

CHAPTER 541

NATIONAL WATER SUPPLY AND DRAINAGE BOARD

Law
No. 2 of 1974.

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF A PUBLIC AUTHORITY KNOWN AS THE NATIONAL WATER SUPPLY AND DRAINAGE BOARD, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[1st November, 1974.]

Short title.

1. This Law may be cited as the National Water Supply and Drainage Board Law.

5. (1) The Board shall consist of the following members :—

Constitution of
the Board.

PART I

NATIONAL WATER SUPPLY AND
DRAINAGE BOARD

National Water
Supply and
Drainage
Board.

2. There shall be established, on the appointed date* or as soon as may be thereafter, a public authority which shall be called the National Water Supply and Drainage Board (hereafter in this Law referred to as "the Board"), and which shall consist of the persons who are for the time being members of the Board under section 5.

The Board to
be a body
corporate.

3. The Board shall, by the name assigned to it by section 2, be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in that name.

The objects of
the Board.

4. The objects of the Board shall be :—

(a) to exercise, discharge and perform within its area or areas of authority all the powers, functions and duties conferred or imposed on it under this Law ; and

(b) to do all such other acts or things as may be necessary for, or conducive to, the attainment of the objects specified in paragraph (a) of this section.

(a) four members who shall be appointed by the Minister from among persons who appear to the Minister to have wide experience, and shown capacity, in engineering, finance, public health, administration or law ;

(b) the Commissioner of Local Government or his representative ;

(c) one member being an officer of the General Treasury nominated by the Minister in charge of the subject of Finance ;

(d) one member being an officer of the Ministry charged with the subjects of Finance and Planning nominated by the Minister in charge of that Ministry ;

(e) one member being an officer of the Ministry charged with the subject of Health nominated by the Minister in charge of that Ministry.

A member appointed by the Minister is in this Law referred to as an "appointed member".

* 1st November, 1974 --- See Gazette No. 135/3 of 1974-10-28.

(2) The Minister shall appoint the Chairman and may appoint a Vice-Chairman of the Board from the appointed members of the Board.

(3) A person shall be disqualified for being a member of the Board, or for continuing as a member of the Board,—

(a) if he is or becomes a Member of Parliament, or a member of any local authority ; or

(b) if he is or becomes an employee of the Board.

(4) A member of the Board who is in any way, directly or indirectly, interested in any contract made or proposed to be made by the Board shall disclose the nature of his interest at a meeting of the Board, and such disclosure shall be recorded in the minutes of the Board, and the member shall not take part in any deliberation or decision of the Board with regard to that contract.

(5) The Minister may, if he considers it necessary in the interest of the efficient performance of the functions of the Board, remove, by Order published in the Gazette, any appointed member of the Board from office without reason stated.

(6) An appointed member of the Board may at any time resign his office by letter addressed to the Minister.

(7) If the Chairman, Vice-Chairman or any other appointed member of the Board, is temporarily unable to discharge the duties of his office on account of ill health or absence from Sri Lanka or for any other cause, the Minister may, having due regard to the provisions of subsection (1), appoint some other person to act in his place as the Chairman, Vice-Chairman or as a member, as the case may be.

(8) Every appointed member of the Board shall, unless he earlier vacates office, hold office for a period of five years :

Provided that a member appointed by the Minister to fill a vacancy in the office of an appointed member of the Board, shall hold

office for the unexpired portion of the term of office of the member whom he succeeds.

(9) Any appointed member of the Board who vacates office shall be eligible for reappointment.

(10) An appointed member of the Board shall be deemed to have vacated his office—

(a) on sending his resignation to the Minister ; or

(b) on his removal from office by the Minister ; or

(c) on his becoming disqualified for continuing as a member ; or

(d) on the expiry of his term of office.

(11) No act or proceeding of the Board shall be deemed to be invalid by reason only of the existence of any vacancy amongst its members or any defect in the appointment or nomination of a member thereof.

6. (1) The seal of the Board shall be in the custody of the Board. Seal of the Board.

(2) The seal of the Board may be altered in such manner as may be determined by the Board.

(3) The application of the seal of the Board shall be authenticated by the signature of the Chairman of the Board or some other member of the Board authorized by the Board to authenticate the application of such seal, and of one other member of the Board, both of whom shall sign the instrument in token of their presence.

7. The members of the Board shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance. Remuneration of members of the Board.

8. The Chairman of the Board shall preside at all meetings of the Board. In the absence of the Chairman from any meeting of the Board the Vice-Chairman of the Board shall preside. In the absence of both the Chairman and the Vice-Chairman from Presidency of meetings.

any meeting of the Board, the members present shall elect one of their number to preside at the meeting.

Quorum.

9. The quorum for any meeting of the Board shall be three.

Meetings of the Board.

10. (1) Every question which comes up for consideration before the Board shall be dealt with at a meeting of the Board, and shall be determined by the majority of the members of the Board present and voting.

(2) In the event of an equality of votes on any question considered at a meeting of the Board, the Chairman of that meeting shall have a casting vote in addition to his original vote.

(3) Subject to the provisions of this Law, the Board may regulate its own procedure.

Head office of the Board.

11. The head office of the Board shall be at such place in Sri Lanka as may be determined by the Board with the concurrence of the Minister.

Minister's directions to the Board.

12. The Minister may, after consultation with the Board, give the Board in writing general or special directions as to the exercise, discharge and performance of its powers, functions and duties in relation to matters which appear to him to affect the national interest, and the Board shall give effect to such direction.

Members of the Board deemed to be public servants.

13. All members of the Board shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

The Board deemed to be a scheduled institution within the meaning of the Bribery Act.

14. The Board shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

PART II

AREAS OF AUTHORITY, AND POWERS, FUNCTIONS AND DUTIES, OF THE BOARD

Areas of authority of the Board.

15. (1) The Minister may, with the concurrence of the Minister in charge of the subject of Local Government, by Order published in the Gazette, declare any such area in Sri Lanka as may be specified in the

Order to be an area of authority of the Board.

(2) Any area in respect of which an Order is made under subsection (1) may include the whole, or any part, of the administrative limits of one, or more than one, local authority.

(3) Any Order made by the Minister under the preceding provisions of this section shall come into operation on the date of its publication in the Gazette, or on such later date as may be specified therein.

16. (1) It shall be the duty of the Board in each area of its authority :—

General duties of the Board in its areas of authority.

(a) to develop, provide, operate and control an efficient, co-ordinated water supply and to distribute water for public, domestic or industrial purposes ;

(b) to establish, develop, operate and control an efficient, co-ordinated sewerage system ;

(c) to take over and carry on any water supply or sewerage undertaking transferred to the Board under section 57 ;

(d) to take over and carry on any water supply or sewerage undertaking of any local authority transferred to the Board under section 64 by a voluntary transfer Order or a compulsory transfer Order ;

(e) to provide a supply of water and distribute it or sell water in bulk or otherwise, to any local authority, any Government department, any other institution or organization, or any individual ; and

(f) to do all other acts and things as may be necessary for the aforesaid purposes.

(2) Nothing in this section shall be construed as imposing on the Board, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court or tribunal to which the Board will not otherwise be subject.

(3) Nothing in this section shall preclude the Board from carrying out such works as may be necessary in any part of Sri Lanka for the discharge of its functions.

to the officers and servants of the Board, including their appointment, promotion, remuneration, disciplinary control, conduct and the grant of leave to them;

Powers of the Board.

17. The Board may exercise all or any of the following powers :—

- (a) to purchase water in bulk ;
- (b) to carry out investigations and to collect and record data concerning the provision, development and maintenance of water supply and sewerage services ;
- (c) to acquire, hold, take or give on lease or hire, mortgage, pledge or sell or otherwise dispose of, any immovable or movable property ;
- (d) to enter into and perform, either directly or through duly authorized agents, all such contracts as may be necessary for the performance of the duties and the exercise of the powers of the Board ;
- (e) to do anything necessary for the purpose of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board, or for improving the manner in which that equipment is operated ;
- (f) to conduct research into matters affecting the provision, development and maintenance of water supply and sewerage services ;
- (g) to provide facilities for training persons required to carry out the work of the Board, including the arrangement by the Board with any body or agency for such facilities ;
- (h) to establish provident funds and pension funds, and to provide welfare and recreational facilities, houses, hostels and other like accommodation, for the persons employed by the Board ;
- (i) subject to the provisions of Part IV of this Law, to make rules in relation

(j) to enter into joint schemes with any Government department or any body approved by the Minister, for the provision, development and maintenance of water supply and sewerage services ;

(k) to make rules in respect of the administration of the affairs of the Board ; and

(l) to do all other things which, in the opinion of the Board, are necessary to facilitate the proper carrying on of its business.

18. The Board may, from time to time, appoint any Government department, any other organization or institution, or any individual to be, or to act as, consultants to the Board and pay them such remuneration as it thinks proper.

Consultants.

19. It shall be the duty of the Board, and the Board shall have the power, to supervise and control the operation of all waterworks and sewerage works installed for the purpose of any joint scheme entered into by the Board under the provisions of paragraph (j) of section 17 with any Government department or any body approved by the Minister :

Power of the Board to supervise and control waterworks and sewerage works installed for joint schemes.

Provided, however, that in the exercise of such supervision and control, the Board shall have due regard to the needs of such department or body.

20. Where any dispute arises between the Board and any Government department or body referred to in section 19 in connexion with the exercise of the powers of the Board under that section, such dispute shall be referred to the Minister, and the decision of the Minister thereon shall be final, and shall not be called in question in any court or tribunal.

Disputes arising from exercise of powers of Board under section 19.

Board to undertake exclusively supply of water.

21. No person or body other than the Board shall, except with the written permission of the Board given with the approval of the Minister, undertake the supply of water in any area of authority of the Board :

Provided, however, that the preceding provisions of this section shall not apply to the supply of such water by a local authority within its administrative limits if, but only if, the water supply and sewerage undertaking of such authority has not been transferred to the Board by a voluntary transfer Order or a compulsory transfer Order.

Board to construct intakes, filters, tanks, aqueducts, and other works.

22. The Board may, from time to time, in any part of Sri Lanka construct intakes, filters, tanks, aqueducts or other works for bringing water to the area or areas of authority of the Board for the use of the inhabitants.

Power of the Board to break up streets, &c., and enter private land.

23. (1) The Board in laying down any pipes for the water supply of the Board may, if it considers it necessary, carry such pipes through, across, or under any street or any place laid out or intended for a street, or under any building, any cellar or vault, or into, through, or under any enclosed or other land whatsoever. The Board shall, in every such case, give two calendar months' notice of its intention so to do to the owner of the property affected by such work, and shall on completion of the work pay to him reasonable compensation for any loss or damage sustained by him by reason of the carrying out of any work authorized by this section. If any dispute arises as to the amount or apportionment of such compensation, such amount or apportionment shall be summarily ascertained and determined on application made by the Board, by the District Court or Primary Court within whose jurisdiction the property affected is situated, and according as such amount or apportionment exceeds or does not exceed one thousand five hundred rupees. The decision of the District Court or Primary Court shall be subject to an appeal to the Court of Appeal.

(2) Every such appeal shall be presented within the time and in the manner and subject to the rules and practice provided

for and observed in appeals from orders of District Courts or Primary Courts in their ordinary jurisdiction.

24. (1) If any private street has been constructed to which one or more houses have access, the Board may lay, enlarge, or extend a water main along such private street of such dimensions as may be necessary, and may apportion the whole or part of the cost of laying, enlarging, or extending such main among the owners of the premises fronting upon, adjoining, abutting, or having access to, or deriving any degree of benefit from, such main according to the areas of the respective premises which may derive, or be so situated as to derive, any such benefit from the laying, enlarging, or extending of the said main.

Board to lay or enlarge water main along private street.

(2) The initial cost of laying, enlarging, or extending such main shall be borne by the Board, and the property in the said main shall remain in the Board.

(3) The sums apportioned for payment by the owners of the respective premises shall be made a charge upon such premises, and no private service shall be granted to such premises until the sum apportioned in respect thereof has been paid or an engagement to pay the same be made with the Board as hereinafter provided.

(4) When any premises in any such private street has an already existing supply of water from the Board's mains by private pipes, the Board may, whenever it shall become necessary to take up such private pipes for cleaning or renewal, call upon the owner to connect with the new main.

(5) (a) In any case where any existing main has been laid in any private street at the expense of any private person, it shall be lawful for such person to recover from the owner or owners of any property fronting upon, adjoining, abutting on, or having access to such private street, who apply to the Board for a private service of water, such an apportionment of the cost of the laying of the said main as may be determined by the General Manager of the Board in proportion to the frontage of the premises abutting on such street.

(b) No person shall be permitted to make a connection with any such main until he

has paid or given a guarantee for the payment of such apportionment to the satisfaction of such private person.

(6) (a) When any premises fronting upon, adjoining, abutting on, or having access to any such private street has an existing supply of water from the Board's mains by private pipes other than the main which has been laid at the cost of any private person aforesaid, the owner of such premises may be permitted to use such pipes until such time as it shall become necessary to take up such pipes for cleaning or renewal.

(b) When it shall become necessary to take up such pipes for cleaning or renewal, the owner of the said premises shall not be permitted to re-lay such pipes in their former position, but shall connect them with the main in the private street laid by the private person aforesaid, and shall, before any connection is made therewith, pay such apportionment of the cost of laying the aforesaid main as shall be determined by the General Manager of the Board in proportion to the frontage of the premises abutting on such street.

(7) All mains laid in any private street shall vest in the Board, and the cost of their maintenance, renewal, and repair shall be borne by the Board.

Right of water rate payers to free use of water from public stand-pipes for domestic purposes.

25. Every person paying the water rate leviable under the provisions of this Law shall be entitled to have, free of further charge in respect thereof, a supply of water from the public stand-pipes for the domestic use of himself and his household.

"Domestic purposes", what not included in.

26. A supply of water for domestic purposes shall not include a supply of water for horses or cattle or for washing vehicles where such horses, cattle or vehicles are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains or swimming baths, or for any ornamental or mechanical purpose, or for purposes of irrigation.

Power of General Manager to enter and examine premises.

27. The General Manager of the Board or any person authorized in that behalf by him, may, at any time between eight of the clock in the morning and five of the clock in the evening, after giving not less than one hour's notice to the occupier of any

building or premises supplied with water under this Law, enter such building or premises and examine the condition of the pipes, works, and fittings, and ascertain if there be any waste or misuse of such water. If the General Manager or any person authorized by him is at any such time without reasonable cause refused admittance into such building or premises for the purpose aforesaid, or is prevented without reasonable cause from making such examination, the General Manager may stop the supply of water to such building or premises.

28. If any person supplied with water from the Board wilfully or negligently causes or suffers any pipe, valve, cock, cistern, soil pan, water-closet, or other apparatus or receptacle to be out of repair, or to be so used or contrived that the water supplied to him from the Board is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air or other noisome or impure matter into any pipe belonging to or connected with the pipes of the Board, he shall be guilty of an offence, and be liable on conviction after trial before a Magistrate for every such offence to a fine not exceeding one hundred rupees.

Penalty for suffering pipes, &c., to be out of repair.

29. The General Manager of the Board may repair or renew or substitute any pipe, valve, cock, cistern, soil pan, water-closet, or other apparatus or receptacle in any premises so as to prevent any waste of water, and the expenses of such repair or renewal or substitution shall be defrayed by the owner or occupier of the premises, and the same may be recovered by the Board as if it were a water supply charge payable under this Law.

Power of General Manager to repair pipes, &c., and recover expenses.

30. Every person who—

Misuse of water.

(a) not having a supply of water from the Board for other than domestic purposes, uses for other than domestic purposes any water supplied to him by the Board ; or

(b) having from the Board a supply of water for other than domestic purposes, uses for any purposes

other than those for which he is entitled to use the same,

shall be guilty of an offence, and shall be liable on conviction after trial before a Magistrate to a fine not exceeding twenty rupees, without prejudice to the right of the Board to recover from him the value of the water misused.

Penalty for affixing pipe or apparatus to communication or other pipe without the consent of the General Manager.

31. It shall not be lawful for the owner or occupier of any premises supplied with water from the Board, or any consumer of the water of the Board, or any other person to affix or cause or permit to be affixed any pipe or apparatus to any pipe or apparatus provided for the conveyance, reception, or control of water from the Board, whether or not such pipe or apparatus is the property of the Board or private property, without the consent in every such case of the General Manager of the Board; and if any person acts in any respect in contravention of the provisions of this section, he shall, for every such offence, be liable on conviction after trial before a Magistrate to a fine not exceeding fifty rupees, without prejudice to the right of the Board to recover damages from him in respect of any injury done to the Board's property, and without prejudice to its right to recover from him the value of any water wasted, misused, or unduly consumed.

Penalty for supplying water to, or permitting it to be taken from supplied premises by any other person.

32. Every owner or occupier of any premises supplied with water under this Law, who shall supply to any other person or wilfully permit him to take any such water from any cistern or pipe in such premises, unless for the purpose of extinguishing any fire, or unless he be a person supplied with water from the Board, and the pipes supplying him be, without his default, out of repair, shall be guilty of an offence, and liable to a fine not exceeding fifty rupees.

Penalty for taking or using water from reservoir, &c.

33. Every person who wrongfully takes or uses any water from any reservoir, watercourse, conduit, or pipe belonging to the Board, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any cistern or other like place containing water belonging to or supplied from the Board, or for the use of any consumer of the water of the Board, other than such as may have been

provided for the gratuitous use of the public, shall be guilty of an offence and liable on conviction after trial before a Magistrate to a fine not exceeding one hundred rupees.

34. Every person who, without the authority of the General Manager of the Board, shall wilfully or carelessly break, injure, open, close, or wrongfully interfere or tamper with any lock, hydrant, cock, valve, pipe, work, or engine belonging to the Board, or shall draw off the water from the reservoirs or other works belonging to the Board, or shall do any other wilful act whereby such water shall be wasted, or the supply thereof interfered with, shall be guilty of an offence, and be liable on conviction after trial before a Magistrate to a fine not exceeding one hundred rupees.

Penalty for destroying or injuring works, &c., and wasting water.

35. If any person supplied with water from the Board does or causes or permits to be done anything in contravention of any of the provisions of this Law, or regulations made under this Law, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption or contamination of the water belonging to the Board, the General Manager of the Board may (without prejudice to any remedy against such person in respect thereof) cut off any of the pipes by or through which water is supplied to such person or for his use, and may cease to supply him with water.

Power of General Manager to cut off water supply in certain cases.

36. In all cases in which the General Manager of the Board is by this Law authorized to cut off or stop the supply of water to any building or premises, and in all cases in which any building or premises supplied with water by the Board shall have become unoccupied, the General Manager, his agents and workmen, after giving reasonable notice to the owner or occupier, may enter such building or premises between the hours of eight of the clock in the morning and five of the clock in the evening and cut off any pipes by which such water is conveyed to such premises, and may remove any pipe, meter, fittings and apparatus, which is the property of the Board.

General Manager or his agents may enter any building or premises for cutting off water supply.

37. Every person who shall commit any of the offences next hereinafter enumerated shall on conviction after trial before a

Penalty for fouling water, &c.

Magistrate for every such offence be punished with a fine not exceeding fifty rupees, that is to say:—

- (a) bathing in any stream, reservoir, aqueduct, or other waterworks belonging to the Board, or washing, throwing, or causing to enter therein any dog or other animal;
- (b) throwing any rubbish, dirt, filth, or other noisome thing into any such stream, reservoir, aqueduct, hydrant, surface-box, or other waterworks as aforesaid, or washing or cleansing therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing;
- (c) trespassing upon land belonging to the waterworks or upon the buildings or premises connected with the water supply;
- (d) unlawfully breaking, injuring, or in any other manner causing damage to any channel, tank, reservoir, cistern, well, fountain, stand-pipe or other work connected with the water supply;
- (e) causing the water of any sink, sewer, or drain, steam engine, boiler, or other water belonging to him or under his control, to run or be brought into any stream, reservoir, aqueduct, or other waterworks belonging to the Board, or doing any other act whereby the water belonging to the waterworks shall be fouled;

and every such person shall be liable to a further fine of ten rupees for each day (if more than one) that such last-mentioned offence shall be continued.

Penalty for doing any act connected with any business by which the water in any stream, &c., belonging to the waterworks is fouled.

38. (1) Whoever, being the owner, superintendent, agent, manager, or occupier of any premises in which any business is carried on does or causes to be done any act connected with such business by which the water in any stream, reservoir, cistern, aqueduct, or other work belonging to the Board is or is likely to be fouled, shall be guilty of an offence, and liable on

conviction after trial before a Magistrate notwithstanding the provisions of section 37, to a fine not exceeding one thousand rupees, and a further fine, not exceeding five hundred rupees for each day on which the offence is continued after the expiration of twenty-four hours after a notice signed by the General Manager of the Board is served on any such person.

(2) The General Manager of the Board or any person authorized by him in writing in that behalf may, with the permission of the Chairman of the Board, after the expiration of twenty-four hours after the notice signed by the General Manager of his intention so to do has been served on such owner, superintendent, agent, manager or occupier, lay open and examine any pipe or work directly or indirectly connected with such premises, and any stream, reservoir, cistern, aqueduct, or other work belonging to the Board.

39. If upon such examination it appears that any water has been fouled by anything proceeding from or contained in the pipe or works examined, the expenses of such examination shall be paid by the person to whom such pipes or works belong, or under whose management or control they are. If upon such examination it appears that such water has not been so fouled, then such expenses shall be borne by the Board.

Cost of the examination.

40. The Board may, from time to time, in any part of Sri Lanka, construct sewers, appurtenances, outfalls, treatment works and other works for the effectual collection and disposal of sewerage in the area or areas of authority of the Board.

Board to construct sewers, outfalls, treatment works and other works.

41. (1) The Board in laying out any pipes or sewers may carry them through, across, or under any street or any place laid out or intended for a street, or any cellar or vault which is under any of the streets and (after reasonable notice in writing in that behalf) into, through, or under any enclosed or other land whatsoever, doing as little damage as may be and making full compensation for any damage done. If any

Power of the Board to break up streets, &c., and enter private land.

dispute arises as to the amount or apportionment of such compensation, such amount or apportionment shall be summarily ascertained and determined on application made by the Board by the District Court or Primary Court within whose jurisdiction such pipes or sewers are situated, and according as such amount or apportionment exceeds or does not exceed one thousand five hundred rupees. The decision of the District Court or Primary Court shall be subject to an appeal to the Court of Appeal.

(2) Every such appeal shall be presented within the time and in the manner and subject to the rules and practice provided for and observed in appeals from orders of District Courts or Primary Courts in their ordinary jurisdiction.

Power to affix to buildings, pipes for ventilation of sewers.

42. (1) The Board may cause such pipes and fittings as it may deem necessary for the proper ventilation of public sewers to be fixed to the outside of any building.

(2) Such pipes and fittings shall be so constructed and fixed as to occasion the least possible inconvenience in the neighbourhood. The outlet of every such pipe shall be at least two feet above the eaves of the buildings to which it is affixed and at least ten feet distant from any window.

Connection of private sewer with any public sewer without authority.

43. (1) Every person who, without the written consent of the Board first obtained, connects or causes to be connected any private sewer directly or indirectly with any public sewer, shall be guilty of an offence and shall be liable on conviction after trial before a Magistrate to a fine not exceeding one hundred rupees, and, in the case of a continuing offence, to an additional fine not exceeding twenty-five rupees for each day during which the offence is continued after a conviction thereof.

(2) The Board may cause any private sewer which is connected with any such public sewer without its consent, to be demolished, altered or otherwise brought into conformity with the provisions of this Law; and all the expenses incurred thereby shall be paid by the person who connected or caused such sewer to be connected and, in

the case of default, shall be recoverable as a sewerage charge.

44. (1) Every person who erects or constructs or causes to be erected or constructed any building or work over any public sewer without the written consent of the Board first obtained, shall be guilty of an offence and shall be liable on conviction after trial before a Magistrate to a fine not exceeding one hundred rupees, and, in the case of a continuing offence, to an additional fine not exceeding twenty-five rupees for each day during which the offence is continued after a conviction thereof.

Erection of building over public sewers, &c.

(2) The Board may cause any building or work referred to in subsection (1), which is erected or constructed without its consent, to be demolished, altered or otherwise brought into conformity with the provisions of this Law; and the expenses thereby incurred shall be paid by the person who has erected or constructed or caused the erection or construction of such building or work, and in case of default shall be recoverable as a sewerage charge.

45. (1) All works connected with—

Construction, &c., of private sewers.

(a) the construction, fixing or alteration of any private sewer or sewerage appliance; or

(b) the connection of any private sewer with any public sewer,

shall be carried out either by an officer of the Board or by a person licensed in that behalf by the Board at the cost and charge of the owners of the premises sewered, and in accordance with the provisions of this Law, or any regulations for the time being in force:

Provided that the preceding provisions of this subsection shall not apply in the case of any public sewer or any appliance connected therewith.

(2) Every person who, not being an officer of the Board or a person licensed by the Board, carries out any work referred to in subsection (1) shall be guilty of an offence and shall be liable on conviction after trial before a Magistrate to a fine not exceeding one hundred rupees.

(3) Where any work referred to in subsection (1) is carried out by any person (other than an officer of the Board, or person licensed by the Board) or otherwise than in accordance with the provisions of this Law or of any regulations for the time being in force, the Board may cause such work to be demolished, altered, or otherwise brought into conformity with such provisions and the expenses thereby incurred shall, except in the case where the work was carried out by an officer of the Board, be paid by the owner of the premises on which the work was carried out and in case of default, shall be recoverable as a sewerage charge.

(4) Any work carried out under the provisions of this section shall be open, at all reasonable times, to the inspection of the officers of the Board.

Sewers in new buildings.

46. (1) Every person who erects or causes to be erected any new building, or rebuilds or causes to be rebuilt any building, shall cause such building to be provided with such sewers and appliances as may, in the opinion of the Board, be necessary for the sewerage of such building, and for the collection and removal of any sullage, foul liquids or faecal matter therefrom in accordance with the provisions of this Law or any regulations for the time being in force.

(2) Every person who fails or neglects to provide such sewers and appliances as aforesaid shall be guilty of an offence and shall be liable on conviction after trial before a Magistrate to a fine not exceeding two hundred and fifty rupees.

Sewerage of premises within three hundred feet of sewer.

47. (1) Where any premises are within three hundred feet of any public sewer or other fit place into which sewage may lawfully be discharged, the Board may by notice in writing served on the owner of such premises, require such owner within such time as may be specified in the notice, to provide and execute to the satisfaction of the Board, in accordance with any regulations for the time being in force, all or any of the following works that the Board may deem necessary for the effectual sewerage of such premises, that is to say :—

(a) to provide and construct such channels, sewers, gullies, manholes

and appliances as may be necessary for the removal and discharge into such sewer or other fit place of sullage and foul liquids ;

(b) where a sufficient water supply is available, to provide and construct sufficient and suitable water-closets or additional water-closets and sewers and other appliances in connection therewith, and to convert any earth closet, privy, cesspit, closet or other latrine into a water-closet or abolish any such earth closet, privy, cesspit, closet or other latrine ;

(c) to reconstruct, take up and remove any existing sewer or appliance (other than any sewer or appliance that has been laid with the sanction of the Board for the sewerage of such premises on the water carriage system) that may be, in the opinion of the Board, unnecessary or insanitary.

(2) Every owner who fails or neglects to comply with the requirements of any notice served on him under subsection (1) within the time specified in the notice, shall be guilty of an offence and shall be liable on conviction after trial before a Magistrate to a fine not exceeding one hundred rupees.

48. (1) Where it appears to the Board to be more economical or otherwise more advantageous that the sewerage of a group of premises, whether contiguous or otherwise, should be undertaken as a whole rather than separately, the Board may cause to have drawn up a scheme for the sewerage of such group of premises in accordance with the following provisions.

Sewerage in combination.

(2) In every such case the Board shall cause to be prepared—

(a) plans showing the premises affected, and the nature and extent of the necessary works ;

(b) a schedule of the premises and names of the owners thereof as can be ascertained ;

- (c) an estimate of the cost of the work that is, in the opinion of the Board, necessary for carrying such scheme into effect ;
- (d) a provisional apportionment of such cost amongst the owners affected in such proportion as may seem to the Board to be most equitable having regard to the greater or less degree of benefit to be derived by the premises from any work so undertaken.
- (3) The Board shall cause written notice in Sinhala, Tamil and English to be given to the owners of all the premises to be sewered, of the intention to cause the proposed works to be done in accordance with the provisions of this section, either by serving it upon them personally, or by leaving it at their respective residences or places of business, or by posting registered letters addressed to them at their residence or places of business.
- (4) During one month from the date of service of such notice the above-mentioned particulars or certified copies thereof shall be kept deposited at the Board office and shall be open to inspection at all reasonable times.
- (5) During the said month the owner of any such premises may, by written notice served on the Board, object to the proposals on any of the following grounds, that is to say :—
- (a) that the proposed works are insufficient or unnecessary or are not required in pursuance of this Law ;
- (b) that the estimated cost of the work is excessive ;
- (c) that the provisional apportionment of such cost is incorrect in some matter of fact to be specified in the objection ;
- (d) that any premises should be excluded from or included in the proposals ;
- (e) that there has been some material informality, defect or error in respect of the notices, plans or estimates ;
- (f) that any compensation to be paid is excessive or insufficient.
- (6) The Board shall consider and determine the objections and its decisions thereon shall be final.
- (7) In any case where no such objections have been raised or in any case where such objections have been raised and have been determined by the Board, the Board may give orders for the sewerage of the premises in accordance with the scheme, and if it considers it expedient may—
- (a) proceed to execute, by contract or otherwise, all or any of the works necessary for carrying into effect the scheme mentioned in subsection (1) of this section ; or
- (b) by notice in writing, require all or any of the owners to provide and execute, within such time as may be specified in the notice, all or any of the works that may be required to be done in or exclusively for the sewerage of the premises.
- (8) The Board may recover in equal proportions from the owners of all or any of the premises included in any scheme prepared under this section a reasonable sum as expenses for surveys and preparation of plans.
- (9) When the Board has completed the execution of any works under this section and the expenses thereof have been ascertained, a final apportionment shall be made in similar manner to the provisional apportionment and the expenses recovered.
- (10) The cost of the maintenance of the system of sewerage made under such scheme as aforesaid shall be borne equally by the owners of the premises affected by such scheme.
- (11) Every owner who fails or neglects to comply with the requirements of any notice served on him under subsection (7) (b) within the time specified in the notice, shall be

guilty of an offence and shall be liable on conviction after trial before a Magistrate to a fine not exceeding fifty rupees.

(b) fill in, reinstate, and make good at his own cost the land broken up for the purpose of executing the said work ; and

(c) pay compensation to any person who sustains damage by the execution of the said work.

Right to carry sewers through land belonging to other persons.

49. (1) When it appears to the Board that the only or best practicable means by which a sewer required for the sewerage of any premises can be emptied into any sewer or other fit place into which a sewer may lawfully be discharged is by carrying the same into, through or under any land belonging to some person other than the owner of the said premises, the Board after giving the owner of the said land a reasonable opportunity of stating any objection, may, if no objection is raised or if any objection which is raised appears to the Board invalid or insufficient, by an order in writing authorize the owner of the said premises to carry his sewer into, through, or under the said land in such manner as the Board shall think it fit to allow.

(5) Every owner of land who refuses to permit or prevents without reasonable cause the execution of any work in accordance with the provisions of this section, shall be guilty of an offence and shall on conviction after trial before a Magistrate be liable to a fine not exceeding one hundred 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 twenty-five rupees for each day during which the offence is continued.

(2) Every such order bearing the signature of the General Manager of the Board shall be complete authority to the person in whose favour it is made, or to any agent or person employed by him for that purpose, after giving the owner of such land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen at any time between sunrise and sunset and to execute the necessary work.

(6) When the owner of any land, into, through or under which a sewer has been carried under this section while such land is unbuilt upon, desires at any time afterwards to erect a building on such land, the Board shall, by written notice, require the owner or occupier of the premises for the benefit of which such sewer was constructed to close, remove, divert, reconstruct, or protect the same in such manner as may be approved by the Board and to fill in, make good, and reinstate the land :

(3) Subject to the provisions of this Law, the owner or occupier of any premises, or any agent or person employed by him for that purpose, may, after giving the owner of any land, wherein a sewer has already been lawfully constructed for the sewerage of his premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen at any time between sunrise and sunset for the purpose of repairing or cleansing such sewer.

Provided that no such requisition shall be made unless, in the opinion of the Board, it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment of the same, that the sewer should be closed, removed, diverted, reconstructed or protected.

(4) In executing any work under this section as little damage as possible shall be done ; and the owner or occupier of the premises for the benefit of which the work is done shall ---

(7) Every owner or occupier who refuses to comply with the requirements of any notice served on him under subsection (6) within a reasonable time, shall be guilty of an offence, and shall on conviction after trial before a Magistrate be liable to a fine not exceeding one hundred rupees.

(a) cause the work to be executed with the least practicable delay ;

50. (1) Where it appears to the Board that the only or best practicable means, by which a sewer required for the sewerage of

Right of owners to joint use of sewers.

any premises can be emptied into any sewer or other fit place into which sewers may lawfully be discharged is through a sewer belonging to some person or persons other than the owner of the said premises, the Board after giving the said person or persons a reasonable opportunity of stating any objection thereto, may, if no objection is raised, or if any objection which is raised appears to the Board invalid or insufficient, by an order in writing, authorize the said owner to use the last-mentioned sewer, or declare him to be a joint owner or one of the joint owners thereof, on such conditions as to the payment of rent or compensation, and as to connecting the sewer of the said premises with such other sewer as aforesaid, and as to the respective responsibilities of the parties for maintaining, flushing, cleansing and emptying such last-mentioned sewer or otherwise as may appear to the Board equitable.

(2) Every such order bearing the signature of the General Manager of the Board shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for that purpose, after fulfilling the conditions of the said order, and after giving the owner or owners of the sewer reasonable notice in writing of his intention so to do, to enter upon the land in which such sewer is situated with assistants and workmen at any time between sunrise and sunset and subject to the provisions of this Law, to do all such things as may be necessary for—

- (a) connecting the two sewers ;
- (b) renewing, altering, or repairing the connection ; and
- (c) discharging any responsibility attaching to the person in whose favour the Board's order is made for maintaining, flushing, cleansing or emptying the sewer or any part thereof.

(3) In executing any work under this section as little damage as possible shall be done, and the person in whose favour the Board's order is made shall—

- (a) cause the work to be executed with the least practicable delay ;

(b) fill in, reinstate, and make good at his own cost the land broken up, or repair and make good any damage to buildings occasioned by the execution of the said work ; and

(c) pay compensation to any person who sustains damage by the execution of the said work.

(4) Every owner or occupier of any premises who refuses without reasonable cause, to permit, or prevents the execution of any work in accordance with the provisions of this section, shall be guilty of an offence and shall on conviction after trial before a Magistrate be liable to a fine not exceeding one hundred 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 twenty-five rupees for each day during which the offence is continued.

51. (1) Every sewer and every fixture or appliance connected therewith shall, from time to time, be repaired, flushed, cleansed, and cleared by the owner or occupier of the premises within which such sewer may be situated.

Maintenance and repair of sewer.

(2) The Board may, by notice in writing, served on the owner or occupier of such premises, require such owner or occupier within such time as may be specified in the notice, to repair, flush, cleanse or clear such sewer, fixture or appliance.

(3) The Board may, if the requirements of such notice are not complied with, or if the Board receives an application from the said owner or occupier so to do, or if the Board deems immediate action is necessary, repair, flush, cleanse, or clear such sewer, fixture, or appliance, and the expenses incurred thereby shall be paid by the said owner or occupier and, in case of default, shall be recoverable as a sewerage charge.

(4) The owner of any premises in which sewers, fixtures and appliances connected therewith are provided for the common use of the occupiers of such premises shall make

such provision and take such measures as may be necessary for keeping such sewers, fixtures and appliances in a proper sanitary condition. Every such owner who, after due notice in writing in that behalf for the Board, fails to make such provision or to take such measures as the Board may think fit, shall be guilty of an offence and shall be liable on conviction after trial before a Magistrate to a fine not exceeding fifty rupees.

(5) Where any sewer, not being a sewer vested in the Board, or any fixture or appliance is provided for the benefit of more premises than one, the Board may, in pursuance of the provisions of this section, by notice in writing, require the owners or occupiers of such premises, within such time as may be specified in the notice, to execute all or any of the works aforesaid, and the Board may, either in default of compliance with the requirements of such notice, or without such notice if the Board deems necessary, execute all or any of such works and recover the expenses of so doing from the said owners or occupiers in such proportions as it may deem just.

(6) Every owner or occupier who fails or neglects to comply with the requirements of any notice served on him under subsection (2) or subsection (5) within the time specified in the notice shall be guilty of an offence and shall be liable on conviction after trial before a Magistrate to a fine not exceeding fifty rupees.

the Board may, by notice in writing, served on the owner or occupier of such premises, require such owner or occupier, within such time as may be specified in the notice, to re-lay, reconstruct, make good, disconnect, or abolish such defective or improper sewers, connections, fixtures and appliances and provide sufficient suitable sewers, connections, fixtures and appliances in accordance with the provisions of this Law and any regulations made thereunder.

(2) Every owner or occupier who fails or neglects to comply with the requirements of any notice served on him under subsection (1) within the time specified in the notice shall be guilty of an offence and shall be liable on conviction after trial before a Magistrate to a fine not exceeding one hundred rupees.

(3) For the purpose of determining whether any such sewers, connections, fixtures or appliances are defective or injurious to health or improperly connected to any public or other sewer, the Board may order an inspection of the premises at any reasonable time and the inspecting officer may enter the premises at any reasonable time (after giving due notice to the occupier) and, if necessary for the purpose of such inspection, may cause the ground to be opened wherever he may deem fit doing as little damage as may be; and where such sewers, connections, fixtures or appliances are found to be in a satisfactory condition they shall forthwith be reinstated and the ground made good at the expense of the Board.

Reconstruction of defective sewers and appliances.

52. (1) Where, in the opinion of the Board—

- (a) any sewers or any fixtures and appliances connected therewith provided for the sewerage of any premises are defective or in a condition injurious to health;
- (b) any such sewers or appliances are improperly connected to any public or other sewer; or
- (c) any such sewers are not provided with proper and sufficient traps, gullies, ventilating shafts, inspection chambers, or other such appliances,

53. The Board may permit any sewer, manhole, inspection chamber, gully, ventilation shaft, or similar appliance required in pursuance of this Law for the sewerage of any premises to be constructed, laid or fixed over, through or under any street or public place :

Sewers or appliances laid under streets.

Provided that such permission shall not be deemed to convey to the owner of such premises any special rights whatsoever over the said street or public place; and the Board may at any time alter or reconstruct any portion of such sewer or appliance as it may think necessary.

Entry to premises.

54. (1) Any person authorized in that behalf by the Board may, after giving due notice to the occupier, enter any premises between the hours of eight in the morning and five in the evening for the purpose of inspecting, flushing, repairing or maintaining any sewer, manhole, inspection chamber, gully, ventilating shaft or other appliance connected therewith :

Provided that no such notice need be given in any case where an entry is made for the purpose of inspecting, flushing or maintaining any public sewer, or for the purpose of inspecting any sewer or other aforementioned appliance which the person authorized as aforesaid has reason to believe is a source of any nuisance.

(2) Every person who prevents or attempts to prevent a person authorized as aforesaid from entering any premises or refuses admittance thereto, shall be guilty of an offence and shall be liable on conviction after trial before a Magistrate to a fine not exceeding fifty rupees and every person who continues to prevent such entry or to persist in such refusal after a conviction thereof, shall be guilty of a continuing offence and shall on conviction as aforesaid be liable to a fine not exceeding twenty-five rupees for each day during which the offence is continued.

New sewers not to be used without permission.

55. (1) Every person who uses or causes or suffers to be used any new sewer, gully, bathroom, water-closet, privy, urinal or other sanitary appliance provided in pursuance of this Law without the written permission of the Board, or until the Board has given a certificate that such sewer, gully, bathroom, water-closet, privy, urinal, or other sanitary appliance conforms in all respects to the provisions of this Law and of any regulations made thereunder shall be guilty of an offence, and shall be liable on conviction after trial before a Magistrate to a fine not exceeding fifty 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 twenty-five rupees for each day during which the offence is continued.

(2) Any person making such new provision may apply in writing to the Board for such certificate, and thereupon the Board, after such inquiry as it may consider necessary, shall, within fourteen days of the receipt of the application, either grant the certificate, or inform the applicant of its refusal to do so, and of the grounds for such refusal.

56. (1) No person shall discharge or cause or suffer to be discharged, without the sanction in writing of the Board, any sullage, foul liquids, or faecal matter into any drain or other place which is not suitable or intended to receive such discharge, or into any land or place in such manner as to cause a nuisance, or wilfully discharge or cause to be discharged any rain water into any sewer which is intended to carry foul water. Offences.

(2) No person shall discharge or cause or suffer to be discharged into any sewer any hot water, steam, or any liquid which would prejudicially affect the sewer or the flow or the treatment and disposal of sewage or water conveyed therein, or which would from its nature, temperature or otherwise be likely to create a nuisance.

(3) No person shall drop, pass or place, or cause or suffer to be dropped, passed or placed into or in any sewer any brick, stone, earth, ashes or any substance or matter which such sewer is not intended to receive, or which by reason of its amount or nature may be likely to cause such sewer or any other sewer connected therewith to be obstructed, or which may prejudicially affect any such sewer or the flow therein or may be likely to create a nuisance.

(4) Without the written permission of the Board, no person shall in any way alter the fixing, disposition, or position of, or obstruct, remove, stop up, or change any drain, ventilation pipe, closet, or other fitting or appliance connected therewith.

(5) No person shall erect, re-erect, or alter any building in such a manner as to cause any sewer, closet, or appliance provided in or for the benefit of such building or of any other building within the same premises to contravene the provisions of this Law or of any regulations made thereunder.

(6) Every person who contravenes any of the preceding provisions of this section shall be guilty of an offence and shall be liable on conviction after trial before a Magistrate to a fine not exceeding fifty 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 twenty-five rupees for each day during which the offence is continued.

PART III

TRANSFER TO THE BOARD OF ANY GOVERNMENT WATER SUPPLY AND SEWERAGE UNDERTAKINGS AND OTHER WATER AND SEWERAGE UNDERTAKINGS

Transfer to the Board of any Government water supply and sewerage undertakings.

57. (1) As soon as may be convenient after the coming into operation of this Law, the Minister shall by Order, transfer the undertakings of the Department of Water Supply and Drainage to the Board and may by the same or by a subsequent Order provide—

- (a) for the transfer to, and the vesting in, the Board of any movable or immovable property of the Republic required for the purposes of the Board ;
- (b) for the transfer to the Board of all or any rights, obligations and liabilities relating to or connected with such undertakings and for the adaptation or modification of contracts or other instruments for the purpose of giving effect to the transfer of such rights, obligations and liabilities to the Board ;
- (c) for the adaptation or modification of any written law to such extent as may be necessary for the purpose of enabling the Board to carry on such undertakings in lieu of the Government ;
- (d) for such financial adjustments between the Government and the Board as may be necessary in consequence of any such transfer ; and

(e) for any other matter supplementary to or consequential on the matters aforesaid including the continuation of legal proceedings.

(2) The provisions of any Order made by the Minister under subsection (1) may be amended or varied by him, from time to time, by a subsequent Order.

(3) No Order shall be made by the Minister under subsection (1) or subsection (2)—

- (a) affecting any immovable property of the Republic without the concurrence of the Minister in charge of the subject of State Lands ; or
- (b) affecting any matter referred to in paragraph (d) of subsection (1), without the prior concurrence of the Minister in charge of the subject of Finance.

(4) Every Order made by the Minister under this section shall be published in the Gazette and shall come into operation on the date of such publication, or on such later date as may be specified therein.

(5) Every such Order shall, on its coming into operation as hereinbefore provided, be as valid and effectual as if it were herein enacted.

58. (1) Subject to the provisions of subsection (2), the Board and any local authority may, of their own motion, jointly prepare a transfer scheme, hereafter in this Law referred to as a “voluntary transfer scheme”, for the transfer to the Board of the water supply or sewerage undertaking carried on by such authority.

Voluntary transfer scheme.

(2) The Board shall refer for decision to the Minister any dispute between the Board and the local authority upon any matter or question in connexion with the preparation of a voluntary transfer scheme, and the decision of the Minister on such reference shall be final and conclusive and shall not be called in question in any court or tribunal.

Compulsory transfer scheme.

59. The Board shall, whenever it is directed so to do by the Minister under section 60, prepare a transfer scheme, hereafter in this Law referred to as a "compulsory transfer scheme", for the compulsory transfer to the Board of the water supply or sewerage undertaking carried on by a local authority.

Direction for preparation of compulsory transfer scheme.

60. (1) Where, as respects the water supply and sewerage undertaking carried on by a local authority, the Minister is satisfied, after consultation with the Minister in charge of the subject of Local Government and after such inquiry as he may deem necessary, at which such local authority and the Board shall be given an opportunity of being heard,—

- (a) that such authority has been guilty of neglect, default, incompetence or mismanagement, in carrying on such undertaking; or
- (b) that such authority has defaulted in the payment of the charges for the supply of water services to the Board,

the Minister may, with the concurrence of the Minister in charge of the subject of Local Government, issue a written direction to the Board to prepare a compulsory transfer scheme for the transfer to the Board of such undertaking.

(2) Where, as respects the water supply and sewerage undertaking carried on by a local authority, the Minister deems it necessary in the national interest that such undertaking should be vested in the Board the Minister may, with the concurrence of the Minister in charge of the subject of Local Government, issue a written direction to the Board to prepare a compulsory transfer scheme for the transfer to the Board of such undertaking.

Contents of transfer scheme.

61. (1) A transfer scheme prepared under this Law in respect of the water supply or sewerage undertaking carried on by a local authority shall provide for the transfer to the Board of such undertaking, and may, subject to the provisions of subsection (2), also provide—

- (a) for the transfer to, and the vesting in, the Board of any movable or

immovable property of such authority used for the purposes of such undertaking;

- (b) for the transfer to the Board of all or any rights, obligations and liabilities of such authority, relating to or connected with such undertaking, and for the adaptation or modification of contracts or other instruments for the purpose of giving effect to the transfer of such rights, obligations and liabilities from such authority to the Board;
- (c) for the adaptation or modification of any written law to such extent as may be necessary for the purpose of enabling the Board to carry on such undertaking in lieu of such authority;
- (d) for such financial adjustments between such authority and the Board as may be necessary in consequence of any such transfer; and
- (e) for any other matter supplementary to, or consequential on, the matters aforesaid including the continuation of legal proceedings.

(2) A voluntary transfer scheme shall bear the seal of the Board and the local authority in token of its preparation by the Board and such authority.

(3) A compulsory transfer scheme shall bear the seal of the Board in token of its preparation by the Board.

(4) For the purpose of financial adjustments under paragraph (d) of subsection (1) the value of movable and immovable property taken over shall be the depreciated value of that part of the work or works financed by the local authority but shall exclude such works or parts of works carried out with grants or contributions from the Central Government.

62. (1) For the purposes of the preparation of a transfer scheme under this Law in respect of the water supply or

Powers of Board for the purposes of the preparation of a transfer scheme.

sewerage undertaking carried on by a local authority, the Board may—

- (a) hold such inquiries and inspect such movable or immovable property of the local authority as the Board may consider necessary; and
- (b) request such local authority, or any officer of such local authority, to furnish to the Board such particulars and other information as the Board may consider necessary relating to such undertaking and other matters for which provision is to be made in such scheme, and to produce for examination books or documents containing such particulars or information.

(2) It shall be the duty of a local authority or any officer of such local authority to comply with any request issued to such local authority or such officer, as the case may be, by the Board under subsection (1).

(3) Any officer of a local authority who without reasonable cause fails to comply with any direction issued to him under subsection (1), shall be guilty of an offence and shall, on conviction after trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year, or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.

Presentation of scheme to Minister for approval.

63. (1) Upon the completion of the preparation of a voluntary transfer scheme by the Board and any local authority under this Law, the Board shall present such scheme to the Minister for his approval, and upon such presentation the Minister with the concurrence of the Minister in charge of the subject of Local Government shall either approve such scheme without modification, or approve such scheme with any such modifications as he may deem necessary.

(2) Upon the completion of the preparation of a compulsory transfer scheme by the Board under this Law, the Board shall present such scheme to the Minister for his approval, and upon such presentation the Minister with the

concurrence of the Minister in charge of the subject of Local Government shall either approve such scheme without modification, or approve such scheme with any such modifications as the Minister may deem necessary.

(3) In exercising his power of approval in respect of any transfer scheme under subsection (1) or subsection (2), the Minister shall have particular regard to the necessity of ensuring that the transfer scheme makes adequate provision in respect of the matters specified in section 61.

64. (1) Where a voluntary transfer scheme has been approved by the Minister under this Law, the Minister shall prepare and publish in the Gazette, an Order, in this Law referred to as a “voluntary transfer Order”, embodying the provisions of such scheme and such other provisions as the Minister may deem necessary to give full force and effect to such scheme.

Orders to give effect to transfer scheme.

(2) Where a compulsory transfer scheme has been approved by the Minister under this Law, the Minister shall prepare and publish in the Gazette an Order, in this Law referred to as a “compulsory transfer Order”, embodying the provisions of such scheme and such other provisions as the Minister may deem necessary to give full force and effect to such scheme.

(3) A voluntary transfer Order may, from time to time, be amended by the Minister with the concurrence of the Minister in charge of the subject of Local Government by Order published in the Gazette, in such manner and to such extent as he may deem necessary.

(4) A compulsory transfer Order may, from time to time, be amended by the Minister with the concurrence of the Minister in charge of the subject of Local Government by Order published in the Gazette.

(5) Every Order made by the Minister under this section shall be published in the Gazette and shall come into operation on the date of such publication, or on such later date as may be specified therein.

(6) Every Order made by the Minister under this section shall, as soon as

convenient after its publication in the Gazette, be brought before Parliament for approval. Any Order which is not so approved shall be deemed to be rescinded from the date of its disapproval, but without prejudice to anything previously done thereunder.

(7) Every such Order shall, on its coming into operation as hereinbefore provided, be as valid and effectual as if it were herein enacted.

Reference of certain disputes to Minister.

65. Any dispute between the Board and any local authority upon any matter or question relating to, or connected with, the giving effect to, or the interpretation of, any provision of any voluntary transfer Order or compulsory transfer Order which has come into force, shall be referred to by the Board for decision to the Minister, and his decision on such reference shall be final and conclusive, and shall not be called in question in any court or tribunal.

Procedure for taking possession of property for and on behalf of Board.

66. (1) For the purpose of giving effect to any voluntary transfer Order or compulsory transfer Order which has come into force, any officer of the Board authorized in writing in that behalf by the Chairman of the Board may, subject to the provisions of subsection (2), take possession of any property transferred to and vested in the Board by such Order.

(2) The officer referred to in subsection (1) shall, by notice in writing—

- (a) inform the local authority that such officer intends to take possession of such property for and on behalf of the Board on such date and at such time and place as shall be specified in the notice ; and
- (b) require an authorized agent of the local authority to be present on the date and at the time and place so specified and to assist such officer to take possession of such property.

(3) After any property has been taken possession of by an officer of the Board under subsection (1), such officer shall send a certificate to the local authority to the

effect that he has taken possession of such property.

(4) The notice required to be given under subsection (2) shall be deemed to be given if it is sent by registered post to the local authority.

(5) Any person who fails, without reasonable cause, to comply with any requirement of a notice given under subsection (2), shall be guilty of an offence and shall, on conviction after trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year, or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.

67. (1) Every person who prevents or obstructs any officer of the Board from taking possession of any property for and on behalf of the Board under section 66 shall be guilty of an offence and shall, on conviction after trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year, or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.

Prevention of, or obstruction to, taking possession of property for and on behalf of Board.

(2) Where any officer of the Board authorized under section 66 to take possession of any property for and on behalf of the Board, is unable or apprehends that he will be unable to take possession of such property because of any obstruction or resistance that has been or is likely to be offered, he shall, on making an application in that behalf to the Magistrate's Court having jurisdiction over the place where the property is kept or situated, be entitled to an order of the Court directing the Fiscal to deliver possession of that property to him for and on behalf of the Board.

(3) Where an order under subsection (2) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to the Court the manner in which that order was executed.

(4) For the purpose of executing an order issued by a Magistrate's Court under subsection (2), the Fiscal or any person acting under his direction may use such force as may be necessary to enter any place

where any movable property to which the order relates is kept and seize such movable property, or to enter any land, building or other structure to which that order relates and to eject any person in occupation thereof, and to deliver possession of such movable property, land, building or other structure to the person who is authorized to take possession thereof for and on behalf of the Board.

shall have effect, except in relation to officers in a transferable service of the Government :—

PART IV

STAFF OF THE BOARD

General Manager of the Board, his powers and duties and their delegation.

68. (1) The Board shall, with the approval of the Minister, appoint a competent and experienced person as General Manager of the Board.

(2) The General Manager shall, subject to the general direction of the Board on matters of policy, be charged with the direction of the business of the Board, the organization and execution of the powers, functions and duties of the Board, and the administrative control of the employees of the Board.

(3) The General Manager may, with the approval of the Board, delegate to any other employee of the Board such of his powers, functions or duties as he may, from time to time, consider necessary, and any employee to whom any such powers, functions or duties are so delegated shall exercise them subject to the general or special directions of the General Manager.

(4) The General Manager may not be removed from office except for good and sufficient cause and without the prior approval of the Minister.

Appointments to the staff of the Board.

69. Subject to the provisions of section 68, the Board may appoint to its staff such officers and servants as the Board may deem necessary, and determine their terms of remuneration and other conditions of employment.

Retirement of public officers of the Department and their employment by the Board.

70. Upon the transfer on any date (hereinafter in this part referred to as the "transfer date") of the Department of Water Supply and Drainage to the Board under section 57, the following provisions

(1) Every pensionable public officer of the Department shall be offered the option of either retiring from service, or of being employed under the Board.

(2) Where any such officer exercises the option to retire, the post held by such officer on the transfer date shall be deemed to be abolished, and he shall be eligible for an award under the Minutes on Pensions on the ground of abolition of office on the transfer date.

(3) Where any such officer opts to be employed under the Board, the Board shall employ such officer on such terms and conditions as may be agreed upon by such officer and the Board, and—

(a) where such officer has on the transfer date, not less than ten years' pensionable service, or less than eight years' pensionable service, the provisions of paragraphs (a) and (b) of subsection (3) of section 9 of the Motor Transport Act, No. 48 of 1957.* shall apply, *mutatis mutandis*, to such officer ; and

(b) where such officer has less than ten, and not less than eight, years' pensionable service,

(i) the service of such officer under the Board for such period (hereinafter referred to as the "relevant period"), as when added to the period of his pensionable service under the Government makes an aggregate of ten years' service, shall be counted as pensionable service of such officer under the Government ;

* Repealed by Law No. 19 of 1978.

(ii) the Board shall during the relevant period pay every month out of the funds of the Board, to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund, twenty-five *per centum* of the salary payable to such officer in the post held by him in the Department on the transfer date;

(iii) such officer shall be deemed during the relevant period to have earned his increments, if any, in the post held by him in the Department on the transfer date, provided his service under the Board has been satisfactory; and

(iv) at the end of the relevant period, the provisions of paragraphs (a) and (b) of subsection (3) of section 9 of the Motor Transport Act, No. 48 of 1957,* shall apply, *mutatis mutandis*, to such officer.

(4) The post of every public officer of the Department who is a contributor to the Public Service Provident Fund established under the Public Service Provident Fund Ordinance shall be deemed to be abolished and such officer shall, for the purposes of that Ordinance, be deemed to have left the service of the Government upon the determination of contract with the consent of the Government otherwise than by dismissal.

(5) Notwithstanding anything to the contrary in any other written law, where any public officer referred to in subsection (4) is employed by the

Board after the transfer date, and such officer is eligible for the receipt of any sum of money under the Public Service Provident Fund Ordinance, such sum shall not be paid to him but shall be credited to his account in a provident fund of the Board established under section 17 (h).

71. Where the water supply or sewerage undertakings carried on by a local authority are transferred to the Board under this Law, the provisions of section 70 shall, *mutatis mutandis*, apply to and in relation to all officers and servants of the local authority, including members of the Local Government Service, subject to such modifications, alterations or additions as may be prescribed by regulations made in that behalf by the Minister in consultation with the Minister in charge of the subject of Local Government.

Employment of personnel in case of transfer of water supply and sewerage undertakings of a local authority to the Board.

72. (1) At the request of the Board, any public officer, other than an officer referred to in section 70 may, with the consent of that officer and of the Secretary to the Ministry charged with the subject of Public Administration, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or be permanently appointed to such staff.

Appointment of public officers and servants of local authorities other than those referred to in sections 70 and 71 to the staff of the Board.

(2) Where any public officer is temporarily appointed to the staff of the Board under subsection (1), the provisions of subsection (2) of section 9 of the Motor Transport Act, No. 48 of 1957,* shall, *mutatis mutandis*, apply to and in relation to him.

(3) Where any public officer is permanently appointed to the staff of the Board under subsection (1), the provisions of subsection (3) of section 9 of the Motor Transport Act, No. 48 of 1957,* shall, *mutatis mutandis*, apply to and in relation to him.

* Repealed by Law No. 19 of 1978.

(4) At the request of the Board, any officer or servant of any local authority (whether he be a member of the Local Government Service or not), other than an officer or servant referred to in section 71 may, with the consent of such officer or servant and the local authority or the Local Government Service Advisory Board, as the case may be, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or be permanently appointed to such staff, on such terms and conditions including those relating to pension or provident fund rights as may be agreed upon by the Board and that Advisory Board or authority.

(5) Where an officer or servant of any local authority, whether he be a member of the Local Government Service or not, is temporarily appointed to the staff of the Board under subsection (4), he shall be subject to the same disciplinary control as any other member of the staff of the Board.

Service to the Board to be regarded as service to the Government for the purposes of contracts to serve the Government.

73. Where any person has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Board by that person shall be regarded as service to the Government for the purposes of discharging the obligations of such contract.

Employment by Board of persons already in receipt of pensions.

74. Notwithstanding anything to the contrary in any other law, where any person who is already in receipt of a pension from the Government or from any local authority is employed by the Board he shall not be paid such pension during the period of his employment by the Board.

Interpretation.

75. For the purposes of this Part—

“pensionable public officer” means a public officer who—

(a) holds a post declared to be a pensionable post under section 2 of the Minutes on Pensions ; and

(b) who does not belong to a transferable service of the Government ;

“pensionable service” means service under the Government which is reckonable for pension under the Minutes on Pensions.

76. All members of the staff of the Board shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Members of the staff of the Board deemed to be public servants.

PART V

FINANCE AND AUDIT

77. The provisions of the Public Corporations (Financial Control) Act shall, *mutatis mutandis*, apply to the financial control and accounts of the Board.

Application of the provisions of the Public Corporations (Financial Control) Act.

78. The financial year of the Board shall be the calendar year.

Financial year.

79. (1) The initial capital of the Board shall be such sum as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance, and such capital shall consist of—

Capital of the Board.

(a) grants made by the Government ;

(b) the value of any such net assets as may be transferred to the Board by any Government department, public corporation or local authority by an order, or with the consent, of the Minister in charge of that department or corporation or, in the case of a local authority, the Minister in charge of the subject of Local Government ; and

(c) loans given or made available by the Government on such terms and conditions as may be determined by the Minister in charge of the subject of Finance.

(2) The initial capital of the Board shall be paid or made available to the Board in such manner as may be determined by the Minister in charge of the subject of Finance.

(3) The capital of the Board may be increased, from time to time, by the value of the net assets transferred to the Board as provided by paragraph (b) of subsection (1)

and by such amounts as may be authorized by any Appropriation Act or by any resolution of Parliament, and such amounts shall be paid or made available to the Board in cash or kind by the Government by way of grant or loan on such terms and conditions, as may be determined by the Minister in charge of the subject of Finance.

Sri Lanka Water Supply and Sewerage Stock.

80. (1) The Board may borrow for its purposes by the issue of any stock, and the stock so issued is in this Law referred to as "Sri Lanka Water Supply and Sewerage Stock".

(2) Sri Lanka Water Supply and Sewerage Stock shall be issued, transferred, dealt with, redeemed and cancelled in accordance with such terms as may be determined by the Board with the approval of the Minister given with the concurrence of the Minister in charge of the subject of Finance.

Government guarantee.

81. (1) The Minister in charge of the subject of Finance may, with the concurrence of the Minister, guarantee the repayment of, and the payment of the interest on, any Sri Lanka Water Supply and Sewerage Stock issued under section 80, or any other loan from any organization or institution in or outside Sri Lanka.

(2) Any sum required for the fulfilment of a guarantee provided under subsection (1) may, with the prior approval of Parliament, be paid out of the Consolidated Fund.

(3) Any sum paid out of the Consolidated Fund in fulfilment of a guarantee provided under subsection (1) shall be repaid, together with interest thereon at such rate as the Minister in charge of the subject of Finance may determine with the concurrence of the Minister, by the Board in such manner and over such period as the Minister in charge of the subject of Finance may with such concurrence determine.

Minister in charge of Finance to inform Parliament about guarantee.

82. (1) Immediately after a guarantee is provided under section 81, the Minister in charge of the subject of Finance shall lay or cause to be laid a statement of the guarantee before Parliament.

(2) Where any sum is paid under section 81 out of the Consolidated Fund in

fulfilment of any guarantee provided under that section, the Minister in charge of the subject of Finance shall forthwith lay or cause to be laid before Parliament a statement that such sum has been paid.

83. (1) The Board may establish and maintain—

Reserve funds.

(a) an insurance fund to cover the insurance of movable and immovable property of the Board and to meet third-party risks and liabilities arising under the Workmen's Compensation Ordinance;

(b) a general reserve fund for the purpose of financing capital works from revenue moneys, ensuring the financial stability of the Board, and for such other purposes as the Board may, from time to time, determine;

(c) any other reserve fund that the Board, with the approval of the Minister, may consider necessary.

(2) The sums to be carried, from time to time, to the credit of each or any of the funds specified in subsection (1) shall be such sums as may be determined by the Board.

PART VI

RATES AND CHARGES

84. (1) Subject to the provisions of this Law, the rates and charges to be levied by the Board for the supply of water and sewerage services in any area of authority of the Board shall be in accordance with such rates and charges as may be fixed, from time to time, by the Board, with the approval of the Minister who shall consult, before giving his approval, the Minister in charge of the subject of Finance, and any other Minister he considers necessary.

Board to fix rates and charges.

(2) The Board shall enter into an agreement with any local authority in respect of the rates payable by hereditaments (whether supplied with water or not) which are within six hundred feet of

the water distribution system. Such rate shall be known as the water rate and shall be payable to the Board by the local authority.

(3) The Board shall enter into an agreement with any local authority in respect of the rate payable by hereditaments which are connected to the sewerage system or which are within three hundred feet of such system. Such rate shall be known as the sewerage rate and shall be payable to the Board by the local authority.

(4) In the event of disagreement between the Board and any local authority as to the amount of any rate payable under subsection (2) or subsection (3), the matter shall be determined by the Minister.

(5) Nothing in the preceding provisions of this section shall preclude the Board from charging special prices by agreement with any person or body.

(6) The Board shall be entitled to require that the supply of water to any premises shall be by meter, and the provisions of subsection (1) shall include charges for supply of water by meter.

(7) The rates and charges fixed by the Board under subsection (1) shall be so fixed as not to restrict the preparation of bills on a monthly, quarterly or half-yearly basis, and—

- (a) shall be published in the Gazette and in such other manner as may appear to the Board best calculated to give publicity to such rates and charges ;
- (b) shall come into force on the date of their publication in the Gazette, or on such later date as may be specified therein ; and
- (c) may include rent and other charges in respect of fittings provided by the Board.

Power to fix different charges.

85. The rates and charges fixed by the Board under section 84 may provide for the charging of different prices for water services supplied for different purposes.

86. If any question arises as to whether or not any rate or charge is applicable in any case, or as to which rate or charge is so applicable, the Board shall determine that question, and such determination shall be final and conclusive, and shall not be called in question in any court or tribunal.

Board to determine charges in cases of doubt.

87. (1) In this section, the expression—

(a) “water supply charge” means the sum payable to the Board for water supplied by the Board to any person, including a local authority ;

Recovery of water supply charge and sewerage charge.

(b) “sewerage charge” means the sum payable to the Board by any person whose property is connected to the sewerage system.

(2) (a) The water supply charge or sewerage charge payable by any person in respect of any month shall be paid by such person—

(i) within thirty days from the date of the receipt by such person of a demand relating to such charge from the Board, or

(ii) where such person, upon receipt of such demand, disputes the amount of such charge under subsection (3), within fifteen days from the date of the final determination of the amount of such charge under subsection (5).

(b) A demand relating to the water supply or sewerage charge sent by the Board to a person shall be despatched by registered post and shall be deemed to have been received by such person on the day on which that demand would have been delivered in the ordinary course of post.

(3) Where a person receives a demand from the Board for the payment of the water supply charge or sewerage charge of such person in respect of any period, such person may, within a period of twenty-one days from the date of receipt by such person of such demand, dispute the amount of such charge by a written communication to that effect to the Board. Such communication shall specify the amount so disputed and the reason therefor.

(4) No person shall be entitled to dispute the amount of the water supply charge or sewerage charge of such person in respect of any period except under and in accordance with the provisions of subsection (3).

(5) Where the amount of the water supply charge or sewerage charge of any person in respect of any period is disputed by such person, that amount—

(a) shall be finally decided by agreement between the Board and such person ; or

(b) in the absence of such agreement within a period of thirty days from the date of the receipt by the Board of a communication as to such dispute from such person under subsection (3), shall be finally determined by the Board in its absolute discretion and the determination of the Board shall be final and conclusive, and shall not be called in question in any court or tribunal.

(6) Where the water supply charge or sewerage charge payable by a person in respect of any period is not paid by such person to the Board within the period it is so required to be paid under subsection (2), the General Manager of the Board shall certify in writing the amount which is due from such person on account of such charges.

(7) Upon the production of a certificate issued by the General Manager of the Board under subsection (6) before any District Court or Primary Court within whose jurisdiction the whole or any part of the area within the administrative limits of the local authority in respect of which such certificate is issued is situated, according as the sum specified in such certificate exceeds or does not exceed one thousand five hundred rupees, the Court shall direct a writ of execution to issue to the Fiscal authorizing and requiring him to seize and sell all or any of the property movable or immovable of such person or such part thereof as may be necessary for the recovery of that sum, and the provisions of sections 225 to 297 of the Civil Procedure

Code shall, *mutatis mutandis*, apply to the execution of such writ and to such seizure and sale.

(8) Where the General Manager of the Board issues a certificate referred to in subsection (6), he shall in writing notify the person specified in the certificate that the sum so specified is payable, but the non-receipt of such notice by such person shall not invalidate the proceedings under this section.

(9) Nothing in the provisions of subsections (7) and (8) shall affect or be deemed or construed to affect the right of the Board to recover in any other manner any sum payable to the Board by a person on account of the water supply or sewerage charge payable by such person.

88. (1) Where the water supply charge or sewerage charge payable by a person in respect of any period is not paid by such person to the Board within the period it is so required to be paid under subsection (2) of section 87, the General Manager of the Board, or any other person authorized by him in that behalf, may after giving such person not less than forty-eight hours' notice in writing, cut off the water service supplied to such person, and for that purpose cut or disconnect any waterworks, being the property of the Board, through which such service may be supplied, and may discontinue such service until such charge, together with the amount of any expenses which have been incurred by the Board in cutting off the service, and may be incurred by the Board in re-connecting such service, is paid.

Discontinuance of supply to consumer neglecting to pay charges.

(2) The General Manager of the Board, or any other person authorized by him in that behalf, may, at any reasonable time, enter any premises to which water or sewerage services have been supplied by the Board for the purpose of—

(a) removing or disconnecting, where the Board is authorized to cut off such service, any waterworks belonging to the Board ; or

(b) replacing or re-connecting, where such services are to be renewed, any waterworks belonging to the Board.

(3) Where a person refuses to allow the General Manager of the Board, or any other person authorized by him in that behalf, to enter his premises in pursuance of the provisions of subsection (2), or fails to give reasonable facilities for such entry, such General Manager or person so authorized may, after the expiry of a period of twenty-four hours from the service of a notice in writing on that person, cut off such services to that person or withhold the replacement or re-connection of such services, as the case may be, for so long as such refusal or failure continues.

PART VII

GENERAL

Special provision relating to rates and charges payable by local authority.

89. Notwithstanding anything in any other written law, the rates and charges payable by a local authority—

- (a) shall be a first charge on the moneys in the fund of that authority ; and
- (b) may, under the authority of the Minister in charge of the subject of Finance given after consultation with the Minister and the Minister in charge of the subject of Local Government, be deducted from any grant payable by the Government to such authority, and the amount so deducted may be paid to the Board.

Regulations.

90. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters :—

- (a) any matter required by this Law to be prescribed or in respect of which regulations are authorized by this Law to be made ;
- (b) the licensing of plumbers and the control of plumbing and plumbing fixtures ;

(c) the preservation and maintenance of the waterworks of the Board ;

(d) the control of the use of water supplied from the said waterworks ;

(e) the prevention of the waste, misuse, undue consumption, or contamination of the water supplied for public or private use ;

(f) the size, nature, strength, and materials, and the mode of arrangement, position, alteration, removal, renewal and repair of the apparatus and receptacles to be used for the purpose of the waterworks of the Board ;

(g) the control of the public supply of water by stand-pipes, and the use of such water ;

(h) the control of the supply of water and the provision of sewerage by private services, and the materials and fittings to be used for the purpose ;

(i) the times and conditions subject to which water services will be supplied for other than domestic purposes or to a house by a private service, and the price to be paid for such services ;

(j) the recovery of charges due in respect of water services ; and

(k) the control of the discharge of wastes to the sewerage system.

(3) Every regulation made by the Minister shall be published in the Gazette, and shall come into operation on the date of such publication, or on such later date as may be specified therein.

(4) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to the validity of anything previously done thereunder.

Penalty for contravention of regulation.

91. Any person who contravenes the provisions of any regulation made under this Law shall be guilty of an offence and shall, on conviction after trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.

Board, and any costs paid to, or recovered by, the Board in any such suit or prosecution shall be credited to the funds of the Board.

(3) Any expense incurred by any such person as is referred to in paragraph (b) of subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done or is purported to be done by him under this Law or on the direction of the Board shall, if the court holds that such act was done in good faith, be paid out of the funds of the Board, unless such expense is recovered by him in such suit or prosecution.

Acquisition of immovable property under the land Acquisition Act for the Board.

92. (1) Where any immovable property is required to be acquired for any purpose of the Board and the Minister, by Order published in the Gazette, approves of the proposed acquisition, that property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act and be transferred to the Board.

95. No writ against person or property shall be issued against a member of the Board in any action brought against the Board.

No writ to issue against person or property of member of the Board.

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act for the Board, shall be paid by the Board.

96. Where any immovable property of the Republic is required for the purpose of the Board, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the State Lands Ordinance and accordingly, the provisions of that Ordinance shall apply to a special grant or lease of such property to the Board.

Special grant or lease of property belonging to the Republic to Board.

Power of companies, &c., to enter into contracts with the Board.

93. Any company, local authority or other body of persons may, notwithstanding anything to the contrary in any written law or instrument relating to its function, enter into and perform or carry out all such contracts and agreements with the Board as may be necessary for the performance of the duties and the exercise of the powers of the Board.

97. (1) Any person who, unlawfully and maliciously, does any act which causes or is likely to cause a failure of any water or sewerage service supplied by the Board, shall be guilty of an offence.

Penalty for causing failure of water services of the Board.

Protection for action taken under this Law or on the direction of the Board.

94. (1) No suit or prosecution shall lie—

(a) against the Board for any act which in good faith is done or is purported to be done by the Board under this Law ; or

(2) Any person who aids or abets any other person in the commission of an offence under subsection (1), shall be guilty of an offence.

(b) against any member, officer, servant or agent of the Board for any act which in good faith is done or is purported to be done by him under this Law or on the direction of the Board.

(3) Every person who is guilty of an offence under subsection (1) or subsection (2), shall upon conviction after trial before a Magistrate be liable to rigorous imprisonment for a term not exceeding seven years.

(2) Any expense incurred by the Board in any suit or prosecution brought by or against the Board before any court shall be paid out of the funds of the

(4) Every offence under subsection (1) or subsection (2) shall, notwithstanding anything in the Code of Criminal Procedure Act, be an offence in respect of which a

person may be arrested without a warrant within the meaning and for the purposes of that Act.

Power of Board to make rules under this Law.

98. The Board may, with the approval of the Minister, make rules in respect of all matters for which rules are required or authorized to be made under this Law.

This Law to prevail over other written law.

99. In the event of any conflict or inconsistency between the provisions of this Law and the provisions of any other written law, the provisions of this Law shall to the extent of such conflict or inconsistency prevail over the provisions of such other written law.

Interpretation.

100. In this Law, unless the context otherwise requires—

“appointed date” means the 1st day of November, 1974 ;

“area of authority” means any area in Sri Lanka declared to be an area of authority of the Board by Order published by the Minister under section 15 and which is for the time being in force ;

“local authority” includes any Municipal Council, Urban Council, Town Council or Village Council ;

“Local Government Service Advisory Board” has the same meaning as in the Local Government Service Law” ;

“public corporation” means any corporation, board or other body which was or is established by or under any written law, other than the Companies Ordinance,* with capital wholly or partly provided by the Government by way of grant, loan or other form ;

“sewerage works” includes sewers, appurtenances and all works pertaining thereto used for the waste water drainage of buildings, and all sewage disposal works but does not include surface or storm water drains, channels or sewers used for the drainage of buildings within the same curtilage ;

“waterworks” includes all supply and treatment works as well as transmission mains, distribution mains and all works pertaining thereto used for the protection and supply of potable water.

* Repealed and replaced by the Companies Act, No. 17 of 1982.