



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

NATIONAL WATER SUPPLY & DRAINAGE BOARD
(AMENDMENT) ACT, NO. 13 OF 1992

(Certified on 11th March 1992)

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National Water Supply & Drainage Board
(Amendment) Act, No. 13 of 1992

[Certified on 11th March, 1992]

L.D.O.—40/90

AN ACT TO AMEND THE NATIONAL WATER SUPPLY AND
DRAINAGE BOARD LAW, NO. 2 OF 1974

Be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

1. This Act may be cited, as the National Water Supply and Drainage Board (Amendment) Act, No. 13 of 1992, and date of and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title and date of operation

2. Section 25 of the National Water Supply and Drainage Board Law, No. 2 of 1974 (hereinafter referred to as the "principal enactment") is hereby repealed and the following new section substituted therefore:-

Replacement of section 25 of the National Water Supply and Drainage Board Law, No 2 of 1974.

" Public stand pipes.

25. Whenever a local authority requests the Board to erect public stand-pipes at a given point within the administrative limits of such local authority area, the Board shall install such stand-pipes, and recover from the local authority making the request, the expenses incurred in such installation. The Board shall also recover the water charges in respect of the water supplied by such stand-pipes, from the requesting local authority"

3. The following new section is inserted immediately after section 25 of the principal enactment and shall have effect as section 25A of that enactment:-

Insertion of new section 25A in the principal enactment.

"Certificate of conformity to prescribed requisites regarding plumbing and drainage.

25A. (1) No building or premises constructed from and after the date of the coming into operation of this section, shall be occupied, except by a caretaker, until a certificate to the effect that the internal plumbing of that building and drainage conforms to the requirements prescribed by the Board, has been issued in respect thereof.

(2) Any person who has erected any building may apply in writing to the Board for such certificate and the Board shall, after such inquiry as it may consider necessary, within twenty-one days of the receipt of the application either grant the certificate or inform the applicant of its refusal to do so, and the grounds of such refusal.

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(3) Every person who occupies or allows being occupied any building or premises, in contravention of this section, shall be guilty of an offence and be liable on conviction to a fine not exceeding two hundred and fifty rupees for each day during which the contravention continues."

4. Section 27 of the principal enactment is hereby amended by the substitution for the words " eight of the clock in the morning and five of the clock in the evening, ", of the words " the hours of six o'clock in the morning and six o'clock in the evening, ".

Amendment of section 27 of the principal enactment.

5. The following new section is hereby inserted immediately after section 27 of the principal enactment and shall have effect as section 27A of that enactment:-

Insertion of new section 27A of the principal enactment.

"Power of General Manager in respect of unauthorized connections.

27A. (1) The General Manager or any person authorized by him in that behalf in writing, may after giving not less than one hour's notice to the owner or occupier thereof, enter any building or premises, whether supplied with water under this law or not, between the hours of six o'clock in the morning and six o'clock in the evening to make such examination thereon as may be necessary to ascertain whether there are any unauthorized water connections.

(2) Any person who, without reasonable cause,—

- (a) refuses to admit the General Manager or a person authorized by the General Manager, in that behalf in writing for the purpose referred to in subsection (1);
- (b) obstructs such General Manager or person, in the performance of the duties imposed on him, under subsection (1),

shall be guilty of an offence under this Law and shall on conviction after trial before a Magistrate, be liable to a fine of five thousand rupees.

(3) If upon examination it is proved to the satisfaction of the General Manager or any person authorized by him in that behalf in writing, that the supply of water to such building or premises is from an unauthorized connection, then such General Manager or person authorized by him in that behalf shall cause such connection to be removed, after giving the owner of the premises an opportunity of stating his objections.

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6. Section 28 of the principal enactment is hereby Amendment amended by the substitution for the words "not exceeding one hundred rupees", of the words, "not exceeding two thousand rupees."
- Amendment of section 28 of the principal enactment.
7. Section 30 of the principal enactment is hereby Amendment by the substitution for the words "not exceeding twenty rupees," of the words "not exceeding thousand rupees."
- Amendment of section 30 of the principal enactment.
8. Section 31 of the principal enactment is hereby amended by the substitution for the words "not exceeding fifty rupees," of the words "of not less than five thousand rupees and not more than ten thousand rupees."
- Amendment of section 31 of the principal enactment.
9. Section 32 of the principal enactment is hereby amended as follows:-
- Amendment of section 32 of the principal enactment.
- (1) by the renumbering of that section as subsection (1) of that section;
- (2) in the renumbered subsection (1) of that section, by the substitution, for the words" not exceeding fifty rupees", of the words "not exceeding two thousand rupees.";
- (3) by the addition, immediately after the renumbered subsection (1), of the following new subsection: —
- "(2) Every person who uses water in a fire hydrant, for any purpose other than for the purposes of extinguishing a fire, shall be guilty of an offence and shall, on conviction after trial before a Magistrate be liable to a fine of not less than five thousand rupees and not exceeding ten thousand rupees."
10. Section 33 of the principal enactment is hereby amended by the substitution for the words "not exceeding one hundred rupees", of the words "not less than five thousand rupees and not more than ten thousand rupees."
- Amendment of section 33 of the principal enactment.
11. Section 34 of the principal enactment is hereby amended by the substitution, for the words "fine not exceeding one hundred rupees.", of the words" fine sot less than five thousand rupees and not more than ten thousand rupees or imprisonment of either description for a period not exceeding one year, or both such fine and imprisonment".
- Amendment of section 34 of the principal enactment.
12. Section 36 of the principal enactment is hereby amended as follows:-
- Amendment of section 36 of the principal enactment.
- (1) by the renumbering of that section as subsection (1) thereof;
- (2) in, the renumbered subsection (1) of that section by the substitution, for the words " the hours of eight of the clock in the morning and five of the clock in the evening ", of the words "six o'clock in the morning and six o'clock in the evening".

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(3) by the addition, immediately after the renumbered subsection (1) of that section of the following new subsection:-

"(2) Any person who resists or obstructs the General Manager or his agents or workmen in the exercise of the powers conferred on such General Manager, his agents and workmen by subsection (1), shall be guilty of an offence and shall on conviction after trial before a Magistrate be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees".

13. Section 37 of the principal enactment is hereby as follows:-

Amendment of section 37 of the principal enactment.

(1) by the substitution for the words, "not exceeding fifty rupees," of the words "not exceeding ten thousand rupees,"; and

(2) by the substitution for the words "further fine of ten rupees for each day (if more than one) that such last-mentioned offence shall be continued.", of the words "further fine of one hundred rupees (for each day (if more than one) that such last mentioned offence shall be continued".

14. Section 38 of the principal enactment is hereby amended as follows:-

Amendment of section 38 of the principal enactment.

(1) in subsection (1) of that section, by the substitution for all the words from " to a fine not exceeding" to the end of that section, of the words "to a fine not less than five thousand rupees and not exceeding ten thousand rupees and a further fine of one hundred rupees for each day that the offence is" continued after the expiration of twenty-four hours, after a notice in writing signed by the General Manager of the Board or any person authorized in that behalf in writing by the General ; Manager, is served on any such person.";

(2) by the addition, immediately after subsection (2) of that section, of the following new subsection:-

"(3) Any person who prevents or obstructs the General Manager or any person authorized by him in writing in that behalf, in the exercise of their powers under subsection (2), shall be guilty of an offence and shall on conviction after trial before a Magistrate be liable to a fine of not less than one thousand rupees".

15. Section 43 of the principal enactment is hereby amended by the substitution for all the words from "fine not exceeding one hundred rupees" to the end of that section, of the words "fine not exceeding two thousand rupees and, in the case of a continuing offence, to an additional fine not exceeding one hundred rupees for each day such offence is continued, after conviction thereof".

Amendment of section 43 of the principal enactment.

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16. Section 44 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution, for all the words from " fine not exceeding one hundred rupees " to the end of that section, of the words " fine not exceeding two thousand rupees, and in the case of a continuing offence, to an additional fine not exceeding one hundred rupees for each day during which the offence is continued after conviction thereof".

Amendment of section 44 of the principal enactment.

17. Section 45 of the principal enactment is hereby amended in subsection (2) thereof by the substitution, for the words "fine not exceeding one hundred rupees", of the words "fine not exceeding two thousand rupees".

Amendment of section 45 of the principal enactment.

18. Section 46 of the principal enactment is hereby amended in subsection (2) thereof by the substitution, for the words "fine not exceeding two hundred and fifty rupees-", of the words "fine not exceeding two thousand rupees".

Amendment of section 46 of the principal enactment.

19. Section 47 of the principal enactment is hereby amended in subsection (2) thereof by the substitution, for the words "fine not exceeding one hundred rupees", of the words "fine not exceeding two thousand rupees".

Amendment of section 47 of the principal enactment.

20. Section 48 of the principal enactment is hereby amended in subsection (11) thereof, by the substitution, for the words "fine not exceeding fifty rupees.", of the words "fine not exceeding two thousand rupees".

Amendment of section 48 of the principal enactment.

21. Section 49 of the principal enactment is hereby amended as follows:-

(1) in subsection (5) thereof, by the substitution for all the words from "fine not exceeding one hundred rupees;" to the end of that subsection, of the words "fine not exceeding two thousand rupees; and every such owner who persists in such refusal or who continues to prevent the execution of such work after a conviction thereof shall be guilty of a continuing offence and shall on conviction be liable to a fine not exceeding one hundred rupees for each day on which the offence is continues." and

(2) in subsection (7) of that section, by the substitution for the words "fine not exceeding one hundred rupees.", of the words "fine not exceeding two thousand rupees,".

Amendment of section 49 of the principal enactment.

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22. Section 50 of the principal enactment is hereby amended in subsection (4) of that section, by the substitution, for all the words from "to a fine not exceeding one hundred rupees;" to the end of that section, of the words "fine not exceeding two thousand rupees; and every such owner or occupier who persists in such refusal or who continues to prevent the execution of such work after a conviction thereof, shall be guilty of a continuing offence and shall, on conviction as aforesaid, be liable to a fine not exceeding one hundred rupees for each day during which the offence is continued".

Amendment of section 50 of the principal enactment.

23. Section 51 of the principal enactment is hereby amended as follows:-

- (1) in subsection (4) of that section, by the substitution for the words "fine not exceeding fifty rupees.", of the words "fine not exceeding two thousand rupees.";
- (2) in subsection (6) of that section, by the substitution for the words "fine not exceeding fifty rupees.", of the words "fine not exceeding two thousand rupees".

Amendment of section 51 of the principal enactment.

24. Section 52 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words "fine not exceeding one hundred rupees.", of the words "fine not exceeding two thousand rupees".

Amendment of section 52 of the principal enactment.

25. Section 54 of the principal enactment is hereby amended in subsection (2) thereof by the substitution, for all the words from "fine not exceeding fifty rupees" to the end of that section, of the words "fine not less than five thousand rupees and not exceeding ten thousand rupees; and every such person who after conviction thereof continues in such failure or neglects to comply with the requirements of such notice shall be guilty of a continuing offence and shall, on conviction as aforesaid, be liable to a fine not exceeding one hundred rupees for each day during which the offence is continued.".

Amendment of section 54 of the principal enactment.

26. Section 55 of the principal enactment is hereby amended in subsection (1) of that section by the substitution for all the words from "fine not exceeding fifty rupees;" to the end of that section of the words "fine not exceeding two thousand rupees; and every person who, after conviction thereof, uses or causes or suffers to be used any sanitary appliance aforesaid without obtaining such certificate or permission, shall be guilty of a continuing offence, and shall on conviction as aforesaid be liable to a fine not exceeding one hundred rupees for each day during which the offence is continued.".

Amendment of section 55 of the principal enactment.

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27. Section 56 of the principal enactment is hereby amended in subsection (6) thereof by the substitution for all the words from "fine not exceeding fifty rupees," to the end of that subsection, of the words "fine not exceeding two thousand rupees and every person who continues such contravention after conviction thereof shall be guilty of a continuing offence and shall on conviction as aforesaid be liable to a fine not exceeding one hundred rupees for each day during which the offence is continued."

Amendment of section 56 of the principal enactment.

28. Section 62 of the principal enactment is hereby amended as follows:-

Amendment of section 62 of the principal enactment.

(1) in subsection (3) thereof, by the substitution for the words "fine not exceeding one thousand rupees, or to both such imprisonment and fine.", of the words "fine not less than five thousand rupees and not exceeding ten thousand rupees, or to both such imprisonment and fine."

29. Section 66 of the principal enactment **is** hereby amended in subsection (5) of that section/ by the substitution for the words "fine not exceeding one thousand rupees or to both such imprisonment and fine.", of the words "fine not less than five thousand rupees and not exceeding ten thousand rupees or to both such imprisonment and fine."

Amendment of section 66 of the principal enactment.

30. Section 67 of the principal enactment is hereby amended in subsection (1) thereof, by the substitution for the words "fine not exceeding one thousand rupees, or to both such imprisonment and fine.", of the words "fine not less than five thousand rupees and not exceeding ten thousand rupees or to both such imprisonment and fine".

Amendment of section 67 of the principal enactment.

31. Section 74 of the principal enactment is hereby repealed.

Repeal of section 74 of the principal enactment.

32. Section 84 of the principal enactment is hereby amended as follows:-

Amendment of section 84 of the principal enactment.

(1) in subsection (1) thereof, by the substitution for the words "such rates and charges as may be fixed,", of the words "such rates and charges including charges for the supply of water by meter, as may be fixed."; and

(2) by the omission of subsection (6) thereof.

33. The following new sections are hereby inserted immediately after section 84 of the principal enactment and shall have effect as sections 84A, 84B, 84C, 84D, 84E, 84F, 84G, 84H, and 84J of that enactment:-

Insertion of new sections 34A to 84J in the principal enactment.

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"Supply of water by the Board to be by meter.

84A. The Board shall be entitled to require that the supply of water by the Board to any building or premises, shall be by meter (and the provisions of section 84(1) shall include charges for the supply of water by the Board).

Charges for supply of water by meters.

84s. (1) The Board shall for the purpose of assessing the charges to be levied in respect of the supply of water by the Board to any building or premises, install water meters in any buildings or premises so supplied.

(2) Where a water meter is installed by the Board, on any building or premises, the occupier of such building or premises shall be liable, to pay for the water supplied to such building or premises, according to the rates and charges fixed under Part VI for the supply of water by meter, notwithstanding any obligation undertaken by the Board to supply water to such building or premises without payment.

Obstruction to installation of water meters an offence.

84C. Any person who without reasonable cause, obstructs or resists an officer of the Board, authorized in that behalf, in the installation of a water meter, on any building or premises, shall be guilty of an offence and shall on conviction after trial before a Magistrate be liable to a fine of not less than five thousand rupees and not more than ten thousand rupees.

Duty of owner to inform Board that water meter is out of repair.

84D. (1) Where a water meter installed by the Board on any building or premises, is out of repair, it shall be the duty of the owner or occupier of such building or premises, to forthwith inform the Board of such fact.

(2) Where any owner or occupier willfully fails or neglects to perform the duty imposed on him by subsection (1), he shall be guilty of an offence and shall on conviction after trial by a Magistrate, be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees.

Obstruction of officer entering to react water meter.

84E. Any person who without reasonable cause, obstructs an officer authorized by the Board in that behalf from entering any building or premises for the purpose of reading the water meter installed thereon by the Board, shall be guilty of an offence and shall on conviction after trial before a Magistrate be liable to a fine of not less than five thousand rupees and not exceeding ten thousand rupees.

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By-passing of
water meter
an offence.

84F. (1) Any owner or occupier of a building or premises who obtains a supply of water to such building or premises by-passing the water meter installed by the Board on such building or premises, shall be guilty of an offence and shall on conviction after trial before a Magistrate be liable to a fine of not less than five thousand rupees and not exceeding ten thousand rupees.

(2) The General Manager or any person authorized in that behalf in writing may after giving at least one hour's notice to the owner or occupier of any building or premises on which a water meter has been installed by the Board, enter, at any time between the hours of six o' clock in the morning and six o' clock in the evening, such building or premises for the purpose of ascertaining whether such building or premises is being supplied with water by-passing the water meter.

(3) Where it is proved to the satisfaction of the General Manager or any person authorized by him in that behalf in writing that the supply of water to any given building or premises has been obtained by-passing the water meter installed to such building or premises, the General Manager shall forthwith discontinue such unauthorized supply of water to the building or premises.

(4) Any person who without reasonable cause, resists or obstructs the General Manager or any person authorized by him in that behalf in writing, in the performance of his duties under subsections (2) and (3) shall be guilty of an offence and shall on conviction by a Magistrate be liable to a fine of not less than five thousand rupees and not more than ten thousand rupees.

Tempering &
c. with water
meter an
offence

84G. Any person who tampers with, breaks opens, alters, damages, or in any other way wrongfully interferes with any water meter installed by the Board on any building or premises shall be guilty of an offence and shall on conviction after trial before a Magistrate be liable to a fine of not less than five thousand rupees, and not exceeding ten thousand rupees.

Water meter
& c. to be
property of
the Board.

84H. All water meters installed on any building or premises along with all its appurtenances, shall be deemed to be the property of the Board.

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Liability of occupier to water charge.

84J. (1) The occupier of any building or premises supplied with water by the Board shall be liable for the payment of all charges levied in respect of the supply of such water, to such building or premises.

(2) Where the Board is unable to ascertain who the occupier of a particular building or premises is, the General Manager may serve a written notice on the owner thereof, requiring him, within two weeks of the date of the receipt of such notice, to disclose to the Board, the name of the occupier. If the owner fails without reasonable cause to make the required disclosure within the required period, he shall be guilty of an offence and shall be liable on conviction before a Magistrate, to a fine of one hundred rupees."

34. Section 91 of the principal enactment is hereby amended by the substitution for the words "or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.", of the words "or to a fine not less than five thousand rupees and not exceeding ten thousand rupees, or to both such imprisonment and fine."

Amendment of section 91 of the principle enactment.

35. The following new section is hereby inserted immediately after section 97 of the principal enactment and shall have effect as section 97A of that enactment:-

Insertion of new section 97A in the principal enactment.

"Offences to be cognizable and non-bailable

97A. All offences committed under any provision of this Law, and which are specified in the Schedule hereto, shall notwithstanding anything to the contrary in the Code of Criminal Procedure Act, No. 15 of 1979, be deemed to be
(a) cognizable offences; and
(b) non-bailable offences, within the meaning, and for the purposes of that law. "

36. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

37. The principal enactment is hereby amended by the addition at the end thereof, of the following new Schedule:-

Addition of new Schedule to the principal enactment.

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SCHEDULE (Section 97A)

Offences which are cognizable and non-bailable

1. Offence under Section 27A (2)
2. Offence under Section 31
3. Offence under Section 32
4. Offence under Section 33
5. Offence under Section 34
6. Offence under Section 36 (2)
7. Offence under Section 38
8. Offence under Section 54 (2)
9. Offence under Section 62 (3)
10. Offence under Section 66 (5)
11. Offence under Section 67 (1)
12. Offence under Section 84C
13. Offence under Section 84D
14. Offence under Section 84E
15. Offence under Section 84F
16. Offence under Section 84G
17. Offence under Section 91