

## CHAPTER 34:03 WATERWORKS

### ARRANGEMENT OF SECTIONS

#### PART I *Preliminary*

#### SECTION

1. Short title
2. Interpretation
3. Delegation of powers
4. Waterworks area
5. Appointment of Water Authority

#### PART II *Duties and Powers of Water Authority*

6. Water Authority to acquire rights to water and to construct and manage works for supplying water
7. Acquisition of existing waterworks
8. Duty of owner as to carrying on undertaking until date of acquisition
9. Information to be given, etc.
10. Minister may authorize entry of waterworks, etc.
11. Compensation, determination of disputes, etc.
12. How compensation to be paid
13. Power of Water Authority to lay waterworks in public places
14. Power of Water Authority on private land
15. Power of Water Authority to enter premises for inspection and to supervise proper use of water service
16. Power of Water Authority to curtail or withhold supply of water
17. Water Authority may prohibit use of water for specific purposes

#### PART III *Supply of Water by Water Authority*

18. Power of Water Authority to supply water to premises
19. Manner of assessing charges for water supplied
20. Water Authority may prescribe charges, etc.
21. Power to authorize supply of water outside defined area

#### PART IV *Offences and Supplementary*

22. Injury, diversion, pollution
23. Misuse or waste of water
24. Altering service
25. Fraudulent measurement
26. Water used other than for purpose supplied
27. Erection of buildings and structures over mains or pipes prohibited without permission

- of Water Authority
28. Supply of water by certain persons prohibited
  29. Accumulations likely to enter waterworks
  30. Bathing, washing in waterworks
  31. Inspection of Water Authority's affairs by Government officials
  32. Regulations

Law 26, 1961,  
Law 3, 1962,  
G.N. 74, 1962,  
HMC Order 1, 1963,  
L.N. 84, 1966,  
Act 54, 1969,  
Act 56, 1970,  
Act 70, 1970,  
Act 16, 1983.

**An Act to provide for the constitution of water authorities in townships, to confer certain duties and powers upon such water authorities, to provide for the acquisition of existing waterworks and to provide for matters incidental thereto.**

*[Date of Commencement: 5th March, 1962]*

## **PART I**

### ***Preliminary (ss 1-5)***

#### **1. Short title**

This Act may be cited as the Waterworks Act.

#### **2. Interpretation**

In this Act, unless the context otherwise requires-

**"date of acquisition"** means the appointed date for the acquisition of an undertaking in terms of section 7(1);

**"land"** does not include buildings or land underneath buildings;

**"meter"** means an apparatus for measuring water and any meter box, meter box cover and indicator marking the position and size of such meter;

**"occupier"** means any person in occupation of the premises or any part of the premises in connection with which the word is used;

**"owner"** means the person for the time being receiving the rent of the premises in connection with which the word is used whether on his own account or as agent or trustee for any other person or the person who would receive the rent if the premises were let to a tenant;

**"premises"** includes land, buildings and structures;

**"service"** means all pipes, cisterns, cocks, fittings and other appliances (excepting any meter as herein defined) through which water flows or is intended to flow from the waterworks or which are or may be used for the purpose of supplying any premises from the waterworks;

**"undertaking"** means any business for the supply of water to the public;

**"Water Authority"** means, in relation to any waterworks area, the authority appointed under section 5 in respect of that waterworks area;

**"waterworks"** means reservoirs, dams, weirs, tanks, cisterns, tunnels, adits, wells, boreholes, filters, settling tanks, purifying plants, conduits, aqueducts, mains, pipes, foundations, stand-pipes, hydrants, taps, pumps, engines and all other structures and appliances for obtaining, storing, purifying, conveying, distributing, measuring or regulating water;

**"waterworks area"** means an area declared as a waterworks area and defined under section 4.

### **3. Delegation of powers**

All or any of the powers and duties conferred or imposed on a Water Authority under this Act may, subject to the Water Authority's control, be exercised and performed by the officers, servants and agents thereof, and all references in this Act to a Water Authority shall be construed accordingly.

### **4. Waterworks area**

The Minister may, by statutory instrument, declare any area in which an undertaking exists or in which he considers that a public water supply should be established to be a waterworks area for the purposes of this Act and shall define the boundaries of such area.

### **5. Appointment of Water Authority**

The Minister shall by notice published in the *Gazette* appoint a Water Authority for every waterworks area.

## **PART II**

### ***Duties and Powers of Water Authority (ss 6-17)***

### **6. Water Authority to acquire rights to water and to construct and manage works for supplying water**

(1) Subject to the provisions of this section, a Water Authority shall for the purpose of securing an adequate supply of water to the inhabitants of the waterworks area acquire rights to take water, and construct, make, purchase, expropriate or take over, and manage, beyond as well as within the limits of the waterworks area, all such waterworks as may in the opinion of

the Water Authority be necessary and expedient for the purpose of taking, impounding, appropriating, storing, conveying or supplying such water, and shall construct, make, purchase, expropriate or take over, and manage, such premises and servitudes as it may deem requisite for the purpose of such waterworks.

(2) No property of any description, or interest therein or right thereover, shall be expropriated or taken over in terms of this section by a Water Authority without the agreement of every person entitled to such property, interest or right unless it is expropriated or taken over in the interests of public health or in order to secure the development or utilization of any property for the purpose mentioned in subsection (1).

(3) Where any property is expropriated or taken over without such agreement adequate compensation shall be promptly payable by the Water Authority and any dispute as to the interest or right of any person in or over the said property, the legality of the expropriation or taking over, or the amount of any compensation to which any person may be entitled by reason thereof shall be determined in accordance, *mutatis mutandis*, with the provisions of the Acquisition of Property Act, and for the purpose of such determination and for the purpose of obtaining prompt payment of compensation any person having an interest in or right over the property shall have all the rights of access to the High Court provided in the said Act.

## **7. Acquisition of existing waterworks**

(1) If on the declaration of a waterworks area an undertaking already exists in such area, the Water Authority shall have the right, in the interests of public health, town and country planning or land settlement or in order to secure the development or utilization of any property for the better supply of water to the community, of acquiring the undertaking by serving personally or by registered post on the owner of the undertaking, within six weeks of such declaration a notice setting out the appointed date for the acquisition of the undertaking.

(2) The Minister shall, before the date of acquisition, make a vesting order having as from the date of acquisition such operation as is provided in subsection (3).

(3) The vesting order shall operate as follows-

- (a) so as to transfer and vest in the Water Authority without any conveyance, assignment or transfer whatsoever, free from all charges, encumbrances, rights or obligations of any nature-
  - (i) all the immovable property and corporeal movable property owned and used by the owner of the undertaking for the purpose of the undertaking at the date of the vesting order;
  - (ii) all the immovable property and corporeal movable property paid for by the owner of the undertaking and used or employed by him for the purposes of the undertaking at the date of the vesting order; and
  - (iii) such servitudes over land owned by the owner of the undertaking as the Minister

may deem requisite for the purposes of the undertaking and specified in the vesting order;

- (b) so as to transfer and vest in the Water Authority all book debts and other moneys owing to the owner of the undertaking on account of that undertaking at the date of the vesting order and the right to sue for, recover and give receipts for such debts and money; and
- (c) so as to transfer to the Water Authority the rights and liabilities of the owner of the undertaking under any contract in respect of a work which is in the course of construction, extension or repair at the date of the vesting order.

#### **8. Duty of owner as to carrying on undertaking until date of acquisition**

(1) Where a notice in terms of section 7(1) has been served on the owner of an undertaking such owner shall, until the date of acquisition, carry on the undertaking in the ordinary course of business and maintain it in as efficient condition as it was in before the giving of the notice, and shall not without the previous consent in writing of the Water Authority given either generally or specially (which he shall apply for if it is necessary for the purpose aforesaid)-

- (a) sell, dispose of or let or hire out for more than three months any immovable property or corporeal movable property owned and used or, having been paid for by such owner, used or employed by him for the purpose of the undertaking; or
- (b) undertake any new works estimated to cost more than P1000 in all.

(2) Where the Water Authority suffers any damage by reason of any contravention by the owner of the undertaking of subsection (1), the amount of such damage shall be deducted from the compensation payable in respect of the undertaking in terms of section 11.

#### **9. Information to be given, etc.**

(1) Where a notice in terms of section 7(1) has been served on the owner of an undertaking such owner shall-

- (a) produce to an officer or agent of the Water Authority authorized by the Minister and permit such officer or agent to make extracts from and take copies of such books of account, records and other documents, and shall supply to such officer or agent such information as the officer or agent may reasonably require for the purpose of enabling the Water Authority to take over easily and without interruption the undertaking; and
- (b) preserve all books of account, records and other documents relating to the undertaking until they are handed over to the Water Authority in terms of paragraph (a) or, if they are retained by the owner of the undertaking, until 12 months have elapsed after the date of acquisition.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding P400 or to imprisonment for a term not exceeding

one year, or to both.

#### **10. Minister may authorize entry of waterworks, etc.**

(1) Notwithstanding section 8, where after the service of a notice in terms of section 7(1), the owner of the undertaking lessens or discontinues the supply of water to any premises otherwise than by reason of *vis major* or in the ordinary course of business or carries on the undertaking in such manner as is, in the opinion of the Minister, contrary to section 8(1), the Minister may authorize any officer or agent of the Water Authority to enter upon the premises of the undertaking and forthwith to do all such things as such officer or agent may consider necessary for the maintenance and continuation of the supply of water from the undertaking.

(2) Such officer or agent shall work the undertaking for and on account of the owner of the undertaking and at his risk and expense, rendering the balance of the net revenue derived from the undertaking to the said owner.

(3) No such entry shall prejudice or affect the security of any debenture holder or mortgagee or his right of enforcing such security.

(4) The Minister shall not revoke any such authority before the date of acquisition, unless he is satisfied that the causes for which the authority was given have been removed.

(5) Any owner or officer, servant or agent of such owner who refuses or fails to comply to the best of his ability with any lawful requirement of any officer or agent of the Water Authority in the exercise of his powers and the execution of his duties under this section shall be guilty of an offence and liable to a fine not exceeding P200 or to imprisonment for a term not exceeding six months, or to both.

(6) Any person who-

- (a) threatens, resists, hinders or obstructs, or uses foul, abusive or insulting language towards or at, any officer or agent of the Water Authority in the exercise of his powers and the execution of his duties under this section; or
- (b) falsely holds himself out to be an officer or agent of the Water Authority,

shall be guilty of an offence and liable to a fine not exceeding P200 or to imprisonment for a term not exceeding six months, or to both.

#### **11. Compensation, determination of disputes, etc.**

(1) Adequate compensation shall be promptly payable by the Water Authority to any person having an interest in or right over an undertaking acquired in terms of section 7, and any dispute as to such an interest or right, the legality of the acquisition, or the amount of compensation to which such person may be entitled by reason of the acquisition shall be determined in accordance, *mutatis mutandis*, with the provisions of the Acquisition of Property Act and for the purpose of such determination and for the purpose of obtaining prompt payment of compensation any such person shall have all the rights of access to the High Court

provided in the said Act:

Provided that the basis on which the amount of compensation payable to the owner of the undertaking shall be determined shall be that stated in section 12 and not that stated in section 16 of the Acquisition of Property Act.

(2) In determining the compensation to be paid under subsection (1) the Board of Assessment shall have regard to the following-

- (a) the fair market value at the date of acquisition by the Water Authority of any immovable property, machinery, plant, apparatus, materials and works transferred to the Water Authority by operation of section 7(3)(a), due regard being had to the nature and condition of such immovable property, machinery, plant, apparatus, materials and works and to the state of repair thereof and to the circumstance that they are in such a position as to be ready for immediate working and to the suitability of the same for the purposes of the undertaking;
- (b) the value as assessed by the Board of Assessment of any book debts and other moneys and of any rights and liabilities transferred to the Water Authority by operation of section 7(3)(b) and (c); and
- (c) the excess over the amounts assessed under paragraphs (a) and (b) of the sum that in the opinion of the Board of Assessment represents the reasonable capital value of the net maintainable income that would in the opinion of the Board of Assessment accrue to the undertaking were it not purchased, after deduction from such net maintainable income of the estimated net income from any assets not acquired and interest derived from the investment of depreciation, renewal, reserve and other surplus revenue funds.

(3) For the purposes of subsection (2) the net maintainable income of the acquired undertaking shall mean the annual income that in the opinion of the Board of Assessment would accrue to the owner of the undertaking after payment of all charges thereon (including any tax other than income tax to which the undertaking may have been liable) and in computing the net maintainable income of the acquired undertaking the Board of Assessment shall take into account-

- (a) the past profits of the undertaking to the extent that they are shown in the audited accounts of such undertaking in respect of the last five complete financial years preceding acquisition or such shorter period as may have elapsed since the undertaking commenced business and to the extent that they are in the opinion of the Board of Assessment not excessive having regard to the following-
  - (i) the suitability of the amount of the charges for maintenance in relation to the physical condition of the assets;
  - (ii) the sufficiency of the provision made for depreciation of assets;

- (iii) the adequacy of the provision made whether by way of sinking fund or otherwise in order to preserve the capital invested in the undertaking where the ability of the undertaking to carry on business is restricted by the terms of any agreement or concession, whether by way of a condition that all or any of the assets shall be surrendered, by a restriction upon the duration of the agreement or concession, or by any other means;
  - (iv) the appropriateness of the sums charged in respect of fees or other emoluments or remuneration of directors or partners;
  - (v) the adequacy of any other charges; and
  - (vi) the reasonableness of the rates of charge made by the owner of the undertaking for the supply of water to consumers provided that a maximum charge laid down by statutory authority shall not be regarded as any criterion;
- (b) the fact that if the undertaking had not been acquired it would have been subject to statutory provisions relating to the fixing of prices and the limitation of profits; and
- (c) the terms of any agreement or concession affecting the acquired undertaking.

(4) For the purposes of subsection (2) the reasonable capital value of the net maintainable income shall be the capital sum which would in the opinion of the Board of Assessment yield an annual sum equivalent to the net maintainable income if invested in a business concern or otherwise in Botswana at such rate of interest (not being less than six per cent nor more than 14 per cent per annum) as in the opinion of the Board of Assessment is reasonable.

## **12. How compensation to be paid**

(1) Compensation payable in respect of an undertaking acquired by the Water Authority under section 7 shall be discharged as soon as the amount has been agreed or otherwise finally determined under section 11, together with interest thereon at the rate of four per cent per annum as from the date of acquisition to the date of final payment:

Provided that where any sum is paid or offered for payment by the Water Authority on account of such compensation such interest shall be payable on the amount of such compensation from the date of acquisition to the date of such payment or offer and thereafter on any balance to the date of final payment.

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

## **13. Power of Water Authority to lay waterworks in public places**

(1) A Water Authority may, with the consent of the District Commissioner, lay down any



waterwork in any public place, and may maintain, take up, renew, inspect, attend to, examine and test any waterwork laid down in a public place.

(2) For the avoidance of doubt it is hereby declared that the ownership of a waterwork laid down in any public place in accordance with this section in no case vests or shall vest in the owner of such public place by prescription, inherence or in any other manner except with the written agreement of the Water Authority.

#### **14. Power of Water Authority on private land**

(1) A Water Authority may, after giving reasonable notice in writing to the owner or occupier, carry any service through, across or under any land whatsoever and may, at any time, upon giving such reasonable notice as circumstances permit, or in case of serious emergency without giving notice, enter upon any land for the purpose of repairing, maintaining, renewing, removing, altering, inspecting, attending to or testing any such service thereon, without paying any compensation but making good or at its option paying for damage done or occasioned through such operations:

Provided that a Water Authority shall not enter upon any land in the exercise of any powers conferred by this section except in the interests of public health or in order to secure the development or utilization of any property for the better supply of water to the community.

(2) For the avoidance of doubt it is declared that the ownership of a service carried through, across or under any land in accordance with this section in no case vests or shall vest in the owner of such land by prescription, inherence or in any other manner except with the written agreement of the Water Authority.

(3) Any such service as is referred to in subsection (2) shall be immune from a landlord's hypothec and from execution levied or attachment laid on property of the owner or occupier of the land in question.

#### **15. Power of Water Authority to enter premises for inspection and to supervise proper use of water service**

(1) A Water Authority may for any of the purposes mentioned in this section at any time between sunrise and sunset, or in the case of urgency at any other time, enter upon any premises into, upon or under which any service or meter connected with the waterworks is or is being fixed-

- (a) to inspect any such service laid or fixed or being laid or fixed and to ascertain whether there is or is likely to be any waste, leakage, obstruction, damage or pollution or misuse of water in connection therewith and to ascertain whether such service complies with the terms of this Act relating thereto;
- (b) to fix, inspect, read, check, clean or remove or replace any meter or similar appliance of the Water Authority used or to be used in connection with the supply; and
- (c) to disconnect the supply of water from any premises or to diminish, withhold or divert

the supply of water through or by means of any service wholly or in part.

(2) A Water Authority for the purposes of ascertaining whether any offence has been committed in connection with any water which it is entitled to take, may enter upon any premises and take samples of any material or effluent which in its opinion may cause pollution of such water.

#### **16. Power of Water Authority to curtail or withhold supply of water**

Without prejudice to the recovery or retention of any charges, meter rent, or other sums of money due or to become due under the provisions of this Act, a Water Authority may in its discretion diminish, turn off or divert the supply of water to any premises or place whenever-

- (a) any money due to any such Water Authority in respect of the supply of water to such premises or place has remained unpaid for a period of 14 days after service, which may be effected by post, on the person supplied of an account showing such moneys to be due; or
- (b) the person supplied at such premises or place has failed to comply with any of the requirements of this Act; or
- (c) such diminution, turning off or diversion is necessary to enable repairs, maintenance or extensions of the water system to be carried out; or
- (d) there is a shortage of water.

#### **17. Water Authority may prohibit use of water for specific purposes**

A Water Authority may from time to time-

- (a) by order published in the *Gazette* prohibit generally throughout the waterworks area the use of water for any purpose or purposes specified in the order; or
- (b) by written notice to any consumer or consumers prohibit the use of water by such consumer or consumers for any purpose or purposes specified in the notice.

### **PART III**

#### ***Supply of Water by Water Authority (ss 18-21)***

#### **18. Power of Water Authority to supply water to premises**

(1) The Water Authority may, subject to the provisions of this Act, supply water to any premises within the waterworks area on application being made by the owner or occupier thereof.

(2) No such application shall be unreasonably refused.

(3) Where the cost of providing any extension necessary to enable the supply applied for to be made would be excessive in relation to the moneys which would be recovered by way of

charges for water, the applicant may be required to pay such cost as a condition of obtaining such supply.

#### **19. Manner of assessing charges for water supplied**

The charges for water supplied by a Water Authority may, at the option of the Water Authority-

- (a) be assessed on the quantity of water supplied to the consumer as registered by a meter installed on the consumer's premises by the Water Authority;
- (b) be assessed on the quantity of water supplied to the consumer as computed in some manner approved by the Minister; or
- (c) be otherwise arrived at by agreement with the consumer upon such terms and conditions as the Minister may approve.

#### **20. Water Authority may prescribe charges, etc.**

The Water Authority, with the approval of the Minister may prescribe-

- (a) the charges to be paid per unit of quantity for water supplied by metered or computed quantity;
- (b) any minimum charges to be paid for water so supplied;
- (c) the rent to be paid for meters installed by the Water Authority; and
- (d) the time within which such charges and rents shall be paid, and the terms and conditions of payment, including the payment of deposits,

by consumers generally or by any class of consumers.

#### **21. Power to authorize supply of water outside defined area**

(1) Notwithstanding anything contained in this Act, the Minister may authorize a Water Authority to supply water outside its waterworks area.

(2) The Minister may prescribe the charge for water so supplied and the conditions on which a supply shall be authorized:

Provided that any charge so prescribed shall not be less than the charge for a similar supply within the waterworks area.

### **PART IV**

#### ***Offences and Supplementary (ss 22-32)***

#### **22. Injury, diversion, pollution**

Any person who tampers with or wilfully or negligently injures any waterworks, or any

service through or with which water from the waterworks is supplied, or any meter installed by a Water Authority under this Act, or unlawfully draws off, diverts or takes water from the same, or pollutes or causes risk of pollution to any such water, or allows any foul liquid, gas or other noxious matter to enter into the waterworks or any pipe or fitting connected therewith, shall be guilty of an offence and liable to a fine not exceeding P2000 or to imprisonment for a term not exceeding six months, or to both.

### **23. Misuse or waste of water**

(1) Any person who wilfully or negligently misuses or wastes or causes or allows to be misused or wasted any water from the waterworks shall be guilty of an offence and liable to a fine not exceeding P250.

(2) The occupier of any premises where any water from the waterworks is wilfully or negligently misused or wasted shall be guilty of an offence and liable to a fine not exceeding P250.

### **24. Altering service**

Any person who, without the consent of the Water Authority, alters or causes or permits to be altered any service through which water is supplied to any premises shall be guilty of an offence and liable to a fine not exceeding P200 or to imprisonment for a term not exceeding six months, or to both.

### **25. Fraudulent measurement**

Any person who alters or causes or permits to be altered any service with intent to avoid the accurate measurement or register of water by means of any meter or to obtain a greater supply of water than he is entitled to, and to avoid payment therefor or with such intent tampers with any meter shall be guilty of an offence and liable on conviction to a fine not exceeding P100, or, in default of payment thereof to imprisonment for a term not exceeding three months, or to such imprisonment without the option of a fine or to both such fine and imprisonment; and any service so altered or meter injured may be replaced or repaired by the Water Authority at the expense of any person convicted under this section and the cost so incurred by the Water Authority may be recovered upon the order of the court as if it were a fine imposed by the court.

### **26. Water used other than for purpose supplied**

(1) Any person who uses any water supplied to him by the Water Authority for purposes other than those for which the water is supplied or for purposes in contravention of any prohibition specified under section 17 shall be guilty of an offence and liable-

- (a) in the case of a first offence, to a fine not exceeding P250 and in default of payment of such fine, to a term of imprisonment not exceeding 12 months;
- (b) in the case of a second or subsequent offence, to a fine not exceeding P1000 and in

default of payment of such fine, to a term of imprisonment not exceeding two years.

(2) Notwithstanding the provisions of subsection (1) any penalty imposed under the said subsection (1) shall not prejudice the right of the Water Authority to recover by civil suit the charge for the water improperly used.

## **27. Erection of buildings and structures over mains or pipes prohibited without permission of Water Authority**

(1) Any person who constructs or erects any building or structure over any main or pipe laid by a Water Authority without the written permission of such Authority and subject to such conditions as such Authority may require for the protection of such main or pipe shall be guilty of an offence and liable to a fine not exceeding P200 or to imprisonment for a term not exceeding six months, or to both.

(2) Where any building or structure has been erected over any main or pipe contrary to subsection (1) the Water Authority shall have power to carry out such works as may be necessary to protect the main or pipe and may remove if necessary such building or structure or any part thereof and the person responsible for erecting the building or structure shall be liable to pay the Authority the cost of any such protection or removal.

## **28. Supply of water by certain persons prohibited**

(1) No owner or occupier of any premises within a waterworks area and no owner or occupier of any premises supplied with water under this Act shall supply water to any other person or permit any other person to take water except-

- (a) for use or consumption on those premises;
- (b) for the purpose of extinguishing a fire; or
- (c) with the approval of the Water Authority.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding P50 or, in default of payment thereof to imprisonment for a term not exceeding one month, or to such imprisonment without the option of a fine or to both such fine and imprisonment.

## **29. Accumulations likely to enter waterworks**

Whoever puts or allows to be put or to remain or to accumulate on any premises occupied or owned by him or controlled by him or his servant or agent who does not remove or cause to be removed or take such steps as may be necessary to prevent, upon notice in writing from the Water Authority, any foul, noisome or injurious matter or any earth, deposit or excavated material in such manner or place that it may be washed, fall or be carried into the waterworks shall be guilty of an offence and liable to a fine not exceeding P50 and for every day during which such matter, earth, deposit or material is allowed to remain after notice in writing from the Water Authority requiring the same to be removed, to a further fine not exceeding P4 for

each day during which the offence continues.

### **30. Bathing, washing in waterworks**

Any person who-

- (a) washes or bathes in any part of the waterworks or in any vessel used by the Water Authority for supplying water to the public;
- (b) washes, throws or causes or permits to enter into any part of the waterworks or in any vessel used by the Water Authority for supplying water to the public, any animal, clothing, material or thing; or
- (c) wrongfully opens or closes any lock, cock, valve, sluice or manhole belonging to the waterworks,

shall be guilty of an offence and liable on conviction to a fine not exceeding P50, or, in default of payment thereof to imprisonment for a term not exceeding one month, or to such imprisonment without the option of a fine or to both such fine and imprisonment.

### **31. Inspection of Water Authority's affairs by Government officials**

(1) The Minister at such intervals as he may consider appropriate shall appoint one or more Government officials as inspectors to investigate the affairs of a Water Authority and to report thereon to him in such manner as he directs.

(2) Every Water Authority and the officers, servants and agents of every Water Authority whose affairs are investigated by virtue of subsection (1) shall, if so required by an inspector so appointed, furnish the inspector with all information in its possession, and produce to him and give him access to the books, documents, records, accounts and other sources of information of the Water Authority.

(3) An inspector appointed under subsection (1) together with such assistants and advisers as he may deem necessary, shall for the purpose of any investigation in terms of this section, have access to or over any premises at any reasonable time by the shortest and most practicable route reasonable in the circumstances.

(4) Any officer, servant or agent of a Water Authority who refuses or fails to comply to the best of his ability with any lawful requirement of an inspector in the exercise of his powers and the execution of his duties under this section shall be guilty of an offence and liable on conviction to a fine not exceeding P200, or, in default of payment thereof, to imprisonment for a term not exceeding six months, or to such imprisonment without the option of a fine or to both such fine and imprisonment.

(5) Any person who-

- (a) threatens, resists or hinders or obstructs, or uses foul, abusive or insulting language towards or at, an inspector in the exercise of his powers and the execution of his

duties under this section; or

- (b) falsely holds himself out to be an inspector,

shall be guilty of an offence and liable on conviction to a fine not exceeding P200, or, in default of payment thereof, to imprisonment for a term not exceeding six months, or to such imprisonment without the option of a fine or to both such fine and imprisonment.

### **32. Regulations**

(1) The Minister may, by statutory instrument, make regulations for the more effective carrying out of the provisions of this Act and in particular and without prejudice to the generality of this power may make regulations relating to all or any of the following matters and may apply all or any such regulations to all waterworks areas or to any waterworks area in particular-

- (a) the suspension of any water supply;
- (b) the prevention of waste of water;
- (c) the inspection and testing of meters, pipes, fittings and other appliances whereby or in connection with which water is supplied to any premises; and
- (d) the forms of all notices required to be given and sent under this Act and the issuing and service thereof.

(2) The regulations may provide that any person who contravenes any provision thereof or who fails to comply with any order, requirement or condition lawfully issued to or imposed on him by virtue of any regulation and with which it is his duty to comply shall be guilty of an offence.

(3) Regulations made under this section shall specify what penalty may be imposed for each offence thereby created and may also provide different penalties in the case of successive or continuous offences but no such penalty shall exceed a fine of P200 or, in default of payment thereof, imprisonment for a period of six months, or such imprisonment without the option of a fine or both such fine and imprisonment.