUCT IN SCHEDULE AREA

Application

21.—(1) This Part shall apply in relation to any catchment area identified in the Schedule.

(2) For the purposes of this Part, each area so identified is referred to as a Schedule area.

(3) Subject to these Regulations, this Part shall apply to Schedule areas or part thereof.

Abstraction of water

22. A person shall not, directly or indirectly, abstract water from a subterranean source in a Schedule area unless, authorised by a permit issued under this Part.

Application for permit

23. A person desiring to abstract water from a Schedule area, shall apply to the Authority for a permit.

Issue of permit

24.—(1) The Authority may issue to a person a permit under this Part subject to such conditions as the Authority thinks fit and specified in the permit.

(2) Without limiting the generality of paragraph (1), a permit may contain conditions relating to one or more of the following—

- (a) the payments to be made to the Authority by the holder of the permit for the benefit of the permit;
- (b) environmental controls to be followed by the holder of a permit; and
- (c) the power of the Authority to vary a permit.

(3) A permit, unless sooner cancelled or suspended, remains in force for such period (if any) as is specified in the permit.

(4) The Authority may by notice, cancel or suspend a permit if the Authority is satisfied that the holder has breached any condition of the permit or that the holder is no longer a fit and proper person to hold such a permit.

(5) A person aggrieved by a decision of the Authority, may appeal to the Minister for a review of the decision.

Market gardens

25. A person shall not establish a market garden in a Schedule area without prior approval from the Authority.

Petroleum products

26. A person shall not store or dispose of petroleum products in a Schedule area, if to do so would pollute or contaminate, or cause a reasonable risk of polluting or contaminating the water supply in a catchment area.

Mining

27. A person shall not remove soil or sand from any Schedule 1 area so as to pollute or contaminate or cause a reasonable risk of polluting or contaminating the water supply within Schedule area.

Savings

28. Anything done for the purposes of the provisions of the Water Supply Act is to be taken to have been done for the purposes of the corresponding provision of these Regulations.

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Cap. 18*

SCHEDULE

(Reg. 21)

List of Groundwater Catchments

MATANIKO

KOMBITO

PANATINA

DODO CREEK

List of Spring Source Catchments

WHITE RIVER

ROVE

KOMBITO

List of Open Reservoir Catchments

*Additional catchments to be included as provinces are assimilated and/or new sources commissioned.

**THE SOLOMON ISLANDS WATER AUTHORITY (EXEMPT PROPERTIES)
REGULATIONS**

LN 94/1995

(Section 57)

[23rd August 1995]

**PART I
PRELIMINARY**

Citation

1. These Regulations may be cited as the Solomon Islands Water Authority (Exempt Properties) Regulations.

Definitions

2. In these Regulations unless the context otherwise requires—

"Determination" means a decision by the Authority under section 28 of the Act relating to the setting of fees and charges for the ensuing charging period.

**PART II
LAND EXEMPT FROM SERVICE CHARGES**

Extent of exemption

3.—(1) Properties which, in the view of the Authority, fall within the classifications outlined in regulation 4, shall be entitled, on application to and approval by, the Authority, to exemption of water service charges and sewerage service charges.

(2) Those properties which, after approval by the Authority, are granted exemption under paragraph (1) are still liable;

(a) to pay fees and charges (other than service charges) for the provision of water and sewerage services as gazetted by the Authority;

(b) to pay fees and charges (other than service charges) for water supplied as gazetted by the Authority;

(c) to pay additional fees and charges (other than service charges), where sewer is connected, as gazetted by the Authority.

Exempt properties classification

4. The following classes of properties shall be entitled to the exemptions as outlined in regulation 3—

(a) land which is vested in the Crown, or in a public body, or in trustees, and is used for a public cemetery or for a public reserve or park;

(b) land which belongs to any public charity, and is used or occupied by the charity for its purposes;

(c) land which is used or occupied solely for the purposes of, or connected with, a baby health centre, day nursery, kindergarten or amenities for the aged not conducted for private gain;

(d) land which is vested in the Crown, or in a public body, or in trustees, and is used solely for the purposes of a free public library;

(e) land owned by the Crown that, except in the case of land leased to a caretaker at a nominal rental, is not leased by the Crown to any person for private purposes;

(f) land which belongs to a religious body and which is occupied and used in connection with—

(i) any church or other building used or occupied for public worship; or

(ii) any building used or occupied solely as the residence of a minister of religion in connection with any such church or building; or

(iii) any building used or occupied for the purposes of religious teaching or training; or

(iv) any building used or occupied solely as the residence of the official head or the assistant official head or both, of any religious body;

(g) land which—

(i) is unoccupied; and

(ii) is not supplied with water from any water of the Authority and is not connected to any sewer of the Authority; and

- (iii) has been determined, by the local council, to be unsuitable for the erection of a building because of flooding or landslip;
- (h) land which is unoccupied and which is below high-water mark of any tidal water;
- (i) public market areas, drill grounds, sports grounds, gardens or children's playgrounds provided by a council.

PART III EXCEPTIONS

Exceptions

5. The exemptions applicable to the classes of properties listed in regulation 4 do not apply to—

- (a) land within a public reserve or park that is the subject of a lease, licence or other authority under which a person carries on a trade or business;
- (b) land that is vested in the Crown or a public body and is leased to any person for private purposes;
- (c) land used or occupied by the Crown in connection with an undertaking declared by proclamation published in the Gazette to be a commercial or industrial undertaking for the purposes of these Regulations.

PART IV MISCELLANEOUS

Savings

6. Anything done for the purposes of the provisions of the Water Supply Act is to be taken to have been done for the purposes of the corresponding provision of these Regulations.

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Cap. 18*
