

No. of 2021

**VIRGIN ISLANDS**

**WATER AND SEWERAGE AUTHORITY ACT, 2021**

**ARRANGEMENT OF SECTIONS**

*Section*

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**SCHEDULE 2**

No. of 2021

**Water and Sewerage Authority Act,  
2021**

**Virgin  
Islands**

**I Assent**

**Governor,**

**, 2021**

**VIRGIN ISLANDS**

**No. of 2021**

**AN ACT** to establish a Water and Sewerage Authority as a statutory corporation to provide water supply and sanitation services, to make provision for the Authority to be managed as a commercial undertaking and to repeal the Water Supply Act (Cap. 153) and other matters connected therewith.

[Gazetted , 2021]

**ENACTED** by the Legislature of the Virgin Islands as follows:

**PART I  
PRELIMINARY**

**1. (1)** This Act may be cited as the Water and Sewerage Authority Act, 2021. Short title and commencement.

**(2)** This Act shall come into force on a day the Governor may, by Proclamation published in the *Gazette*, appoint.

**2.** In this Act, unless the context otherwise requires, Interpretation.

“Accountant” means the person appointed by the authority as accountant under provisions of the Schedule 2 and includes any person for the time being performing the functions of the accountant; Schedule 2

“apparatus” means any appliance used or which may be used in connection with providing water utilities;

“Authority” means the Water and Sewerage Authority established under section 4;

Schedule 1

“Chairman” means the Chairman of the Authority appointed by the Minister under the provisions of the Schedule 1 and includes any person for the time being performing the functions of the Chairman;

“customer” means any person supplied or provided or entitled to be supplied or provided with any water supply;

“distributing main” the portion of any main which is used for the purpose of giving origin to water lines for the purpose of water supply;

Schedule 2

“Managing Director” means the person appointed by the Authority as the Managing Director under the provisions of the Schedule 2 and includes any person for the time being performing the functions of the Director;

“financial year” means, such period of twelve months as the Authority with the approval of the Minister may determine to be its financial year, so however, that the first financial year shall be the period commencing with the commencement of this Act and ending with such day as may be fixed by the Authority with the approval of the Minister;

“functions” includes power and duties;

“general supply” means the general supply of water to ordinary customers, but does not include the supply of water to any one or more particular customers under special agreement”;

“land” means any land not being a street or portion thereof;

“main” means a water line laid down or erected in, over, along, across or under any street, or public place and through which water may be supplied or intended to be supplied, for the purposes of general supply;

“Minister” means the Minister with responsibility for Transportation, Works and Utilities;

“private purposes” includes any purposes whatever to which water may for the time being be applicable, not being public purposes;

“public officer” shall have the meaning assigned to it by the Constitution;

“public utilities” means services authorised under this Act for supplying water, providing and maintaining water services and supplying water; and public utility means any one of such services;

“service line” means any water line through which water may be supplied, or intended to be supplied, to a customer’s premises from the main;

“street” includes any highway, whether over any bridge or not, and any road, lane, footway, square, court, alley or passage, over which the public have a right of way; and the pavement of a street and all channels, drains and ditches at the side of a street shall be deemed to be part of the street;

“water-course” means any pond, spring, stream, well, water and water rights whether held together with, or independently of, any land;

“water-works” includes, wells, beds, pumps, dams, reservoirs, cisterns, tanks, filters, catchments, aqueducts, tunnels, sluices, conduits, mains, pipes, stand-pipes, showers, valves, pumps, engines, culverts, desalination plants, water treatment plants and all machinery and appliances, lands, buildings and things used for or in connection with the supply of water constructed or maintained from public funds or which after the commencement of this Act shall be construed or maintained by the Authority; and

“works” includes buildings, machinery, engines, water-works, wells, dams, pipelines, and any other works, apparatus, appliances, matters or things of whatever description required for the generation, transmission, transformation, distribution, supply or use of water.

3. This Act binds the Crown.

Act binds the Crown.

## PART II

### ESTABLISHMENT OF AUTHORITY AND VESTING OF PROPERTY

4. (1) There is hereby established a body to be called the Water and Sewerage Authority.

Establishment and incorporation of the Water Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal with power to purchase, take, hold and dispose of land and other property, to enter into contracts, to sue and be sued in its said name and to do all things necessary for the purposes of this Act and section 21 of the Interpretation Act shall apply to the Authority.

Cap. 136

(3) The provisions of the Schedule 1 shall have effect as to the constitution, members, committees, operation, procedure and meetings of the Authority and otherwise in relation thereto.

Schedule 1

(4) The seal of the Authority shall be authenticated in the manner prescribed in the Schedule 1 and shall be judicially and officially noticed.

Schedule 2

(5) The provisions of the Schedule 2 shall have effect as to the officers and employees of the Authority, their appointment, dismissal and conditions of service and otherwise in relation thereto.

Vesting of certain property, rights and liabilities in the Authority.

5. (1) With effect from the date on which this Act comes into force all lands, buildings, installations, equipment and all other rights and forms of property, whether real or personal, and all interests therein, of whatsoever nature, belonging to the Government of the Virgin Islands and used exclusively for the purposes of the Water and Sewerage Department shall become vested in the Authority.

(2) Notwithstanding any of the provisions of this Act, the Authority shall not dispose of

- (a) any land or interest in land vested in the Authority by sale, lease, sub-lease, mortgage, easement, or otherwise any land or interest in land vested in the Authority except in accordance with section 41 of the Virgin Islands Constitution Order;
- (b) any personal property or interest vested in the Authority by sale, bailment, or otherwise, or turn to account,

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except with the prior written permission of the Cabinet.

(3) Where any question shall arise under subsection (1) whether any land, building, installation, equipment or other form of property was used exclusively for the purposes of the Water and Sewerage Department, a certificate under the hand of the Minister shall be conclusive evidence.

(4) Effective from the date on which this Act comes into force the following circumstances shall be deemed to exist and apply:

- (a) the benefits and burdens of any contract for or in connection with supplying or providing water to which the Government is a party (including the rights to recover and receive all moneys due and payable to the Government) and which subsists immediately before the date on which the Act comes into force, shall be deemed to have been transferred from the Government to the Authority;
- (b) to every

- (i) agreement as respects any water production or supply related to or connected in any way whatsoever, (other than a contract referred to in subsection (4)(a)) whether that agreement is in writing or not; and
- (ii) deed, bond or other instrument as respects to water production or supply or related to or connected in any way whatsoever with any water production or supply,

to which such agreement, deed, bond or other instrument the Government was a party or which affected the Government, and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall have effect as if the Authority were a party thereto or affected thereby instead of the Government and as if for every reference (however worded and whether express or implied) therein to the Government there were substituted in respect of anything to be done on or after such of coming into operation a reference to the Authority; and

- (c) any proceedings upon contract, agreement, deed, bond or other instrument to which reference is made in subsection (4) which are pending immediately before the date when this Act comes into force and to which the Government was a party shall be continued as if the Authority was a party thereto in lieu of the Government.

### **PART III**

#### **RIGHTS, POWERS AND DUTIES OF THE AUTHORITY**

6. (1) Subject to subsection (2) the Authority shall have exclusive right to supply, distribute, maintain and sell water within the Virgin Islands and to perform services incidental thereto.

Right of  
Authority to  
supply water.

(2) Notwithstanding subsection (1), the Authority may give written permission to any person to supply, distribute, maintain and sell water at any place within the Virgin Islands.

(3) Any person who supplies, distributes, or sells water without the prior written permission of the Authority, or with the intention to deprive the Authority of its income, or its rights under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding twelve months, or to both.

Power of  
Authority.

7. (1) Subject to the provisions of this Act, the Authority shall, for the purpose of carrying out its functions under this Act, have power to do anything or to enter into any transaction which in its opinion is calculated to facilitate the proper discharge of its functions or is incidental or conducive thereto.

(2) Without prejudice to the generality of the provisions of subsection (1) the powers of the Authority shall include powers: -

- (a) to do all acts and things necessary for the production, distribution, supply and sale of water to the public in general for domestic and commercial use;
- (b) to establish, operate and maintain a sewage system in the Virgin Islands;
- (c) subject to subsection (3), from time-to-time cause water lines to be laid and carried through, across, over or under any street or, after reasonable notice in that behalf to the owner or occupier, through, over or under any land of any freehold by reason of being affixed thereto; provided that such water lines shall remain the sole property of the Authority and shall not be deemed to become part of any freehold by reason of being affixed thereto;
- (d) to control, manage, maintain, operate and supervise all watercourses, and waterworks in the Virgin Islands, and provide (so far as is practicable) an adequate supply of water for the use of the public in general;
- (e) subject to subsection (4), to cut and remove from any street and to enter upon and cut and remove from any private or public lands any tree, or any branch, bough or other part of a tree growing on such lands in such proximity to any water lines as to interfere with, endanger or otherwise prejudicially affect the working of the Authority;
- (f) to construct or lay down any waterworks for improving or augmenting the water supply;
- (g) whenever it may be expedient or necessary for the purpose of conserving the water supply or for extending, altering or repairing the waterworks or for the purpose of connecting or repairing water services or in the

case of fire, to diminish, withhold, suspend or divert (without prejudice to the payment of charges) the supply of water through the waterworks; and

(h) to import, export, buy, sell, collect and generally deal in and with water and sewage system equipment of every type.

(3) In the exercise of the powers given by subsection (2)(c), the Authority

(a) shall not be deemed to acquire any right other than that of a user only in or over the soil of any enclosed and other land whatsoever through, over or under which it places any of the works; and should any of the work so carried through, over or under any such land become a nuisance or cause of loss to the owner of such land, the Authority shall remove or alter such work or shall give reasonable compensation as provided by paragraph (b) of this subsection; and

(b) shall do no more damage than is necessary in the circumstances and shall make full compensation to any person interested for all damage sustained by him or her by reason or in consequence of the exercise of such powers.

(4) In the event of disagreement, the amount of such compensation shall be determined by arbitration, provided that no compensation under subsection (3)(b) shall be payable in respect of any right of user acquired under the authority of subsection (2)(a).

(5) In the exercise of the powers given by subsection (2)(e), the Authority

(a) shall not, except with the consent of the owner or occupier, enter upon private lands until after the expiration of seven days' notice of the intended entry to the owner or occupier of such land; and

(b) shall make full compensation to the owner of any tree so cut and for any damage suffered by the owner or occupier in respect thereof and the amount of such compensation shall in the event of disagreement, be determined by arbitration.

Powers to  
delegate.

8. The Authority may, with the approval of the Minister, delegate to any person or body of persons as its agents, any of the powers and duties conferred on the Authority by this Act in relation to the carrying out of any activity authorised under section 7.

Powers of entry.

9. Any officer, employee or agent of the Authority may, at all reasonable times enter any premises to which any water main or waterlines is or has been supplied under this Act for the purpose of

- (a) inspecting the meters, pipes, fittings and other apparatus belonging to the Authority;
- (b) ascertaining the quantity of water consumed or supplied;
- (c) execute any works, lay and connect pipes for water and sewers;
- (d) demolish any unauthorised water works;
- (e) effect repairs to the water supply lines; and
- (f) where the Authority is Authorised to discontinue, disconnect, stop the supply of water, removing or change any meters, pipes, fittings and other apparatus belonging to the Authority;

provided that the Authority shall repair all damage caused by such entry, repairment, inspection or removal.

Duties of the Authority.

10. (1) Subject to any other duties or policies which may be implemented by the Minister for the effective administration of this Act, the Authority shall formulate, review and revise a watercourse development plan for the Virgin Islands.

(2) The Authority shall in order to secure consistency and continuity in the framing and execution of a comprehensive policy approved by the Cabinet with respect to the development, augmentation, conservation and best use of the water course in the Virgin Islands.

(3) Without prejudice to subsections (1) and (2), it shall be the duty of the Authority.

- (a) to establish and keep an inventory of all watercourses within the Virgin Islands, and to

establish and maintain a central bank of water related data;

- (b) to advise the Cabinet on appropriate policies for the development, conservation, augmentation and best use of the watercourses within the Virgin Islands;
- (c) to inspect any work carried out by government departments, public authorities, individual users and other agencies in respect to the development, conservation and use of watercourses;
- (d) to establish criteria, methods and standards for data collection, project planning and design, and feasibility evaluation;
- (e) to undertake or promote studies, research, educational and training programmes on watercourses;
- (f) to advise the Cabinet on subsidiary legislation for the implementation of this Act, and on legislation affecting the conservation, development and use of watercourses; and
- (g) in general, to advise the Cabinet on any national or international plan or project, as well as any international organisation with whom the Government may have entered into agreement for the realisation of surveys, projects and studies in the matter of watercourses development and conservation and water supply.

11. (1) The Authority is empowered to provide in accordance with the provision of the Act and any regulations such public sewers as may be necessary and to make such provision, by means of sewerage disposal, treatment or otherwise as may be necessary for effectively dealing with the contents of the sewers.

Sewerage and  
Sewage supply.

(2) In discharging its functions under this section the Authority shall comply with the Public Health Act and the Regulations made thereunder.

(3) In particular and without prejudice to the generality of subsection (1) the Authority may

- (a) prepare schemes for sewerage and sewage disposal services and construct, maintain and operate such schemes;
- (b) design, construct, acquire, operate and maintain sewage treatment works for the purpose of receiving, treating and disposing of sewage;
- (c) control and regulate the disposal of sewage through sewage plants that are not part of the Authority's systems; and
- (d) disseminate information and advice with respect to the installation, maintenance and management of such sewage plants as are mentioned in paragraph (c).

(4) The Authority may adopt or take over the operations of any such plant as is mentioned in subsection (3)(c) on such terms as it may agree with the owner thereof.

(5) The Authority shall as soon as reasonably practicable make regulations governing the making of connections to public sewers, prohibiting or controlling the discharge of certain effluents to public sewers and prohibiting unauthorised connections to such sewers.

(6) A person who knowingly fails to comply with directions given by the Authority or the Regulations made by the Authority under this section

- (a) commits an offence and is liable on summary conviction to a fine not exceeding ..... dollars; and
- (b) may be subject to the cessation of the service being provided under this section using any reasonable means necessary until such time that the corrective action has been taken, where upon the service shall be reinstated without delay.

#### PART IV FINANCIAL PROVISIONS

Power to borrow or raise capital.

**12. (1)** The Authority may from time to time, with the approval of the Minister responsible for finance, borrow, secure or raise money by the issue of debentures or debenture stock, or other security, for all or any of the following purposes

- (a) the provision of working capital;

- (b) the fulfilling of the functions of the Authority under this Act;
- (c) the provision of capital for the expansion of and addition to, its fixed assets;
- (d) the redemption of any debenture or debenture stock or other security that the Authority is required or entitled to redeem; and
- (e) any other expenditure properly chargeable to capital account.

(2) The Authority may, from time to time, borrow by way of overdraft or otherwise such sums as the Authority may require for meeting its obligations and discharging its functions under this Act.

**13. (1)** The Authority may with the approval of the Minister responsible for finance, from time to time borrow by way of advances from the Government such sums as may be necessary for carrying out its functions under this Act.

Powers of the Authority to borrow from Government.

(2) For the purposes of making advances to the Authority under this section, the Minister responsible for finance may authorise advances out of the proceeds of any loan raised for the purpose or out of the Consolidated Fund, reserve fund, revenues or surplus balances of the Virgin Islands.

(3) Pending the raising of any such loan, the Minister responsible for finance may by warrant under his or her hand authorise the Accountant General to make advances out of the revenues of the Virgin Islands to the Authority in such sums and on such terms and conditions as the Minister responsible for finance may think fit for the purposes authorised by this Act.

(4) The repayment of any such advances and the payment of interest thereon shall be made by the Authority in like manner and on like conditions as borrowings by the Authority, subject to any special terms and conditions which may be stipulated with respect to any such advance by the Minister responsible for finance upon the making thereof.

**14. (1)** The revenue of the Authority for any financial year shall be applied in defraying the following charges

Application of revenue.

- (a) the remuneration, fees and allowances of the members of the Authority or of any committee thereof;

- (b) the salaries, fees, remuneration and gratuities, including payments for maintenance of the or Pension Fund authorised by this Act, of the officers, or agents and employees, and technical and other advisers, of the Authority;
- (c) working expenses, and expenditures on, or provision for, the maintenance of the property and of any of the works of the Authority, and the insurance of the same and the discharge of the functions of the Authority properly chargeable to revenue account;
- (d) interest on any debenture and debenture stock or other security issued, and on any loan raised by the Authority;
- (e) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or other security or the repayment of other borrowed money;
- (f) such sums as it may be deemed appropriate to set aside in respect of depreciation on the property of the Authority having regard to the amount set aside out of the revenue under paragraph (e);
- (g) any other expenditures authorised by the Authority and properly chargeable to revenue account.

(2) The balance of the revenue of the Authority shall be applied to the creation of reserve funds to finance future modernisation and expansion.

Authorised investments.

**15.** Funds of the Authority not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Authority may be invested from time to time in securities approved by the Minister responsible for finance for investment by the Authority.

Charges and Tariffs.

**16. (1)** The Authority shall have power to fix, demand, take and recover such charges for the services performed, facilities provided or rights made available by the Authority (including separate charges for separate services, facilities or rights, or combined charges for more than one service, facility or right).

(2) The price to be charged by the Authority for water supplied or provided by it to customers shall be in accordance with such tariffs as may be fixed from time to time by Order of the Cabinet after consultation with the Authority.

(3) Without prejudice to the generality of subsection (1) and (2), the charges fixed by the Authority may include

- (a) a charge for sewerage and sewage disposal services provided to any premises; and
- (b) a charge related to the nature or composition of any trade effluent discharge to a public sewer.

(4) An Order under subsection (1) shall be published in the *Gazette*.

17. Notwithstanding the provisions of section 16, the Authority may make any agreement with a customer as to the price to be charged by it for supplying or providing any water supply and the mode in which such amount is to be ascertained, provided that the amount so charged by the Authority shall not exceed the limits of price authorised by section 15.

Charges by agreement.

18. (1) All decisions, orders, rules and regulations relating to the financial operations of the Authority and authorised by this Act shall be made by resolution of the Authority at a meeting thereof and shall be recorded in the minutes of the Authority.

Accounting of Authority.

(2) The Authority shall keep proper accounts and other records in respect of its operations and shall cause to be prepared a statement in respect of each financial year.

(3) The books of account kept shall

- (a) be sufficient to record and explain the Authority's transactions;
- (b) enable the Authority's financial position to be determined with reasonable accuracy at any time; and
- (c) be sufficient to enable financial statements to be prepared and audited in accordance with this section.

(4) The accounts of the Authority shall be audited by auditors to be appointed annually by the Authority.

(5) The Authority shall, before the commencement of each financial year, submit to the Minister for the information of the House of Assembly a copy of its income and expenditure budget, in relation to such year and the Minister shall cause copies of such budgets to be laid on the table of the House of Assembly.

(6) After the end of each financial year, the Authority shall, as soon as the accounts of the Authority have been audited, cause a copy of the statement of accounts to be transmitted to the Minister, together with a copy of any report made by the auditors on that statement or on the accounts of the Authority. The Minister shall cause a copy of every statement and report to be laid on the table of the House of Assembly.

(7) Notwithstanding any power of the Authority conferred by this Act, where the Authority intends to embark upon any programme for expanding its facilities and services that will involve borrowing moneys upon the credit of the Virgin Islands or that will require a longer period than one year to complete, the Authority shall obtain the approval of the Minister responsible for finance thereto before incurring any liability in respect thereof.

Cash deposits.

19. (1) All moneys of the Authority accruing from its operations under this Act shall be paid into some bank or banks appointed by resolution of the Authority, and such moneys shall, as far as practicable be paid into the bank from day to day, except such sum as the accountant may be authorised by rules made under section 20 to retain in his or her hands to meet petty disbursements for immediate payments.

(2) All payments out of the funds of the Authority except petty disbursements not exceeding a sum to be fixed by rules made under section 20, shall be made by the accountant, or on his or her behalf by any other officer appointed by the Authority, in accordance with any such rules.

(3) Cheques against any banking account required to be kept or withdrawals from any savings bank account shall be signed by the accountant and countersigned by the Director or any member of the Authority or any officer of the Authority appointed by resolution of the Authority for the purpose, and any such resolution shall be certified by the Chairman and forwarded to the bank or banks concerned.

Rules.

20. The Authority shall by resolution make rules in respect of the following matters

- (a) the manner in which and the officers by whom payments are to be approved;
- (b) the bank or banks into which the moneys of the Authority are to be paid, the title of any account with any such bank, and the transfer of one fund from one account to another;
- (c) the appointment of a member of the Authority or an officer of the Authority to countersign cheques on behalf of the

Managing Director or in the absence of the Managing Director;

- (d) the sum to be retained by the accountant to meet petty disbursements and immediate payments and the maximum sum that may be so disbursed for any one payment;
- (e) the method to be adopted in making payments out of the funds of the Authority; and
- (f) generally, as to all matters necessary for the proper keeping and control of the accounts and books and the control of the finance of the Authority.

21. (1) The Authority shall as soon as practicable, but not exceeding three months after the end of each financial year, make and transmit to the Minister a report dealing generally with the activities of the Authority during the preceding financial year and containing such information relating to the operations and policy of the Authority as the Minister may from time to time direct. Annual Report.

(2) The Minister shall cause a copy of every such report under subsection (1) to be laid on the table of the House of Assembly.

22. (1) Notwithstanding anything in any other Act contained, all plant, machinery, appliances, apparatus, equipment and materials of every kind whatsoever imported into the Virgin Islands by the Authority for the purpose of carrying out its function; under this Act shall be free of all customs duty or any other tax having a similar effect, whatsoever. Exemption from customs duty, income tax, and property tax.

(2) Notwithstanding anything contained

(a) in the Income Tax Act, the income of the Authority shall be wholly exempt from payment of income tax; or Cap. 206

(b) in the Land and House Tax Act the property of the Authority shall be wholly exempt from payment of property tax. Cap. 207

23. The Authority may enter into contracts with Government for the supply of water. Service contracts with Government.

## PART V OFFENCES AND INJURIOUS ACTS

Injurious acts with intent to cut off supply.

- 24. (1)** A person who
- (a) maliciously cuts or injures any line, equipment or apparatus, or works of the Authority with intent to cut off any supply water;
  - (b) maliciously causes any interruption to the supply of water supplied by the Authority; or
  - (c) incites any other person to do any of the acts mentioned in paragraphs (a) or (b),

commits an offence and is liable on conviction on indictment, to a term of imprisonment term not exceeding two years.

(2) Nothing in this section shall exempt a person from any proceedings for any offence which is punishable under any other provision of this Act or under any other law, provided that no person shall be punished twice for the same offence.

Malicious or fraudulent dealings with water.

**25.** A person who maliciously or fraudulently abstracts, causes to be wasted or diverted, or causes injury to water produced or supplied by the Authority commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding twelve months.

Penalties in respect of other wrongful acts.

- 26. (1)** A person who willfully, fraudulently, or by negligence
- (a) damage or permits to be damaged any water supply of the Authority;
  - (b) alters the index of any meter for ascertaining the consumption of water, or prevents any meter from duly registering the value of the supply of water; or
  - (c) abstracts, consumes, or uses the water of the Authority,

shall (without prejudice to any other right or remedy for the protection of the Authority or punishment of the offender) for every such offence or default forfeit and pay to the Authority a sum not exceeding two thousand dollars, and the Authority may in addition thereto recover the amount of any damage sustained by it.

(2) The Authority may discontinue the supply of water to such person until the matter complained of has been remedied, but no longer, notwithstanding any contract previously existing.

(3) The existence of artificial or unlawful means for causing such alteration or prevention (when such meter is in the custody of the consumer) or for abstracting, consuming or using the water supplied by the Authority shall be prima facie evidence that such alteration, abstraction or consumption as the case may be, has been willfully, fraudulently or negligently caused or permitted.

(4) The amount of any forfeit or damage to which the Authority is entitled under this section may be recoverable by it as a civil debt.

27. If at any time after the supply of water to any premises has been cut off by the Authority it is found that the supply has been renewed without the order of the Authority and that such water is being used by any person, the owner or occupier of such premises shall be deemed (until the contrary is proved) to have authorised such user and shall be liable on summary conviction to a fine not exceeding two hundred dollars for each day the water has been so used.

Owner or  
Occupier liable  
for wrongful user  
of water.

28. (1) A person who

General offences  
with respect to  
water.

- (a) bathes in any watercourse or any part of the waterworks;
- (b) drives or permits or suffers any animal to be driven into or to enter into any watercourse or into any waterworks;
- (c) washes in or throws into or causes or suffers to be washed in or thrown into any watercourse or water works any animal or the carcass or part of the carcass of any dead animal;
- (d) puts or throws or causes or suffers to be put or thrown into any watercourses or waterworks any rubbish, dirt or filth, or any foul or offensive or obnoxious matter, whether solid or liquid;
- (e) washes or cleanses or suffers or causes to be washed or cleansed in any watercourse or waterworks any cloth, wool, leather or skin of any animal or any clothes;
- (f) causes or suffers the water from any sink, privy, sewer, drain, engine or boiler or any foul or filthy water being and lying upon any land or premises, which is under his or her management and control or under the management and control of his or her servants or agents, to run or flow into any watercourse or waterworks;

- (g) does or commits any other act or thing whatsoever whereby any water flowing to or from any watercourse or waterworks is fouled or polluted or the flow thereof impeded or interrupted or the water improperly abstracted or wasted;
- (h) without the consent of the Authority, diverts or takes the water supplying or flowing into any waterworks;
- (i) without the consent of the Authority, constructs, alters or extends the service in his or her premises or connects any tap on his or her premises with the distributary pipes of the waterworks;
- (j) or without the consent of the Authority, does any act whereby the water from any watercourse or waterworks is drawn off or diminished in quantity or wasted; or
- (k) willfully moves, breaks or injures any lock, cock, valve, tap, pipe or other appliance forming part of or used in connection with the waterworks,

commits an offence and is liable on summary conviction to a fine not exceeding fifteen hundred dollars or to a term of imprisonment not exceeding six months.

(2) In proving interference with the due flow of water from the waterworks or of any watercourse or the pollution thereof, evidence may be given of repeated acts which together caused such interference or pollution, although each act taken by itself may not be sufficient for that purpose.

Selling water an offence.

**29.** Where a person whose premises is supplied with water by the Authority sells to any other person any such water he or she commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding six months.

Neglect to give notice of want of repair an offence.

**30.** A person whose premises are supplied with water by the Authority who suffers any stop-cock, pipe or other waterworks on his or her premises to be out of repair, without giving notice to the Authority, so that the water supplied to him or her shall be wasted, commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months.

Resisting or obstructing etc. an offence.

**31.** A person who obstructs, resists, molests, assaults or who assists any person in obstructing, resisting, molesting or assaulting any employee of the Authority or any other person acting under the provisions of this Act commits an

offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to a term of imprisonment not exceeding twelve months.

32. Where an offence against any of the provisions of this Act or any regulations made thereunder has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to have committed that offence unless he or she proves that the offence was committed without his or her consent or connivance and that he or she exercised all such diligence to prevent the commission of the offence as he or she ought to have exercised, having regard to the nature of his or her functions in that capacity and to all the circumstances.

Offences by corporation.

## PART VI MISCELLANEOUS

33. (1) The Minister may give to the Authority such policy directions in the performance of its functions as appear to the Minister to be necessary in the interests of the Virgin Islands and the Authority shall give effect to such directions.

Power of Minister to give policy directions.

(2) The Authority shall furnish the Minister with returns, accounts and other information as he or she may require with respect to the property and activities of the Authority and shall afford to him or her facilities for verifying such information in such manner and at such times as he or she may reasonably require.

34. (1) Notwithstanding any other provisions of this Act, where Cabinet is satisfied

Duty of Cabinet to act in the interest of the Virgin Islands.

- (a) that there has been failure by the Authority to comply with or to give effect to any direction or requirement of the Minister pursuant to section 38; or
- (b) that with respect to any water production or supply, the Authority is for any reason unable or unwilling to act and that such conduct on the part of the Authority is contrary to the interest of the Virgin Islands,

the Government of the Virgin Islands may through Cabinet may assume the control and management of such water production or supply for a period not exceeding twelve months and may perform all the functions and exercise all the rights, powers and duties appertaining thereto as are vested in the Authority under and by virtue of this Act.

(2) In the exercise of its functions under subsection (1) the Government of the Virgin Islands may through Cabinet delegate any of its rights, powers or duties or issue directions to such public authority, public officer, committee or person as to Cabinet may seem fit in the interests of the Virgin Islands.

(3) A notice published in the *Gazette* stating that the Government has acted in pursuance of subsection (1) shall be conclusive evidence of the assumption by the Government of the Virgin Islands through Cabinet of the functions, rights, powers and duties mentioned in that subsection and of the date of such assumption stated in the notice,

(4) For the avoidance of doubt, it is hereby expressly declared that the assumption of control and management by the Government of the Virgin Islands through Cabinet as provided for in this section shall be to the exclusion of any other Authority, body or person whatsoever, or their agents; and such exclusion shall continue until the expiration of the period specified in section 34(1)(b) or such other earlier period specified in a notice of termination of control and management.

(5) This Act shall, for the purposes of this section, be construed with such modifications, adaptations, qualifications, and exceptions as may be necessary to bring it into conformity with this section.

Transfer of  
Government  
officers and  
employees to the  
Authority.

**35.**(1) Subject to subsection (2), every officer or employee of the Government who, immediately before the coming into force of this Act, is holding a post in the service of Government from the date specified in that appointment, be deemed to be transferred from the service of the Government to the service of the Authority upon terms and conditions (including any tax benefits) not less favourable in aggregate than those which were attached to the appointments held by such officers and employees under the Government.

(2) Every officer and employee who is deemed to have been transferred under subsection (1) shall, within six months of the date of the making of the appointment under subsection (1) or the date of his or her transfer, whichever is later, have the option of electing

- (a) to continue in the service of the Authority, in which case such service shall be retrospective from the date of his or her transfer and he or she shall be entitled to such pension, gratuity and other allowances and rights, if any, as he or she would have received had he or she been retired from the service of the Government on the abolition of his or her office on the date of his or her transfer to the Authority;

- (b) to be transferred to another department of the Government, subject to a suitable vacancy existing, with his or her service with the Authority counting as service with the Government in respect of his or her pension, gratuity and other allowances and rights, if any; or
- (c) to be deemed to have retired from the service of the Government on the abolition of his or her office
  - (i) on the date he or she ceases to be in the service of the Authority; or
  - (ii) where his or her service with the Authority has not been broken, on the date that he or she would have completed thirty-three and a third years' continuous service with the Government had he or she remained in the service of the Government, whichever is earlier.

(3) Where any officer or employee referred to in this section fails to elect as provided under subsection (2), he or she shall be deemed to have elected under subsection (2)(a) and he or she shall be treated accordingly.

(4) The Authority shall reimburse the Government with the cost of any pension, gratuity and other allowances and rights, if any, arising from the period which any such officers or employees who elect not to continue with the Authority did serve with the Authority.

(5) Nothing in this section shall be deemed to affect the right of the Board

- (a) to terminate the employment of any officer or employee transferred to the service of the Authority, or
- (b) to vary the rate of pay or conditions of service of an officer or employee,

in the manner and to the extent that the Government could have done had he or she continued in the service of the Government.

(6) Subject to subsection (7), where any officer or employee has elected to continue in the service of the Authority under subsection (2) or has been deemed to so continue under subsection (3), he or she shall not be entitled to be paid any pension, gratuity or other allowance that may have accrued to him or her whilst in the service of the Authority, until the time when he or she would

have qualified for a pension, gratuity or other allowance under the Pensions Act had he or she continued in the service of the Government.

(7) Subsection (6) shall not be construed as requiring a person to cease to be in the service of the Authority in order for him or her to be entitled to be paid any pension, gratuity or other allowance pursuant to that subsection.

(8) Nothing in this section prevents a person who

(a) has elected to continue in the service of the Authority under subsection (2) or has been deemed to so continue under subsection (3), and

(b) is or may become entitled to be paid any pension, gratuity or other allowance by virtue of this section,

from participating in and benefitting from any scheme or arrangement for the payment of pensions and other benefits established by the Authority, or from being re-employed by the Authority on contract while receiving any pension, gratuity or other allowance by virtue of this section.

Transfer of Government contracts of employment to the Authority.

**36. (1)** Where, immediately before the coming into force of this Act, the Government had a contract of employment with a person, other than an officer or employee referred to in section 35 then, upon the coming into force of this Act, such contract shall continue to have effect in accordance with its terms as if it was originally made between such person and the Authority, and all the rights, powers, duties and liabilities which accrued under or in connection with such contract shall be enforceable by or against the Authority as if it were originally made between that person and the Authority.

Transfers of staff between the Authority and the Government.

**37. (1)** The Board may make appropriate arrangements for the transfer or secondment of an officer or employee of the Government to the service of the Authority.

(2) Where an officer or employee of the Government is transferred or seconded to the service of the Authority

(a) his or her rights to any pension, gratuity or other allowance for which he or she would have been eligible had he or she remained in the service of the Government are preserved; and

(b) his or her service with the Authority shall, unless the Governor otherwise decides, be pensionable under the Pensions Act as if the officer had not been so transferred or seconded.

(3) The Board may make arrangements for the loan to the Government of the services of an officer or employee of the Authority.

(4) Where the services of a person employed by the Authority are on loan to the Government for the purpose of providing services within the public service, the person providing such service is entitled to the benefits and terms of employment that are applicable to the post of that person in the service of the Authority, and the service with the Government shall be taken into account as continuous service with the Authority.

**38. (1)** The Authority may with the approval of the Minister from time to time by Order published in the *Gazette* and in at least one newspaper circulating in Virgin Islands

- (a) declare that any watercourse shall be subject to the provisions of this Act and thereupon the said provisions shall apply accordingly;
- (b) declare that the provisions of this Act shall cease to apply to any watercourse or waterworks and thereupon the said provisions shall cease to apply accordingly;
- (c) where in their opinion the drainage or water from any area flows or is conveyed to a watercourse or waterworks, declare that area or any part of that area to be a watershed.

Power to bring watercourses within and to remove watercourses and waterworks from the provisions of this Act and to declare area to be watershed.

**39. (1)** The Minister after consultation with the Authority may make regulations generally for giving effect to the provisions of this Act and, without prejudice to the generality of such power, may make regulations in respect to all or any of the following matters, that is to say:

- (a) the methods of determining the charges payable by customers for the consumption or use of public utilities;
- (b) the provision and hiring of meters and the charges therefor;
- (c) the conditions under which water supply may be discontinued, disconnected or stopped;
- (d) the inspection of the property, both real and personal, of the Authority;
- (e) the cleaning, maintenance, protection, and prevention of obstruction of watercourses and watersheds; and

Regulations by the Minister.

(f) generally, for securing the safety of persons and property from injury and the prevention of accidents.

(2) Regulations made under subsection (1)(e) may

(a) authorise any employee of the Authority to cut, fell, or burn any tree or underwood whatsoever growing or that shall grow within a distance of thirty feet of any watercourse or watershed; and

(b) prohibit within a distance of thirty feet from any watercourse or watershed the cultivation of any land or the pasturing or grazing thereon of any livestock

(3) A person who breaches the regulation made generally for giving effect to this Act commits an offence and unless otherwise provided, is liable on summary conviction to a fine not exceeding two thousand dollars or to a term of imprisonment not exceeding six months.

(4) Regulations made under this section shall be subject to negative resolution of the House of Assembly.

Regulations by  
the Authority.

**40. (1)** The Authority may make Regulations relating to the following matters:

(a) the methods of making application for a water supply;

(b) the time, place and manner for the payment of moneys payable under this Act or any regulations made thereunder and the mode of collection;

(c) the fixing and testing of meters;

(d) the protection of the property, both real and personal, of the Authority;

(e) regulating the supply of water to customers;

(f) the prevention of waste, misuse and pollution of water and the securing of the waterworks from injury of any kind;

(g) the sanitary control of watersheds.

(2) A person who breaches any regulation made for the purposes of this Act under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars.

(3) Regulations made under this section shall have no force or effect until they have been approved by the Minister and published in the *Gazette*.

41. Notices to be given under this Act or regulations made thereunder shall be in writing. Notices to be in writing.

42. (1) A notice or other document required or permitted by this Act or regulations made thereunder to be given to or served on any person may be given to or served such person personally, or by leaving same at his or her usual or last known place of abode or business with some adult person therein, or may be posted in a registered letter addressed to such person at his or her usual last known place of abode or business. Service of notices and documents.

(2) Any notice or other document which is to be given to any person as the owner or occupier of any land or other premises may be addressed to him or her as the “owner” or “occupier”, as the case may be, of the land or other premises (naming them) and may be posted in some conspicuous place on the land or other premises or, where the premises are a building, may be left with some adult person in the building.

(3) Service under subsection (2) shall not be effected in the manner provided in this subsection if it would be practicable after reasonable inquiry to effect service in any manner provided in subsection (1).

43. Where any matter is by this Act or regulations thereunder directed to be determined by arbitration, such matter shall be determined by a fit and competent person as arbitrator, to be agreed to by the parties to the arbitration, or failing such agreement by the parties, by arbitration in accordance with the provisions of the Arbitration Act, 2013. Arbitration.

44. The Water Supply Act is repealed. No. 13 of 2013  
Repeal.  
Cap. 153

## SCHEDULE 1

[Section 4(3) and (4)]

### CONSTITUTION, MEMBERS, COMMITTEE, OPERATION, PROCEDURE AND MEETINGS OF THE AUTHORITY

Appointment of  
Board Members.

1. The Authority shall consist of nine members to be designated as Board Members, appointed by the Cabinet from amongst persons qualified by reason of having had experience of and shown capacity in matters relating to trade, law, finance, science, administration or labour relations.

Temporary  
Appointments.

2. The Cabinet may appoint a person appearing to it to have qualifications necessary for appointment under the provisions of paragraph 1, to act temporarily in the place of any Board Members in the case of the absence or inability to act of such Board Member.

Chairman.

3. (1) The Cabinet shall appoint one of the Board Members to be the Chairman of the Authority.

(2) The Minister may request with respect to a particular matter relating to the activities and business of the Authority and the Chairman shall furnish the Minister with such information requested.

(3) The Authority may by instrument in writing direct that subject to such conditions as may be specified in that instrument, such of the functions of the Authority as may be so specified shall (without prejudice to the performance of those functions by the Authority) be performed by the Chairman.

(4) The Cabinet shall appoint one of the Board Members to be the Deputy Chairman of the Authority.

(5) In the absence or inability as act of the Chairman, the Deputy Chairman shall perform the functions of the Chairman.

(6) In the absence or inability as act of Chairman and the Deputy Chairman the Cabinet may appoint one of the remaining Board Members to perform the functions of the Chairman.

(7) In the absence or inability to act at any meeting of both the Chairman and the Deputy Chairman the remaining Board Members shall elect one of their member to act as Chairman at that meeting.

Tenure of office.

4. (1) A Board Member shall, subject to the provisions of the Schedule, hold office for a period not exceeding two years or as may be specified in the instrument appointing him or her, and shall be eligible for reappointment.

(2) The Cabinet may at any time revoke the appointment of any Board Member if it thinks it expedient to do so.

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

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

6. The names of all Board Members as first constituted, and every change of membership shall be published in the *Gazette*. Publication of membership.

7. (1) Each Board Member shall make and subscribe an oath before the Cabinet that he or she will faithfully and to the best of his or her ability, discharge the trust and perform the duties devolving upon him or her as such Board Member. Oath of Board Member.

8. (1) The seal of the Authority shall be authenticated by the signatures of the Chairman or one of the Board Members authorised to act in that behalf. Authentication of seal and documents.

(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 authorised to act in that behalf or the General Manager.

9. (1) The Authority shall meet at least once every three months and also at such other times as may be convened by the Chairman, and all such meetings shall be held at such places and times and on such days as the Chairman may determine. Procedure and meetings.

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

(3) The Chairman or, in the case of the absence or inability to act of the Chairman, the Deputy Chairman or the Board Member elected to act as Chairman in accordance with the provisions of subparagraph (6) of paragraph 3 shall preside at the meetings of the Authority, and when so presiding the Chairman, Deputy Chairman or the Board Member elected as aforesaid to act as Chairman, as the case may be, shall have a casting vote only.

(4) The quorum of the Authority shall be five including the Chairman or the Deputy Chairman or the Board Member elected to act as the Chairman as aforesaid.

(5) The decisions of the Authority shall be by majority vote.

(6) Minutes in proper form for each meeting shall be kept and shall be confirmed by the Chairman or Deputy Chairman, as the case may be, as soon as practicable thereafter at a subsequent meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

(7) The Authority may co-opt any one or more persons to attend any particular meeting of the Authority for the purpose of assisting or advising the Authority, any person so co-opted shall be deemed to be a member for so long as he or she is co-opted, save that he or she shall have no right to vote and shall not be counted for the purposes of constituting a quorum.

(8) Subject to the provisions of this Schedule the Authority may regulate its own proceedings.

(9) The validity of any proceeding of the Authority shall not be affected on the ground of

- (a) the existence of any vacancy in the membership, or of any defect in the constitution of the Authority;
- (b) the contravention by a Board Member of the provisions of paragraph 14; or
- (c) any omission, defect or irregularity not affecting the merits of the case.

Power of  
Authority to  
appoint  
committees.

**10. (1)** The Authority may appoint a committee of the Authority to examine and report to it on any matter whatsoever to arising out of or connected with any of its powers and duties under this Act.

(2) Any such committee shall consist of at least one member of the Authority together with such other persons, whether members of the Authority or not, whose assistance or advice the Authority may desire.

(3) Where persons, not being members of the Authority are members of a committee appointed under this paragraph, or where any person is co-opted under the provisions of subparagraph (7) of paragraph 9 the Authority may with the approval of the Cabinet by resolution declare the remuneration and allowances of such persons, and such sums shall be payable out of the funds and resources of the Authority.

(4) The Authority may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Authority may think fit.

11. There shall be paid to the Chairman and other Board Members such remuneration, if any (whether by way of salaries or travelling or other allowances) as the Cabinet may determine. Remuneration of Board Members.

12. The funds of the Authority shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament and such other moneys as may lawfully be paid to or raised or borrowed by the Authority. Funds of the Authority.

13. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Authority in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act. Protection of Board Member.

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this paragraph the Authority shall be liable to the extent that it would be if the said member was a servant or agent of the Authority.

14. (1) It is the duty of a Board Member who is in anyway directly or indirectly, interested in any contract or proposed contract with the Authority to declare the nature of his or her interest at the first meeting of the Authority at which it is practicable for him or her to do so. Declaration of interest of Board Member.

(2) A Board Member shall not vote in respect of any contract or proposed contract with the Authority in which he or she is in anyway interested, whether directly or indirectly.

(3) A Board member who fails to declare an interest as required under subsection (1) shall, without prejudice be liable to be removed as a member of the Board.

15. The office of the Board Members of the Authority shall not be a public office for the purposes of Chapter 7 of the Constitution. Office of member of Authority not public office for the purposes of Chapter 7 of the Constitution.

## SCHEDULE 2

[Sections 2 and 4(5)]

### OFFICERS AND EMPLOYEES OF THE AUTHORITY

Appointment of employees and establishment and maintenance of superannuation schemes.

1. (1) Subject to the provisions of this Act, the Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a Managing Director, an accountant and such other employees as may be necessary and proper for the due and efficient administration, management and performance by the Authority of its functions under this Act.

(2) The Authority may, with the approval of and subject to such terms and conditions as may be prescribed by the Cabinet, provide for the establishment and maintenance of a Pension Scheme or a Provident Fund Scheme for the benefit of employees of the Authority, and in every such scheme different provisions may be made for different classes of employees.

Payment by Authority to Government in respect of emoluments and pensions, etc.

2. (1) The emoluments of any public officer who is in the service of the Authority shall, at the end of every month after the commencement of this Act, be paid into the Consolidated Fund by the Authority for the benefit of such public officers.

Cap. 266  
Cap. 206

(2) The sums payable as contributions by Government under the Social Security Act and the Income Tax Act in respect of such public officers shall at the end of every month after the commencement of this Act be paid into the Consolidated Fund by the Authority and such sums shall be paid by Government into the various Funds as established under the aforementioned Ordinances.

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(3) The Authority shall, within three months after the end of each financial year, pay to the Government in respect of such public officers as a contribution to the pension and other rights of such public officers under the Pensions Act such sum or sums of moneys as would have been due by Government in respect of the accruing pension and other rights of such public officers under the Pensions Act had such public officers not been in the service of the Authority.

(4) In the event of the winding up or dissolution of the Authority sums of money due under subparagraph (1), (2) or (3) shall rank as preferred debts.

Passed by the House of Assembly this      day of      , 2021.

Speaker.

Clerk of the House of Assembly.

## OBJECTS AND REASONS

This Bill seeks to establish a Water and Sewerage Authority as a statutory corporation to provide water supply and sanitation services, to make provision for the Authority to be managed as a commercial undertaking and to repeal the Water Supply Act (Cap. 153).

The Bill is divided into six parts.

Part I (sections 1-3) would provide for preliminary matters.

Clause 1 would set out the short title and commencement.

Clause 2 would introduce the definition of terms used in the Bill.

Clause 3 would provide for the Act that binds the Crown.

Part II (sections 4 and 5) would provide for the establishment of the Authority and the vesting of property.

Clause 4 would provide for the establishment and incorporation of the Water Authority. Therefore, the Authority would be a body corporate with perpetual succession and a common seal with power to purchase, take, hold and dispose of land and other property, to enter into contracts.

Clause 5 would provide for the vesting and rights of certain property in the Authority. Also, a certificate would be issued as evidence where any question would arise in relation to any land, building, installation, equipment or other form of property that would be used exclusively for the purposes of the Water and Sewerage Department.

Part III (sections 6-10) would provide for the rights, powers and duties of the Authority.

Clause 6 would provide for written permission by the Authority to be given to any person to supply, distribute, maintain and sell water at any place within the Virgin Islands.

Clause 7 would provide for the Authority to have power to enter into any transaction which in its opinion is calculated to facilitate the proper discharge of its functions. Also, the Authority would include powers to control, manage, maintain, operate and supervise all watercourses, and waterworks in the Virgin Islands, and provide an adequate supply of water for the use of the public in general.

Clauses 8 and 9 would provide for the Authority to delegate powers with the approval of the Minister and an officer, employee or agent of the Authority may

enter any premises to which any water main or waterlines is supplied for the purpose of inspecting the meters, pipes, fittings and other apparatus belonging to the Authority.

Clause 10 would provide for the duties of the Authority such as to establish and keep an inventory of all watercourses within the Virgin Islands, and to establish and maintain a central bank of water related data.

Clause 11 would provide for the Authority to provide public sewers and to make such provision, by means of sewerage disposal, treatment or otherwise as may be necessary for effectively dealing with the contents of the sewers.

Part IV (sections 12-23) would provide for financial provisions.

Clauses 12 and 13 would provide the Authority, with the approval of the Minister responsible for finance, to secure or raise money; borrow from the Government such sums as may be necessary for carrying out its functions under this Act.

Clauses 14 and 15 would provide for the revenue of the Authority for any financial year would be applied in defraying charges and the balance of the revenue of the Authority would be applied to the creation of reserve funds to finance future modernisation and expansion.

Clauses 16 and 17 would provide for tariffs and charges by agreement. The Authority may make any agreement with a customer as to the price to be charged by it for supplying or providing any water supply.

Clause 18 would provide for proper accounting and other records in respect to the operations of the Authority and to prepare a statement in respect to each financial year.

Clause 19 would provide for cash deposits whereby all moneys accruing from the operations of the Authority would be paid into some bank or banks appointed by resolution of the Authority.

Clause 20 would provide for rules which would be made by resolution in relation to all matters necessary for the proper keeping and control of the accounts and books and the control of the finance of the Authority.

Clause 21 would provide for an Annual Report of the Authority to deal with the activities during the preceding financial year and the Minister shall cause a copy of every report to be laid on the table of the House of Assembly.

Clauses 22 and 23 would provide for the Authority to be exempted from customs duty, income tax, and property tax in relation to all plant, machinery, appliances,

apparatus, equipment and materials. Also, the Authority may enter into contracts with Government for the supply of water.

Part V (sections 24-32) would provide for offences and injurious acts.

Clause 24 would provide for a person who commits injurious acts with intent to cut off supply would be liable to conviction on indictment, to a term of imprisonment term not exceeding two years. Clauses 25 and 26 would address malicious or fraudulent dealings with water and penalties in respect of other wrongful acts.

Clause 27 would provide for the owner or occupier who is found with the supply of water after it has been cut off by the Authority commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars for each day the water has been so used. Clause 28 would provide for general offences as it relates to water.

Clauses 29 to 31 would address various offences such as selling water to any other person, failure to give notice of any issues with any stop-cock, pipe or other waterworks. Also, any person who obstructs, resists, molests, assaults any employee of the Authority commits an offence.

Clause 32 would provide for where an offence has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to have committed an offence.

Part VI (sections 33 - 44) would provide for the miscellaneous provisions.

Clause 33 would provide for the Minister to give the Authority policy directions in the performance of its functions in the interests of the Virgin Islands and the Authority shall give effect to such directions.

Clause 34 would provide for the Government of the Virgin Islands through Cabinet delegate any of its rights, powers or duties or issue directions to such public authority, public officer, committee or person as to Cabinet may seem fit in the interests of the Virgin Islands.

Clauses 35 to 37 would provide for the transfer of Government officers and employees to the Authority, transfer of Government contracts of employment to the Authority and transfers of staff between the Authority and the Government.

Clause 38 would provide for the power to bring watercourses within and to remove watercourses and waterworks from the provisions of this Act and to declare area to be watershed.

Clauses 39 to 40 would provide for Regulations by the Minister and by the Authority. Clauses 41 to 42 would provide for notices to be given under this Act or regulations made thereunder shall be in writing and highlight the procedures to the service of a notice or document to owner or occupier.

Clause 43 would provide for arbitration in accordance with the provisions of the Arbitration Act, 2013 (No. 13 of 2003).

Clause 44 would repeal the Water Supply Act (Cap. 153).

This Bill provides for two Schedules.

Schedule 1 would provide for the establishment and incorporation of the Water Authority.

Schedule 2 would provide for the officers and employees of the Authority also under clause 4 of the Bill.

Premier.

