

## Serial Number 1940/136.

**THE WATER-SUPPLY (LAND ACT) REGULATIONS 1940.**

GALWAY, Governor-General.

**ORDER IN COUNCIL.**

At the Government House at Wellington, this 26th day of June, 1940.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to section 8 of the Land Laws Amendment Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

**REGULATIONS.****REGULATION 1.—PRELIMINARY.**

(1) These regulations may be cited as the Water-supply (Land Act) Regulations 1940.

(2) These regulations shall come into force on the day following notification in the *Gazette* of the making thereof.\*

(3) In these regulations, unless inconsistent with the context,—

“ Minister ” means the Minister of Lands :

“ The said Act ” means section 8 of the Land Laws Amendment Act, 1939 :

“ Department ” means the Department of Lands and Survey :

“ Waterworks ” means any waterworks as defined in the said Act constructed by the Minister pursuant to the said Act.

**REGULATION 2.—APPLICATION.**

These regulations shall apply with respect to every waterworks which are subject to the provisions of the said Act.

**REGULATION 3.—WATERWORKS.**

(1) Every person supplied with water from a waterworks shall provide such proper taps, ball-cocks, meters, pipes, and other appliances of any kind as the Department may require, and shall keep the same in good repair and shall prevent the water running to waste ; and in default of his providing or keeping in repair such appliances, or in the case of his wilfully allowing water to run to waste, the Department may stop the supply of water to such person in any manner it thinks fit or may effect any necessary repairs and recover the cost of such repairs from the person being supplied with water.

\* See end note.

(2) Any person acting under the authority of the Department may, for the purpose of ascertaining whether water supplied from a waterworks to any land or building is being wasted or misused, enter on such land or into such building at any time, and if such person is refused admittance or obstructed in such examination the Department may stop the supply of water in any manner it thinks fit.

(3) Any person may remove any pipe or other appliance belonging to him connected with a waterworks after giving the Department fourteen days' notice in writing of his intention so to do and of the time of such removal, but shall be liable for all damage done to any part of the waterworks by such removal; and if any person removes any such pipe or appliances without giving such notice he shall be liable to a fine not exceeding £5 and to pay all damage done to the waterworks by such removal.

(4) If any person does any act whereby the waters of any river or stream, being part of any waterworks under the said Act, are drawn off or diminished in quantity to the detriment of the said waterworks, and does not immediately on receiving notice in writing in that behalf from the Department restore such river or stream to the state in which it was in all respects before such act, he shall be liable to a fine not exceeding £5 for every day during which such act continues; and the Department may, if it thinks fit, itself restore such river or stream to the said former state, and may recover from such person all the expenses incurred in so doing.

#### REGULATION 4.—POLLUTION OF WATER.

(1) If any foul liquid or matter is thrown, or poured, or suffered or allowed to fall or flow into any water or watershed being a part of or taken or used for supplying water to any waterworks, the person so offending is liable to a fine not exceeding £5 for every day during which such offence is continued after such person has received notice in writing from the Department to discontinue the same.

(2) After giving twenty-four hours' notice to the person carrying on or managing or having charge or control of any works, factory, or premises, the Department, by any authorized officer or servant, may enter thereupon and cause the same to be thoroughly examined in order to ascertain whether any foul liquid or matter therefrom is flowing into any such water or watershed or any waterworks; and if it appears upon such examination that such is the case, the Department may recover from such person all the expenses incurred in making such examination.

#### REGULATION 5.—WATER-SUPPLY COMMITTEES.

(1) For the better management and control of each waterworks the Minister may from time to time appoint Water-supply Committees of not less than three and not more than seven persons in any case. Every person so appointed shall be a person to whom water is supplied from the waterworks for which the committee is appointed, and shall be appointed for a term of three years.

(2) The functions of each Water-supply Committee shall be to assist the Department in the proper maintenance, protection, and control of the waterworks and the supply of water for which it is appointed. The decision of the Department on all matters affecting the waterworks, including the expenditure of moneys on maintenance, repairs, and renewals, shall be final.

(3) Each Water-supply Committee shall, subject to the approval of the Department, appoint a suitable person to act as caretaker of the waterworks. Such caretaker shall have such duties and be paid such remuneration (if any) as the Department on the recommendation of the Water-supply Committee may from time to time approve.

(4) Each Water-supply Committee shall meet at such time and place as the Committee determines, and shall at its first meeting elect one of its members to be Chairman. The Chairman shall be elected thereafter at an annual meeting to be held at a time fixed by the Committee. The Chairman shall have an original as well as a casting vote.

(5) The Chairman shall hold office until the election of his successor, and if at any meeting the Chairman is not present at the time appointed for holding same the members present shall choose one of their number to be Chairman of such meeting during the absence of the Chairman.

(6) All questions shall be determined by the majority of votes of the members of the Water-supply Committee present at a meeting. Any three members of the Water-supply Committee shall form a quorum. Any meeting may be adjourned from time to time.

(7) Special meetings may be convened by the Chairman or by a majority of the members of the Water-supply Committee, provided due notice is given to each member specifying the business to be transacted at such meeting; and no other business than that so specified shall be transacted at such meeting.

(8) In event of the resignation, death, or incapacity of any member, or if any member absents himself from three consecutive meetings of the Water-supply Committee without reasonable cause, the Minister may appoint another person to be a member of the Water-supply Committee in his stead.

#### REGULATION 6.—NON-PAYMENT OF LEVY.

In the event of non-payment on due date of any levy payable pursuant to the provisions of the said Act, the Department may without notice cut off the supply of water to the person responsible for payment of the levy.

#### REGULATION 7.—OFFENCES AND PENALTIES.

(1) Every person commits an offence under these regulations who does any of the following things, namely—

- (a) Wilfully injures or destroys any part of any waterworks; or
- (b) Unlawfully draws off or diverts any water belonging to any waterworks; or
- (c) Wilfully or negligently allows any pipe or appliances on his premises to be out of repair so that water is wasted, or alters any meter, or does or suffers any act whereby his supply of water is improperly increased; or

- (d) Wrongfully takes any such water from the supply furnished to another person ; or
  - (e) Being supplied with water from a waterworks, supplies another person not entitled to be supplied with, or permits him to take, any such water ; or
  - (f) Bathes, or washes anything, in any water of a waterworks ; or
  - (g) Throws any animal or dirt or rubbish of any sort into such water ; or
  - (h) Allows any gas or any foul liquid or matter of any kind to flow or escape from any part of his premises, or any pipe or drain connected therewith, into any such water ; or
  - (j) Obstructs any person acting under the authority of the Department in doing anything which the Department is by the said Act or these regulations empowered to do ; or
  - (k) Opens the ground so as to uncover any pipe belonging to a waterworks, or connects any pipe with such pipe, without giving the Department fourteen days' notice in writing of his intention so to do ; or
  - (l) Connects any pipe with a pipe belonging to a waterworks without giving the Department fourteen days' notice in writing of the day and hour he proposes to do so, or without having obtained the permission of some person acting under the authority of the Department in that behalf ; or
  - (m) Connects any pipe with a pipe of a waterworks except in the presence of or pursuant to the direction of an officer appointed by the Department to superintend the same unless such officer fails to attend at the time named in the notice, and provided that the connection is left open for subsequent inspection and approval by such officer ; or
  - (n) Connects with a pipe of a waterworks any pipe of a strength or material not approved by the Department.
- (2) Every person who commits an offence against this clause shall be liable to a fine not exceeding £5 for each such offence, and to a further sum equal to the cost incurred by the Department in repairing the injury done to any part of the waterworks by any such act.

C. A. JEFFERY,  
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 27th day of June, 1940.

These regulations are administered in the Department of Lands and Survey.

(L. and S. 36/1/31.)