

BILL No. 1 of 1994

SATURDAY 8TH JANUARY, 1994

**PARLIAMENT OFFICE,
Public Buildings,
Georgetown.**

5th January, 1994

The following Bill which will be introduced in the National Assembly is published for general information.

F. A. Norain,
Clerk of the National Assembly.



GUYANA

BILL No. 1 of 1994

**GEORGETOWN SEWERAGE AND WATER
(AMENDMENT) BILL 1994**

ARRANGEMENT OF SECTIONS

**PART 1
PRELIMINARY**

SECTION

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10. Amendment of section 9 of the Principal Act.
11. Insertion of new section 9A in the Principal Act.
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13. Amendment of section 11 of the Principal Act.
14. Insertion of new section 16A in the Principal Act.
15. Amendment of certain sections of the Principal Act.
16. Amendment of section 23 of the Principal Act.
17. Repeal and re-enactment of section 24 of the Principal Act.
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19. Amendment of section 26 of the Principal Act.
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24. Insertion of new section 35A in the Principal Act.
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A BILL

Intituled

AN ACT to amend the Municipal and District Councils Act and the Georgetown Sewerage and Water Act to vest the power to supply water to the City of Georgetown in the Georgetown Sewerage and Water Commissioners and to make the Commissioners an autonomous body.

A.D. 1994

Enacted by the Parliament of Guyana:—

PART I

PRELIMINARY

Short title:

Cap. 28:01

Cap. 30:01

1. This Act, which amends the Municipal and District Councils Act and the Georgetown Sewerage and Water Act, may be cited as the Georgetown Sewerage and Water (Amendment) Act 1994.

2. In this Act, "the Principal Act" means the Georgetown Sewerage and Water Act.

Interpre-
tation.

Cap. 30:01

PART II

3. The Municipal and District Councils Act is hereby amended in the following respects —

Amendment
of the
Municipal
and Dis-
trict Coun-
cils Act.
Cap. 28:01

(a) by the repeal of section 279;

(b) in section 281 —

(i) by the substitution for subsection (1) of the following subsection —

"(1) Every property in the Town shall be connected with the nearest water main in the streets of the Town by means of a service pipe on which there shall be placed at least one tap."

(ii) by the substitution for subsection (9) of the following subsection —

"(9) The Minister may, by order, exempt the Town Council from any of the duties imposed upon it by section 280 and this section."

(c) in section 283 —

(i) by the deletion of subsection (3) and the marginal note "c. 30:01";

(ii) in subsection (4), by the substitution for the words "section 284" of the words "sections 282 and 284" and for the word "include" of the words "include the City Council or".

PART III

4. Section 2 of the Principal Act is hereby amended in the following respects —

Amendment
of section
2 of the
Principal
Act.

(a) by the deletion of the definitions "City Engineer", "engineer" and "Town Clerk";

- (b) by the insertion after the definition of "City Engineer" of the following definition —

' "City of Georgetown" comprises all the area bounded on the north by the Atlantic Ocean, on the east by the eastern boundary of the Company Path on the eastern side of Plantations Cummings Lodge, Houston and Rome, on the south by the southern boundary of Plantation Rome, and on the west by the Demerara River';

- (c) in the definition of "medical officer of health", by the substitution for the word "Council" of the word "Commissioners";

- (d) by the insertion after the definition of "owner" of the following definition —

' "resident engineer" means the chief engineer employed by the Commissioners';

- (e) by the insertion after the definition of "sewage" of the following definition —

' "sewage service" means the acceptance, collection, transmission, storage, treatment and disposal of sewage, or any one or more of them';

- (f) by the insertion after the definition of "soil pipe" of the following definition —

' "tariff rate" means the cost for a cubic meter (or other volume of measurement) of water used in calculating water charges';

- (g) by the insertion after the definition of "Town Clerk" of the following definition —

' "water charges" means the cost which results from multiplying the tariff rate by the estimated consumption of water';

- (h) by the insertion after the definition of "water-closet" of the following definition —

' "water-service" means the taking, collection, production, treatment, storage, sup-

ply, transmission, distribution, sale, purchase and use of water or any one or more of them.’

5. The heading to Part 1 is hereby amended by the substitution of the following heading therefor —

Amendment
of the
heading to
Part 1.

**“CONSTRUCTION OF SEWERAGE WORKS
WATER SUPPLIES”**

6. Section 3 of the Principal Act is hereby amended by the substitution for the word “Minister” of the word “Commissioners”.

Amendment
of section
3 of the
Principal
Act.

7. Section 4 (1) (a) of the Principal Act is hereby amended by the substitution for the words “City Engineer” of the word “Council”.

Amendment
of section
4 of the
Principal
Act.

8. Section 6 of the Principal Act is hereby repealed and the following section substituted therefor—

Repeal and
re-enact-
ment
of section
6 of the
Principal
Act.

“Commis-
sioners to
enforce
construc-
tion of
water-
closets in
each area.

6. (1) When the sewerage works within any area are completed the resident engineer shall give notice of the completion to the Commissioners.

(2) On receipt of the notice aforesaid the Commissioners shall give notice by advertisement or otherwise to the owner of every house, building or premises within the area requiring him to construct and install the water-closet or water-closets directed by the resident engineer and to connect every water-closet by means of a soil pipe to the house-owner on the premises.

(3) The Commissioners may enforce the construction by the owner of the works mentioned in the last preceding subsection, and in default of construction by the owner the resident engineer, or any officer or servant of the Commissioners authorised by him, may enter the house, building or premises and construct those works and do any other

work in relation thereto in his opinion necessary.”.

Insertion
of new
sections
7A and 7B
in the
Principal
Act

9. The Principal Act is hereby amended by the insertion after section 7 of the following sections as sections 7A and 7B —

“Commis-
sioners to
supply
water to
the City
of George-
town;

7A. (1) The Commissioners shall provide the City of Georgetown with a supply of water proper and sufficient for sanitary and domestic purposes, for extinguishing fires and for private use; and such water shall be supplied from the water works of Georgetown vested in the Commissioners.

(2) The Commissioners may do and execute all works, matters and things necessary for and incidental to the purposes of this section.

Duty to
provide
connec-
tions.

7B. (1) Every property in the City of Georgetown shall be connected with the nearest water main in the streets of the City of Georgetown, by means of a service pipe on which there shall be placed at least one tap.

(2) The connection shall be for the purpose of effecting a continuous water supply to every property from the water-works, and shall at all times be kept in such a proper condition, either by renewal of the service pipe or otherwise, as to secure that supply efficiently, and the supply thereby shall be at all times continuous if it is available from the water-works.

(3) If any property is without a connection, the Commissioners shall have power to make the connection.

(4) After a connection has been made but has, at any time and from

any cause whatever become defective, the Commissioners shall have power to put that connection in proper and serviceable condition.

(5) Whenever there is a failure to have a supply of water to any property by means of a connection, the Commissioners shall have power to provide a supply of water to the property.

(6) The Commissioners shall have the exclusive right to make any connection, and any renewal thereof, and all repairs thereto, at any time found necessary.

(7) The cost of making a connection, any renewal thereof and all necessary repairs thereto, shall be a charge on the property to which the connection, renewal or repairs has or have been made, and the property shall be liable and leviable therefor.

(8) The cost of the service pipes and other materials shall be borne by the Commissioners up to the boundaries of the properties and the further cost thereof for the additional works on the properties shall be done at the expense of the owners and be a charge against the properties.

(9) Where circumstances so warrant, the Commissioners may exempt a property owner from paying the cost incurred under the last preceding subsection."

10. Section 9 of the Principal Act is hereby amended in the following respects —

- (a) by the substitution of the following subsection for subsection (1) thereof —

"(1) The Commissioners shall consist of —

Amendment
of section
9 of the
Principal
Act.

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- (a) six persons to be appointed by the Minister as follows —
 - (i) two elected members of the Council to be nominated by the Council;
 - (ii) one person nominated by the Ministry of Finance;
 - (iii) one person to be nominated by the Ministry responsible for public works;
 - (iv) one person to be nominated by the Guyana Association of Professional Engineers;
 - (v) one person to be nominated by the Consumers Association of Guyana;
- (b) the Mayor of Georgetown for the time being.”.
- (c) by the substitution in subsection (6) —
 - (i) in paragraph (b), for the word “Minister” of the words “Commissioners or the chairman”;
 - (ii) in paragraph (c), for the word “Minister” of the word “Commissioners”;
- (d) by the insertion after subsection (9) of the following subsection as subsection (10) —
 - “(10) Where a vacancy occurs in the office of a Commissioner, the Minister shall immediately proceed to fill the vacancy.”.

Insertion
of new
section
9A in the
Principal
Act.

11. The Principal Act is hereby amended by the insertion after section 9 of the following section as section 9A —

"Guyana Water Authority not to have power over Commissioners. Cap. 55:01"

11. Notwithstanding anything in the Guyana Water Authority Act, the Guyana Water Authority established by section 3 of that Act shall have no authority whatsoever over the Commissioners in the discharge of their functions and the provisions of that Act shall not apply to and in relation to the Commissioners."

12. Section 10 of the Principal Act is hereby repealed and the following section substituted.

Repeal and re-enactment of section 10 of the Principal Act.

"General Manager and other officers of the Commissioners."

(1) The Commissioners may appoint, suspend or dismiss a General Manager, a resident engineer, a secretary, engineers, officers, clerks and other workmen and labourers.

(2) The persons mentioned in sub-section (1) shall be employed on such terms and conditions and at such remuneration as the Commissioners may determine.

(3) The Commissioners may terminate the services of any person referred to in subsection (1) on giving three months' notice in writing of such termination of employment but in the case of workmen and labourers such notice of termination of services shall be two weeks."

13. Section 11 of the Principal Act is hereby amended in the following respects —

Amendment of section 11 of the Principal Act.

- (a) in subsection (1), by the insertion before the word "engineers" of the words "general manager, resident engineer, secretary.", by the substitution for the words "proceeds of the water rate referred to in section 283 of Municipal and District Councils Act" of the words "funds of the Commissioners" and by the deletion of the marginal note "c. 28:01";
- (b) in subsection (2), by the insertion before the words "engineers" and "engineer" respectively of

the words "general manager, ~~resident engineer,~~
secretary."

Insertion
of new
section
16A in the
Principal
Act.

14. The Principal Act is hereby amended by the insertion after section 16 of the following section as section 16A —

"Power to
enter into
contracts:

16A. The Commissioners may enter into contracts necessary for the discharge of any of their functions."

Amend-
ments
of certain
sections of
the
Principal
Act.

15. (1) Sections 17 (1) and (2), 18, 19, 20, 21, 22, 23 (1), (2) and (6), 26 (1), (2) and (3), 27 (1) and (2), 28 and 29 of the Principal Act are hereby amended by the substitution for the word "Council" wherever it appears of the word "Commissioners".

(2) Sections 17 (3), 20, 21, 22, 26 (1), and 30 (a) of the Principal Act are hereby amended by the substitution for the words "City Engineer" of the words "resident engineer".

Amendment
of section
23 of the
Principal
Act.

16. Section 23 of the Principal Act is hereby amended by the substitution in subsection (3) for the word "Minister" of the word "Commissioners" and in subsection (4) for the words "Town Clerk" of the word "Secretary".

Repeal and
re-enact-
ment of
section 24
of the
Principal
Act.

17. Section 24 of the Principal Act is hereby repealed and the following section substituted therefor —

"Submis-
sion of ex-
penditure.

24. (1) The General Manager shall, on or before the first of September in each year, prepare and submit for the consideration of the Commissioners estimates of expenditure for the ensuing financial year in relation to the duties of the Commissioners under this Act.

(2) The Commissioners shall not later than 30th September amend or approve of the estimates as they see fit."

18. The Principal Act is hereby amended by the insertion after section 24 of the following section as section 24A —

Insertion
of new
section
24A in the
Principal
Act:

"Recovery
of
charges:

24A.(1) The Commissioners shall determine the tariff rates and impose such conditions as may be necessary for the provision of sewage and water services, charges whereof shall be calculated on measured or estimated consumption of water; and imposed for the purpose of the recovery of the expenses incurred by the Commissioners in providing and maintaining the services and including the cost of plant and machinery and expansion thereof, depreciation, debt service, and an adequate return.

(2) The charges for the services rendered by the Commissioners on any premises in connection with any installation, apparatus or meter used in connection with the provision of sewage services and water services or any other service (including the cost of replacing and installation, apparatus or meter) shall be borne by the owner of the premises and may be recoverable as a civil debt, irrespective of the amount, under the Summary Jurisdiction (Petty Debt) Act."

Cap. 7:01

19. Section 26 of the Principal Act is hereby amended in the following respects —

Amendment
of section 26
of the
Principal
Act.

- (a) in subsection (1) by the substitution for the words "house-sewers and water-closets" of the words "house-sewers, water-closets, sewage service and water service";

(b) subsection (5) by the substitution for the words "water closet or soil-pipe" of the words "water closet, soil-pipe, sewage service and water service" and by the deletion of the words "or the Council" wherever they appear.

Amendment of section 27 of the Principal Act:

20. Section 27 (1) of the Principal Act is hereby amended by the substitution for the words "Town Clerk" of the word "Secretary".

Amendment of section 30 of the Principal Act:

21. Section 30 (a) of the Principal Act is hereby amended by the deletion of the words, "The Town Clerk".

Amendment of section 31 of the Principal Act:

22. Section 31 (a) of the Principal Act is hereby amended by the substitution for the word "engineer" wherever it appears of the words "resident engineer" and for the words "City Engineer" of the word "Council".

Repeal and re-enactment of section 32 of the Principal Act:

23. Section 32 of the Principal Act is hereby repealed and the following section substituted therefor —

Section 32 (1) The Commissioners may make regulations for giving effect to, and for carrying out the provisions of, this Act and, without prejudice to the generality of the foregoing the regulations may —

(a) prescribe the charges to be made for the provision of sewage services and water services by the Commissioners;

(b) make provision for the inspection, testing and maintenance of any installation or apparatus in respect of the fixing, testing and renting of meters, and for any other services rendered by the Commissioners in pursuance of their functions under this Act;

- (c) prescribe the charges to be made by the Commissioners for the laying and construction of house-sewers (not being part of a collecting sewer system) and of the requisite appliances and accessories thereto;
 - (d) prescribe the form of application for the provision of sewage services and water services;
 - (e) regulate the types of fittings that may be used;
 - (f) prescribe the conditions for the discontinuance of the supply of water in cases otherwise than as provided in this Act;
 - (g) regulate the use of water from public stand pipes;
 - (h) provide for the proper use and conservation of water, including the prevention of waste, contamination or pollution of water.
- (2) Nothing in subsection (1) prevents the Commissioners from charging by special agreement other charges where the charges prescribed pursuant to subsection (1) are inapplicable."

24. The Principal Act is hereby amended by the insertion after section 35 of the following section as section 35A —

Insertion of new section 35A in the Principal Act.

"Offence in connection with water supply.

35A. Any person who —

- (a) wilfully or negligently breaks, injures or open any lock, cock, pipe, waterworks or other work constructed or maintained for the supply of water;
- (b) without lawful authority flushes, draws off, diverts or takes water from any waterworks or other work constructed or maintained for the supply of water or from any water, creek or stream whereby the waterworks are supplied;
- (c) wilfully or negligently wastes or causes to be wasted any water with which he is supplied by the Commissioners;
- (d) bathes in any stream, reservoir, conduit, aqueduct or other waterworks, constructed or maintained for supply of water, or washes, cleanliness, throws or causes to enter therein any animal, rubbish, filth, stuff or thing of any kind whatsoever or causes, or permits, or suffers to run or to be brought therein, the water or any sink, sewer, drain, engine or boiler, or other filthy, unwholesome, or improper water, or does anything whatsoever whereby any water belonging to the Commissioners under their management or control, or whereby any water contained in any reservoir, conduit, aqueduct, or other waterworks constructed or

maintained as aforesaid is fouled,
shall be guilty of an offence."

25. Section 36 of the Principal Act is hereby amended by the deletion of the words "or the Council" wherever they appear.

Amendment
of section
36 of the
Principal
Act.

26. Where in any marginal note in the Principal Act the expression "Minister", "Town Council" or "Council" occurs there shall be substituted the word "Commissioners".

Amendment
of mar-
ginal notes
in
Principal
Act.

27. Section 37 of the Principal Act is hereby repealed and the following section substituted therefor —

Repeal and
re-enact-
ment of
section 37
of the
Principal
Act.

"Penalty for
offences.

37. Any person who contravenes the provisions of this Act shall be liable on summary conviction to a fine of five thousand dollars."

28. Notwithstanding the provisions of this Act or any other written law, the Georgetown Water Supply By-laws shall until regulations are made under this Act, continue *mutatis mutandis* to apply in so far as they are applicable in respect of the functions transferred by this Act to the Georgetown Sewerage and Water Commissioners, as if made under section 32(1) of the Principal Act.

Transi-
tional,
Cap. 28:01

EXPLANATORY MEMORANDUM

The Bill seeks to amend the Municipal and District Councils, Act, Cap 28:01, and the Georgetown Sewerage and Water Act, Cap. 30:01, to vest the power to supply water to the City of Georgetown in the Georgetown Sewerage and Water Commissioners. The amendments to the latter Act strengthens the autonomy of the Commissioners.

The powers of the Minister and the City Council under the Georgetown Sewerage and Water Act have been transferred to the Commissioners. The Minister still has the power to appoint six Commissioners and the chairman of the Commissioners, to revoke the appointments of the chairman, deputy chairman and a commissioner and to fill a vacancy on the Commissioners.

The Mayor of Georgetown is a Commissioner *ex officio*.

The powers of the officers of the Council — City Engineer and the Town Clerk — have been transferred to the resident engineer and secretary, respectively, officers of the Commissioners. The Commissioners have the power to appoint a general manager, officers and other employees and to discipline them and to provide for their remuneration, superannuation and other benefits.

The Commissioners are empowered to impose and recover charges for the provision of sewage and water services. The charges are to cover the expenses incurred by the Commissioners in providing and maintaining the servi

The Commissioners have the power to enter into contracts necessary for the discharge of any of their functions under the Act and to approve estimates of expenditure.

The Commissioners are to make regulations to prescribe the charges to be made for the provision of sewage services and water services, the fixing and testing of meters and generally for carrying out the provisions of this Act.

The Georgetown Water Supply By-Laws are to continue in force until they are superseded by regulations made by the Commissioners.

Certain consequential amendments have been made to the Municipal and District Councils Act, Cap. 28:01.

Samuel Hinds,
Prime Minister,
Minister of Public Works, Communicati
and Regional Development.

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