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THE WATER SUPPLY ORDINANCE, 1934.

Western Samoa

No. 6, 1934



AN ORDINANCE

made by the Administrator of the Territory of Western Samoa with the advice and consent of the Legislative Council of that Territory, and in pursuance of the Samoa Act 1921.

Short Title.

1. This Ordinance may be cited as "The Water Supply Ordinance, 1934."

Interpretation.

2. In this Ordinance if not inconsistent with the context

"Administrator" means the Administrator of Western Samoa.

"Apia Water Supply" means the waterworks which at any time supply water to the inhabitants of the town of Apia and its environs.

"Inspection Committee" means a Committee of Samoan Matai appointed under this Ordinance for the purpose of inspecting or supervising a native water supply or any part thereof.

"Native Water Supply" means any waterworks (other than the Apia Water Supply) which at any time supply water to the inhabitants of any village or district in Samoa.

"Waterworks" includes all streams and all lands water-sheds catchwater areas reservations dams tanks mains subsidiary pipes stop cocks taps and apparatus acquired constructed installed or used in connection with the supply of water to the inhabitants of the town of Apia and its environs or to the inhabitants of any village or district in Samoa respectively.

Interpretation.

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PART I. GENERAL.

*Wasting Water*Wasting
Water.

3. Any person who uses or permits to be used to an unreasonable extent or in a wasteful manner or for the purpose of irrigating land any water supplied from any waterworks shall be guilty of an offence and liable to a penalty of five pounds.

*Unrepaired Pipes and Taps.*Unrepaired
Pipes and
Taps

4. Any person who allows any pipe tap or other apparatus commonly used by him or his family or under his control which is connected with or used in connection with the supply of water from any waterworks to remain out of repair so that water is wasted shall be guilty of an offence and liable to a penalty of five pounds.

*Collective Responsibility of Matai.*Collective
Responsibility
of Matai.

5. If any pipe tap or other apparatus from which the inhabitants of a Samoan village generally are entitled to obtain water from any waterworks is allowed to remain out of repair so that water is wasted each of the Matai of such village ordinarily resident therein shall be guilty of an offence and liable to a penalty of two pounds.

*Permit to Connect to Apia Water Supply.*Permit to
connect to
Apia Water
Supply.

6. Any person who makes any connection with the Apia Water Supply except in pursuance with and subject to the terms and conditions of a permit issued in writing signed by the Officer-in-Charge of Public Works shall be guilty of an offence and liable to a penalty of ten pounds.

*Permit to Connect to Native Water Supply.*Permit to
connect to
Native
Water
Supply.

7. Any person who makes any connection with a native water supply except in pursuance of a permit in writing signed by the Chairman of the Inspection Committee having the supervision thereof or an Inspector commits an offence and is liable to a penalty of ten pounds.

*Wrongful Interference.*Wrongful
Interference

8. Any person who does any act which causes or is likely to cause damage to any waterworks or part thereof (but not amounting to wilful mischief) or which diminishes or is likely to diminish the volume or the purity of the supply of water therefrom commits an offence and is liable to a penalty of twenty pounds or to imprisonment for three months.

PART II. NATIVE WATER SUPPLIES.

*Inspection Committees.*Inspection
Committee

9. Inspection Committees shall be constituted from time to time under the name of "The ——— Water Supply Inspection Committee" by the Administrator by warrant under his hand published in the Western Samoa Gazette and the Savali.

Form of Warrant.

10. The Warrant referred to in the last preceding section hereof shall specify the Native Water Supply or the part thereof that shall be placed under the supervision of the Inspection Committee constituted thereby.

Form of
Warrant.

Personnel of Inspection Committee.

11. Each Inspection Committee shall comprise such Samoan Matai as the Administrator shall from time to time appoint by warrant under his hand published in the Western Samoa Gazette and the Savali.

Personnel of
Inspection
Committee.

Powers of Administrator.

12. The Administrator may by warrant under his hand published in the Western Samoa Gazette and the Savali,

Powers of
Administra-
tor.

- (a) revoke amend or modify the constitution of an Inspection Committee,
- (b) revoke the appointment of any member of an Inspection Committee.

Powers of Inspection Committee.

13. Any member of an Inspection Committee or any agent servant or workman appointed by such Committee shall have power to enter upon any native land for the purpose of inspecting repairing or maintaining in proper order the Native Water Supply or part of a Native Water Supply that has been placed under the supervision of the Inspection Committee.

Powers of
Inspection
Committee.

Offences to be Reported.

14. It shall be the duty of every Inspection Committee in Upolu and Savai'i to report to the Secretary of Native Affairs and to the Resident Commissioner of Savai'i respectively any offence which has been committed in respect of the Native Water Supply or part of a Native Water Supply that has been placed under its supervision.

Offences to
be reported.

Application of Fines.

15. Every fine imposed by the High Court for an offence under this Ordinance in respect of a Native Water Supply shall as soon as conveniently may be after the same shall have been collected, be credited by the Treasurer of Western Samoa to a Deposit account and shall be applied only for the purpose of maintaining or improving the water supply in respect of which such fine was imposed.

Application
of Fines.

Disconnecting Water Pipes.

16. The Officer-in-charge of the Public Works Department may order that any pipe be disconnected and be taken up from the Apia Water Supply or any Native Water Supply if he is satisfied—

Disconnect-
ing water
pipes.

- (a) that the person who is supplied through such pipe has been convicted of any offence under this Ordinance, or

- (b) that there is no responsible person able to control the use of water from such pipe, or
- (c) that water is being used therefrom in a wasteful or an improper manner, or
- (d) that any rates or charges for water supplied through such pipe are owing and not paid for a period in excess of six months.

Inspectors.

Inspectors. 17. Every European member of the Samoan Public Service attached to the Department of Public Works, the Department of Native Affairs or the Department of Health, and every Constable (European or Samoan) shall be an Inspector for the purpose of this Ordinance and shall have in respect of every Native Water Supply the powers conferred upon an Inspection Committee by section 13 of this Ordinance, and also the power to issue permits under section 7 of this Ordinance. *a member of*

PART III. MISCELLANEOUS.

Regulations.

18. The Administrator may make regulations to provide for:—
- (a) such matters as may be necessary for the proper supply and distribution of water from waterworks to the inhabitants of Samoa or any part thereof;
 - (b) the protection of waterworks;
 - (c) charges for water supplied from the Apia Water Supply to any person on any land on which there is no building that renders the owner or occupier thereof liable for water rates under Section 39 of the Revenue Ordinance 1929;
 - (d) the charges for water supplied from any Native Water Supply installed by the Executive Government of Samoa;
 - (e) the imposition of penalties not exceeding a fine of ten pounds for the breach of any regulation made under paragraphs (a) and (b) of this section.
 - (f) the proper control of and accounting for monies collected in pursuance of Section 15 of this Ordinance.

Regulations to be Published.

Regulations to be Published. 19. No regulation made under the last preceding section hereof shall come into operation until it has been published in the Western Samoa Gazette and in the case of a regulation affecting a Native Water Supply until it has also been published in the Savali.

Repeals.

Repeals. 20. The Water Supply Offences Ordinance 1922 and Section 42 of the Revenue Ordinance, 1929, shall be and the same are hereby repealed subject to the next succeeding section.

Saving.

21. The following regulations shall enure as if they had been re-saving. regulations made under this Ordinance and shall remain in full force and effect until specifically repealed by the Administrator under Section 18 hereof:—

(i) The regulations affecting the Apia Water Supply made by the Administrator acting with the advice of the Board of Health known as Board of Health Regulations No. 8 and published in the Western Samoa Gazette No. 36 on the 15th day of October, 1925.

The above ordinance - 719
(ii) The regulations made by the Administrator under ~~the section 42 of~~ *9* Water Supply Offences Ordinance, 1922, and published in the Western Samoa Gazette No. 67 on the 4th day of November, 1930.

Assented to this sixth day of December 1934.

H. HART,

Administrator.

(L.S.)

By Authority:

GEORGE WILLIAM GRIFFITH, at the Herald Office
Apia, Western Samoa.

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