

# **LAWS OF BRUNEI**

## **CHAPTER 121 WATER SUPPLY**

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CHAPTER 121

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# WATER SUPPLY ACT

## An Act to provide for the control and regulation of the supply of water

*Commencement: 1st January 1968*

*[S 256/1967]*

### PART 1

#### PRELIMINARY

##### **Citation**

1. This Act may be cited as the Water Supply Act.

##### **Interpretation**

2. In this Act —

“alienated land” means State land leased or otherwise disposed of by or on behalf of the Government;

“Authority” means the Water Authority;

“British Standard Specification” means the standard of specification issued by the British Standard Institution in force at the date of implementation of this Act or any subsequent modification or amendment thereof as may from time to time be issued by the British Standard Institution;

“catchment area” means any surface of land or other area which collects the rainfall for the purpose of the waterworks;

“chargeable water” means —

(a) in the case of any premises entitled to a free allowance of water, any consumption in excess of such free allowance;

(b) in the case of any premises not entitled to a free allowance of water, the total consumption;

“communication pipe” means the pipe between the main pipe belonging to the Authority and the consumer’s meter, or stopcock if there is no meter, including any stopcock, housing and other fittings and attachments thereto;

*[S 47/2014]*

“connection to the main” means the stopcock, any housing thereto, the length of piping between such stopcock and the main belonging to the Authority, and all fittings and attachments thereto;

[S 47/2014]

“consumer” means any person or persons or corporate body supplied or applying to be supplied with or using water from the waterworks or who is or are liable for the payment of rates in relation to the supply of water or moneys due or to become due under this Act. A “consumer” may be an owner or an occupier;

“fire service” means any pipes and fittings used for the sole purpose of supplying water to premises to combat fire;

“inside service” means all pipes and fittings beyond the communication pipe;

“licensed plumber” means any person or persons or corporate body licensed by the Authority to construct, alter or repair inside services or fire services connected with or to be connected with the waterworks;

[S 47/2014]

“main” means any pipe owned and maintained by the Authority, including any connection to the main;

[S 47/2014]

“meter” means any appliance employed for the purpose of measuring or estimating the amount of water consumed or otherwise;

“occupier” means the person in occupation of the premises in respect of which the word is used or having the charge, management or control thereof either on his own account or as agent of another person, but does not include a lodger;

“other premises” means all buildings, used for religious worship, all licensed public burial grounds used exclusively for this purpose, public schools, Government administrative offices and youth hostels;

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

“premises” means any structure, building or part of a building, land without buildings, or any pier, sea wall or wharf;



“public standpipe” means any fountain, standpipe, valve, tap or appliance provided and maintained by the Authority for the purpose of supplying water to the public;

*[S 47/2014]*

“quarterly” means every 3 consecutive months;

“rating Act” means the Municipal Boards Act (Chapter 57);

“stopcock” means any stop-tap placed on the inlet of a meter and controlling the supply of water to any premises charged or chargeable separately with water rate, municipal rate, charge or rent;

“stop-tap” means the stopcock, stop valve and any other device for stopping the flow of water in a line of pipes;

“Water Authority” means the Director-General of Public Works or such other person, officer or authority as His Majesty the Sultan and Yang Di-Pertuan in Council may appoint to administer, manage or supervise a waterworks or water supply;

*[S 47/2014]*

“water fittings” means pipes (other than mains), taps, stopcocks, ballcocks, valves, ferrules, meters, cisterns, baths, water closets, soil pans, hot water apparatus, and any other similar apparatus or appliances used on an inside service in connection with the supply and use of water, except meters;

“waterworks” means all catchment areas, reservoirs, dams, weirs, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, mains, pipes, meters, fountains, standpipes, sluices, valves, hydrants, pumps, prime movers and all other works, or apparatus used or constructed for the collection, storage, conveyance, supply, measurement or regulation of water and which have been constructed by or on behalf of the Government and belong to or are under the control or management of the Authority or which are used or constructed by the Authority.

*[S 47/2014]*

## PART 2

## CATCHMENT AREAS

**Survey of catchment areas**

3. (1) Whenever it appears expedient to His Majesty the Sultan and Yang Di-Pertuan in Council that the limits or areas of any catchment area should be demarcated or surveyed, the Authority shall cause the limits or areas thereof to be demarcated or surveyed, and thereafter no unalienated land within such limits or areas shall be alienated, granted, transferred or sold within such limits or areas for any purpose whatsoever.

*[S 47/2014]*

(1A) Subject to subsection (1), His Majesty the Sultan and Yang Di-Pertuan in Council may designate the activities that may be carried on in a catchment area.

*[S 47/2014]*

(2) Whenever any alienated land situated within the limits or areas referred to in subsection (1) is required for any purpose connected with the waterworks, including the protection thereof from contamination, such purpose is deemed to be a public purpose within the meaning of the Land Code (Chapter 40) and the Land Acquisition Act (Chapter 41).

(3) A map or plan showing clearly the limits or areas of any catchment area surveyed or demarcated by the Authority under subsection (1) shall be made and kept in the office of the Authority and shall at all reasonable times be open to public inspection.

*[S 47/2014]*

## PART 3

## ADMINISTRATION AND GENERAL POWERS OF AUTHORITY

*[S 47/2014]*

**Custody and administration of waterworks**

4. The Authority shall have the custody and administration of the waterworks and of the water therein and the management of the supply and distribution of such water, subject to the general authority of His Majesty the Sultan and Yang Di-Pertuan in Council.

*[S 47/2014]*

**Extent to which compliance with British Standard Specification required**

5. (1) All pipes, fittings and other materials referred to in the regulations made under this Act in respect of which a British Standard Specification is available shall conform with the appropriate standard or any revised addition thereto:

Provided that this Act does not apply to pipes, fittings and other materials, the use of which has been permitted in writing by the Authority.

*[S 47/2014]*

(2) Any requirement in the regulations made under this Act that a water fitting shall comply with a British Standard Specification shall extend only to so much of that specification as relates to the size, nature, materials, strength and workmanship of such fitting.

**Appointment of officers**

6. His Majesty the Sultan and Yang Di-Pertuan in Council may appoint such number of officers as he may consider necessary for the carrying out of the provisions of this Act and any regulations made thereunder.

**Supply of water**

7. The Authority may within or, subject to the approval of His Majesty the Sultan and Yang Di-Pertuan in Council, outside Brunei Darussalam, provide, construct and maintain such catchment areas, reservoirs and other works for the gathering and supply of water, for public and private purposes and may enter into contract with any person or persons upon such terms as it thinks fit for the supply of water for such purposes.

*[S 47/2014]*

**Power to enter on land for purposes of constructing, repairing or maintaining mains and waterworks**

8. (1) Subject as provided in this section, wherever it is necessary to do so for the purpose of making, constructing, providing, repairing or maintaining any mains or other waterworks under this Act, the Authority may lay, place or carry on, under or over any land, other than State land, mains and other waterworks, paying reasonable compensation to all persons interested for any disturbance, damage or disability that may be caused thereby.

*[S 47/2014]*

(2) Before entering on any land for the purpose specified in subsection (1), the Authority shall, except in the case of urgency, give notice to the owner or occupier of such land, stating as fully and accurately as possible the nature and extent of the acts intended to be done, and informing the owner or occupier of the provisions of subsection (4).

[S 47/2014]

(3) Such notice is deemed to be properly given if sent by registered post or left at the usual or last known place of abode of the person to whom it is to be given, or, if the usual or last known place of abode of such person cannot be ascertained, by fixing the notice conspicuously on some part of the land.

(4) If any objection or dispute arises in respect of the acts intended to be done, or the amount or apportionment of compensation under subsection (1), the acts or the amount or apportionment shall be summarily ascertained and determined by a Court of a Magistrate, subject to an appeal to the High Court.

#### **Power to lay water mains etc.**

9. The Authority may make, construct and provide such mains and other waterworks as may be necessary for supplying any district and the inhabitants thereof with water, and in executing such works may carry such mains and other waterworks through, across or under any street or road, or any place laid out or intended for a street or road, or any premises under any street or road:

[S 47/2014]

Provided nevertheless that as regards any street or road within a Municipal area, the Authority shall first obtain (except in the case of urgency) the concurrence of the Municipal Authority:

Provided further that wherever any street or road, or any place laid out or intended for a street or road, or any premises under any street or road, are opened or broken up in the execution of such works, the Authority shall with all convenient speed complete the work for which the street, road, place or premises are to be opened or broken up, and reinstate and make good such street, road, place or premises.

[S 47/2014]

**Power to fix standpipes and fire hydrants**

10. It shall be lawful for the Authority to fix standpipes and fire hydrants together with the connection to the waterworks in, under or over any private street or road; and such standpipes and connections shall remain vested in the Authority.

[S 47/2014]

## PART 4

## PARTICULAR POWERS OF AUTHORITY [S 47/2014]

**Authority may agree to supply water**

11. The Authority may agree to supply with water for domestic or other purposes any person or persons residing either within or outside Brunei Darussalam upon such terms and conditions and for such period as the Authority thinks fit.

[S 47/2014]

**Domestic supply** [S 47/2014]

12. A supply of water for domestic purposes does not include a supply of water to any premises any part of which is used for the purpose of any trade, manufacture or business.

**Power to restrict, suspend etc. supply of water**

13. It shall be lawful for the Authority to restrict, withhold or suspend, stop, turn off or divert the supply of water through or by means of any main, inside service or standpipe, either wholly or in part, whenever the Authority may think fit, and without prejudice to any water rate, meter rent or other sums due or to become due under this Act or any rating Act —

[S 47/2014]

(a) whenever the available supply of water from the waterworks shall in the opinion of the Authority be insufficient;

[S 47/2014]

(b) whenever it may be expedient or necessary for the purpose of extending, altering, testing or repairing the waterworks, or for the purpose of the connection of inside services or fire services;

(c) whenever any public standpipe is damaged or the waters thereof are polluted or wasted;

(d) in the case of an outbreak of fire; or

(e) in the case of a breakdown in the waterworks,

[S 47/2014]

and neither the Authority nor any representative or agent of the Authority is liable for any damage or loss which may result from such restriction, withholding, suspension, stoppage, turning off or diversion.

[S 47/2014]

### **Authority may cut off supply in default of payment**

14. If any person entitled to a supply of water under any agreement mentioned in section 11 makes default in payment of any sum payable by him under such agreement, the Authority may cut off the supply of water by severing or disconnecting any pipe, lines or other work through which water is supplied and may, until any sum payable under the agreement together with the expense incurred by the Authority is fully paid, discontinue the supply of water to such person.

### **Power of entry on premises**

15. It shall be lawful for the Authority or any person duly authorised in writing by such Authority, without notice and at any reasonable time, or, in the case of urgency, at any time, to enter into and upon any premises into or upon which any inside service has been laid for the supply of water from the waterworks, for the following purposes —

[S 47/2014]

(a) to inspect any inside service and to ascertain whether there is any waste, leakage, obstruction, alteration, interference or damage to any inside service or meter therein and anything in connection therewith;

(b) to regulate and repair any inside service or meter;

(c) to ascertain the consumption;

(d) to disconnect the inside service to any premises or to diminish, withhold or suspend, stop, turn off or divert the supply of

water to any premises through or by means of any inside service either wholly or in part; or

(e) to repair, alter, take up, relay, rearrange, or otherwise to deal with any inside service or meter as circumstances may require.

### **Power to demand deposits**

16. (1) It shall be lawful for the Authority to fix the amount of and to demand in advance deposits from consumers to cover the amount due or to become due for meter rent and for chargeable water at any premises, and for work to be carried out by the Authority at the cost of the consumer.

*[S 47/2014]*

(2) Such deposits may be held by the Director-General of Public Works for such time as the Authority shall direct and shall bear no interest and may, in the discretion of the Authority and without prejudice to the powers of such Authority under section 24, be applied to the payment of any money in respect of which the deposit was made and which has not been duly paid in accordance with any regulations made under section 48.

*[S 47/2014]*

### **Situation of water and gas mains, electric cables etc. to be altered at expense of Authority**

*[S 47/2014]*

17. (1) If the Authority deems it necessary, for the purposes of this Act, to raise, sink or otherwise alter the situation of any water or sewerage pipe or other waterworks or gas-works, electric lighting cable, or main telegraph or telephone wire or other electric lighting apparatus or telegraph or telephone apparatus laid in any street, it may by notice in writing require the person to whom any such pipes, works, cables, mains or apparatus belong, or under whose control they are, to cause forthwith, or as soon as conveniently may be, any such pipes, works, cables, mains or apparatus to be raised, sunk or otherwise to be placed in position in such manner as it directs:

*[S 47/2014]*

Provided that such alteration is not such as permanently to injure such pipes, works, cables, mains or apparatus or to prevent the water from flowing as freely and conveniently as before.

(2) The expenses attending such raising, sinking or altering, and full compensation for the damage done thereby, shall be paid by the Authority to the person or persons to whom such pipes, works, cables, mains or apparatus belong.

[S 47/2014]

(3) If any dispute arises in respect of the amount or apportionment of such compensation, the dispute shall be settled in the manner herein provided.

**If owners etc. neglect to make alterations, Court of Magistrate may order alterations to be done**

**18.** If the person to whom any such pipes, works, mains, cables or apparatus belong, or under whose control they are, does not proceed forthwith, or as soon as conveniently may be, after the receipt of such notice to cause the pipes, works, mains, cables or apparatus to be raised, sunk or altered in the manner required by such notice, the Court of a Magistrate may, upon the application of the Authority, issue a mandatory order for the execution of the necessary work.

PART 5

INSIDE SERVICES

**Construction and connection of inside services**

**19.** (1) Any consumer may arrange with the Authority or a licensed plumber to construct an inside service in any premises for the supply of water from the waterworks.

[S 47/2014]

(2) Every inside service shall be constructed, and the nature, size and quality of the materials and fittings used therewith shall be in accordance with regulations made under section 48.

(3) When the construction of an inside service has been completed to the satisfaction of the Authority, it shall be connected by the Authority to the waterworks, subject to —

[S 47/2014]

(a) payment of the charges for such connection as are prescribed by regulations made under section 48; and



(b) the consumer giving the undertaking required by section 24.

(4) Notwithstanding the provisions of this section, the Authority shall not, unless otherwise directed by His Majesty the Sultan and Yang Di-Pertuan in Council, be under any obligation to connect with the waterworks the inside services of any premises which are —

*[S 47/2014]*

(a) more than 50 yards from a main; or

(b) at an altitude higher than that to which water from the waterworks can be supplied by gravitation.

(5) Nothing in this section is deemed to restrict the drawing of water by any person from any public standpipe in any district where public standpipes are provided.

#### **Costs relating to inside services**

**20.** The cost of constructing, altering or repairing all inside services shall be borne by the consumer.

#### **Inside services may be repaired by Authority**

*[S 47/2014]*

**21.** The Authority may in his or its (authority can be a body or person) discretion repair any part of an inside service at the request of the consumer, and on completion thereof the consumer shall pay the cost of the repairs at such time and place as may be prescribed by regulations made under section 48.

*[S 47/2014]*

#### **Connection to main to be part of waterworks**

**22.** In the case of any inside service at present existing or hereafter constructed, the connection to the main is deemed to be a part of the waterworks.

#### **Measurement of water supplied**

**23.** All water supplied to premises through inside services shall be measured by an authorised meter or otherwise measured or charged for in such manner as may be prescribed by regulations made under section 48.

*[S 47/2014]*

**Disconnection of inside service**

24. It shall be lawful for the Authority to disconnect from the waterworks the inside service to any premises, without prejudice to any water rate, meter rent or other sums due or to become due under this Act or any rating Act —

*[S 47/2014]*

(a) unless the consumer, within 14 days from the date of service of written notice in that behalf (which may be given in the manner provided by section 8(3)), or such extended time as the Authority may allow, gives an undertaking satisfactory to the Authority to pay to the Government, quarterly or at such lesser periods as the Authority may in any case determine, the amount due for charges for water and for meter rent in accordance with any regulations made under section 48;

*[S 47/2014]*

(b) if default is made in the payment of any deposit which the Authority may require, or of any moneys due under this Act from the consumer, for so long as the default continues;

*[S 47/2014]*

(c) if the construction, alteration or repair of any inside service by a consumer is not carried out to the satisfaction of the Authority in accordance with the provisions of this Act and the regulations made thereunder, or if such construction, alteration or repair is carried out without the approval of the Authority;

*[S 47/2014]*

(d) if any consumer is found to be wilfully or negligently wasting water supplied from the waterworks through the inside service to his premises;

*[S 47/2014]*

(e) if any act or thing is done or omitted contrary to the provisions of this Act in relation to any damage, alteration, pollution or abuse of the waterworks, or of any inside service or fire service; or

*[S 47/2014]*

(f) if the premises or any part thereof were erected in contravention of any written law.

*[S 47/2014]*

## PART 6

## OFFENCES AND PENALTIES

**Waste**

**25.** Any person who wilfully or negligently misuses or wastes or allows to be misused or wasted any water supplied from the waterworks either through any inside service or public standpipe, is guilty of an offence and liable on conviction to a fine not exceeding \$20,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$50,000, imprisonment for a term not exceeding 3 years or both.

[S 47/2014]

**Offences relating to waterworks, diverting streams or misappropriating water etc.**

**26.** Any person who, wilfully or negligently, and without the approval of the Authority —

[S 47/2014]

(a) injures or suffers to be injured the water works;

(b) lays or causes to be laid any main, pipe or line to communicate with any main, pipe, standpipe, hydrant or line belonging to or under the management or control of the Authority without the consent of the Authority;

(c) draws off, diverts or takes water from the waterworks or from any rivers, streams or waters by which the waterworks are supplied;

(d) interferes with or opens or shuts any valve, hydrant or stopcock belonging to the waterworks;

(e) supplies any other person with any water supplied to him for domestic purposes, except with the consent in writing of the Authority, or alters or tampers with any meters supplied by the Authority; or

(f) attaches or fixes unauthorised hose pipes including split bamboo to public standpipes or hydrants or any private fittings,

[S 47/2014]

is guilty of an offence and liable on conviction to a fine not exceeding \$20,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$50,000, imprisonment for a term not exceeding 3 years or both.

[S 47/2014]

### **Restriction on use of hydrants**

27. (1) No person shall take any water —

(a) for any purpose other than a domestic purpose from any standpipe or drinking fountain used for the supply of water to the public;

(b) for any purpose whatsoever from any hydrant, main, waterworks, equipment or apparatus belonging to the Authority except by agreement or with the consent in writing of the Authority.

(2) Any person who acts in contravention of this section is guilty of an offence and liable on conviction to a fine not exceeding \$10,000.

[S 47/2014]

### **Penalty for wrongful renewal of supply**

28. If at any time after the supply of water to any premises has been renewed without the order of the Authority and that the water is being used by any person, the occupier of such premises is deemed to have wrongful renewal of water supply and liable on conviction to a fine not exceeding \$10,000 and to a further fine not exceeding \$250 for each day the water has been so used.

[S 47/2014]

### **Notice of obstruction of water to be given to Authority**

29. (1) Whenever any pipe, line or any other apparatus placed in or upon any premises for the use or supply of water to the occupier of such premises becomes obstructed or in any way damaged so as to cause a waste, the occupier shall immediately on the obstruction or damage coming to his knowledge give notice thereof to the Authority.

(2) Any such occupier who neglects to give such notice is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, and the supply may be summarily cut off by the order of the Authority until the necessary repairs are effected.

[S 47/2014]

**Pollution of waterworks**

**30.** (1) Any person who deposits or allows to be deposited any earth, material or liquid in such manner or place that it may be washed, fall or be carried into the waterworks, is guilty of an offence and liable on conviction to a fine not exceeding \$50,000.

[S 47/2014]

(2) If any earth, material or liquid is allowed to remain so deposited after the Authority has given notice in writing to such person (which notice may be given in the manner provided by section 8(3)), requiring such earth, material or liquid to be removed, or the continuing deposit of any such earth, material or liquid to cease, such person is liable to a further penalty of \$300 for each day during which the offence continues.

[S 47/2014]

(3) Any person who washes or bathes in, or throws into any waters, rivers, or streams forming part of the waterworks, or washes, throws or causes to enter therein any creature, dead or alive, or anything whatsoever, is guilty of an offence and liable on conviction to a fine not exceeding \$50,000.

[S 47/2014]

(4) Nothing in this section shall be construed as prohibiting or restricting —

(a) any method of cultivation of lands which is in accordance with the principles of good husbandry; or

(b) the reasonable use of oil or tar on any highway maintainable at public expense,

so long as all reasonable steps are taken for preventing the pollution of any part or any water of the waterworks.

**Water from unauthorised service**

**31.** Any person who takes any water from the waterworks, except through a metered inside service or from a public standpipe, without the permission of the Authority, is guilty of an offence and liable on conviction to a fine not exceeding \$20,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$50,000, imprisonment for a term not exceeding 3 years or both.

[S 47/2014]

**Taking water contrary to agreement**

32. Any person who, having agreed for a service for domestic purposes only, applies or causes or permits to be applied, the water passing through the pipes in or near his premises for purposes other than domestic purposes is guilty of an offence and liable on conviction to a fine not exceeding \$20,000.

[S 47/2014]

**Penalty for obstructing Authority in its duty**

[S 47/2014]

33. Any person who at any time hinders, obstructs or molests the Authority or any of its employees, agents or contractors in the performance and execution of their duty or of anything which they are respectively empowered or required to do by virtue or in consequence of this Act, or removes any mark set up for the purpose of indicating any level or direction necessary for the execution of works authorised by this Act, is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

[S 47/2014]

**Altering service**

34. Any person who alters or causes or permits to be altered any service as agreed upon by the Authority so as to enable a greater supply of water to be taken than was agreed for is guilty of an offence and liable on conviction to a fine not exceeding \$20,000, and any service so altered may be replaced in the proper state by the Authority at such person's expense.

[S 47/2014]

**Fraudulent measurement**

35. (1) Any person who —

(a) alters or causes or permits to be altered any inside service with intent to avoid the accurate measurement of water;

(b) wilfully or negligently interferes with or injures any meter;

(c) dishonestly alters the index of any meter used by the Authority for measuring the water supplied by the Authority;

[S 47/2014]

(d) dishonestly prevents any meter used by the Authority from registering correctly the quantity of water supplied; or

[S 47/2014]

(e) dishonestly abstracts or uses any water,

[S 47/2014]

is guilty of an offence and liable on conviction to a fine not exceeding \$20,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$50,000, imprisonment for a term not exceeding 3 years or both.

[S 47/2014]

(2) Any inside service so altered and any meter so interfered with, injured or altered, shall be replaced or repaired by the Authority and the cost of such replacement or repair may be recovered upon the order of a magistrate from the person convicted under subsection (1) in the same manner as a fine.

[S 47/2014]

### **Presumption against consumer in relation to altering of meters**

**36.** (1) In any prosecution for an offence under section 35, the existence of artificial means for altering the index of any meter or for preventing any meter from duly registering the quantity of water supplied, or for abstracting, consuming or using water of the Authority, when such meter is under the custody or control of the consumer, shall be *prima facie* evidence that such alteration, prevention, abstraction or consumption, as the case may be, has been fraudulently, knowingly and wilfully caused by the consumer using such meter.

(2) Any such person who fraudulently, knowingly and wilfully abstracts, causes to be wasted or diverted, consumes or uses any water of the Authority is deemed to have committed the offence described in section 379 of the Penal Code (Chapter 22).

### **Default in compliance with notice — general penalty**

**37.** (1) When any notice under this Act or any regulations made thereunder requires any act to be done or work to be executed by the owner or occupier of any premises and default is made in complying with the requirements of such notice, the person in default is, where no fine is specially provided for such default, guilty of an offence and liable on conviction to a fine not exceeding \$10,000 or imprisonment for a term not exceeding one year.

[S 47/2014]

(2) When any such notice requires any act to be done or work to be executed for which no time is fixed by this Act or any regulations made thereunder, it shall fix a reasonable time for complying with the requirements.

**Authority employee may demand names and addresses in certain cases**

**38.** (1) Any person who is charged by any employee of the Authority or any police officer with any offence under this Act or any regulations made thereunder shall give his name and address to such employee or officer if so required.

(2) The occupier of any premises shall, if required by any employee of the Authority or any police officer, give his name and the name and address of the owner of the premises, if known.

(3) Any person who offends under this section or wilfully misstates his name and address or the name and address of the owner of any premises is guilty of an offence and liable on conviction to a fine not exceeding \$10,000.

[S 47/2014]

**Entry into waterworks without consent etc.** [S 47/2014]

**38A.** Notwithstanding any written law, any person who enters or uses any premises belonging to the Authority, any part of any waterworks, or any premises reserved by the Authority without the prior consent in writing of the Authority is guilty of an offence and liable on conviction to a fine not exceeding \$1,500.

PART 7

RECOVERY OF MONEYS DUE

**Recovery of moneys due**

**39.** (1) All moneys other than penalties or fines, payable or recoverable under this Act, shall be recoverable at the suit of the Authority, together with interest thereon at a rate of 8 *per cent per annum*, and any judgment given or order made in any court thereon shall be enforced in the same manner as that in which any judgment or order may be enforced in any other action in such court, provided that in the case of moneys due, in respect of water supplied, action for recovery will be taken by the Authority.

[S 47/2014]



(2) In any such action, a certificate purporting to be under the hand or seal of the Authority that any sum of money is due to such Authority shall upon production thereof be *prima facie* evidence of such debt and of the non-payment thereof.

[S 47/2014]

## PART 8

### GENERAL

#### **Who may prosecute**

**40.** Prosecution in respect of offences committed under this Act or any regulations made thereunder may be conducted by any person authorised in that behalf by the Authority.

[S 47/2014]

#### **Compounding of offences** [S 47/2014]

**40A.** (1) The Authority may compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed that offence a sum not exceeding \$500.

(2) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations to prescribe the offences which may be compounded.

#### **Power to take action**

**41.** No fine or punishment imposed under this Act shall affect or prejudice the powers of the Authority under section 24, nor shall anything in this Act be held to prevent proceedings by civil suit against any person for damage caused to any waterworks, or to prevent any person from being prosecuted criminally for an offence in respect of any waterworks.

#### **Court for trial of offences under this Act**

**42.** (1) Any offence under this Act or any regulations made thereunder may be tried by the Court of a Magistrate.

(2) All fines imposed for any offence against this Act or any regulations made thereunder shall be paid into the Consolidated Fund.

[S 47/2014]

**Fine may be prescribed for breach of regulations**

43. The Authority may in making any by-laws or regulations prescribe the fine with which the contravention thereof shall be punishable, provided that such fine shall not exceed, for any one offence, the sum of \$500 or, in the case of a continuing offence, the sum of \$20 for every day during which such offence is continued.

[S 47/2014]

**Fine for breach of regulations where no fine is prescribed**

44. Any person who contravenes any regulations for which no fine is prescribed is liable to a fine of \$500, for any one offence, or, in the case of a continuing offence, the sum of \$20 for every day during which such offence is continued.

**Service pipes, cocks etc. not to be subject to distress etc.**

45. When any service pipe, cock or other apparatus belonging to the Authority is placed in or upon any premises not being in the possession of the Authority for the purpose of supplying water, such pipe, cock or other apparatus shall not be subject to distress nor be taken in execution under process of a court or proceedings in bankruptcy against the person who has possession of the pipe, cock or other apparatus.

[S 47/2014]

**Licences to be discretionary**

46. (1) The grant or renewal of any licence in pursuance of this Act or any regulations made thereunder, shall be in the discretion of the Authority or person authorised to grant or renew the same and may be granted, renewed or refused without any reason for such grant, renewal or refusal being assigned therefor and may be granted or renewed subject to such restrictions and conditions as the Authority or person granting, renewing or refusing the same may think fit and shall be revocable at any time without compensation and without notice by the Authority upon breach of any restriction or condition subject to which it was issued.

(2) The Authority or person empowered to grant or renew any licence may require any applicant therefor to furnish such information as the Authority or that person may reasonably require for a full and proper consideration of the application and, in the event of a refusal to furnish such information, shall refuse to grant or renew such licence.

(3) Except as otherwise provided, any licence granted or renewed in pursuance of this Act or any regulations made thereunder may be for such period not exceeding 12 months as the Authority thinks fit.

(4) There shall be charged for the grant or renewal of any licence such fee, if any, as may be prescribed.

(5) No such licence shall be transferrable without the consent of the Authority or person granting the licence.

*[S 47/2014]*

(6) Except as otherwise provided, any person aggrieved by the refusal by any employee of the Authority to grant or renew a licence or by the suspension or revocation by the Authority of any licence may, within one month of such refusal, suspension or revocation, appeal to the Authority whose decision thereon is final.

*[S 47/2014]*

(7) In this section, “licence” means any approval, consent, permit, permission, authority, authorisation or licence which may be granted in pursuance of this Act or any regulations made thereunder.

### **Service of notice**

47. (1) Every notice, order or document required or authorised by this Act or any regulations made thereunder to be served on any person may be served —

(a) by delivering it to such person or by delivering it at the last known place of abode of such person to some adult member or servant of his family;

(b) by leaving it at the usual or last known place of abode or business of such person in a cover addressed to such person; or

(c) by forwarding it by post in a prepaid letter addressed to such person at his usual or last known place of abode or business.

(2) A notice, order or document required or authorised by this Act or any regulations made thereunder to be served on the owner or occupier of any premises is deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of such premises without further name or description.

(3) A notice, order, summons or document required or authorised by this Act or any regulations made thereunder to be served on the owner or occupier of any premises may be served by delivering the notice, order, summons or document or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom the notice order, summons or document can with reasonable diligence be delivered, by fixing the notice, order, summons or document on some conspicuous part of the premises.

**Power of His Majesty the Sultan and Yang Di-Pertuan in Council to make regulations**

**48.** (1) His Majesty the Sultan and Yang Di-Pertuan in Council may make regulations for —

(a) regulating the installation of water supplies and alterations thereto and for the submission of plans and specifications in respect thereof;

(b) regulating the use of water meters and prohibiting interference with or damage to water meters or to seals affixed thereto;

(c) preventing the misuse, waste, resale or contamination of water from the waterworks, including any river intakes connected therewith;

(d) licensing plumbers to work upon the installation of water supplies and the repair, extension, alteration and removal thereof and prohibiting the employment upon such work of unlicensed plumbers and prescribing the fees to be charged for such licences;

(e) prescribing the pipe materials and fittings to be used in connection with water supplies (including water supplied to urinals and water closets) and the size, shape, fitting, arrangement, connections, workmanship, laying, examination, testing, position and cleaning of the pipe materials and fittings;

(f) the form of all notices required to be given or sent under this Act, and the issuing and service thereof;

(g) the time and place for the payment of all moneys due or to become due under this Act;

- (h) deposits to be made by consumers;
- (i) fees, surcharges and the payment thereof;
- (j) the price of water;
- (k) free allowances of water to approved hospitals, charitable institutions and other premises;
- (l) the fixing of meters, the amount of meter rents and the ascertaining of the consumption at any premises;
- (m) the notification of restriction or suspension of water supply;
- (n) the disconnection or re-connection of the water supply from or to a consumer;
- (o) the nature, size and quality of pipes, and fittings to be used on inside services and fire services;
- (p) the construction, alteration and maintenance of inside services and fire services including the keeping clean of such services;
- (q) notification to consumers that any inside services and fire services is defective;
- (r) the prevention of waste and the prohibition of the resale of water;
- (s) the taking of water from public standpipes, the regulation or restriction of the persons resorting or desiring to resort thereto, the apportionment or rationing or restriction of the supplies which may be taken therefrom, and the giving of power to police officers and others with a view to such regulation, apportionment, rationing and restriction;
- (t) the use of water for fire fighting purposes;
- (u) the conservation and use of water from the waterworks;
- (v) the regulation, protection and control of the waterworks, including any river intakes connected therewith;

(w) the taking of fish in reservoirs;

(x) prescribing anything which under this Act is to be prescribed;

(y) all such matters not specifically mentioned in this subsection as may conduce to the better and more effective carrying out of this Act.

(2) Such regulations may provide that contravention of any specified regulations shall constitute an offence and may prescribe penalties not exceeding a fine of \$1,500 for such contraventions.