

No. 13] *Water and Sewerage (Amendment) Act* [2008.

I ASSENT

[L.S.]

CORNELIUS LUBIN,
Deputy Governor-General.

October 17, 2008.

SAINT LUCIA

—————
No. 13 of 2008

AN ACT to amend the Water and Sewerage Act 2004, No. 14 of 2005

[20TH OCTOBER, 2008]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the Water and Sewerage (Amendment) Act 2008.

Interpretation

2. In this Act “principal Act” means the Water and Sewerage Act 2004, No. 14 of 2005.

Amendment of section 2

3. Section 2 of the principal Act is amended by —
- (a) deleting the word “using” appearing in the definition of “consumer” and by substituting the words “who uses”;
 - (b) deleting the reference to “section 36(3)” appearing in the definition of “Executive Director” and by substituting a reference to section 40;
 - (c) deleting the words “means a person other than a mortgagee not in possession” appearing in the definition of “owner” and by substituting the words “includes a person other than a mortgagee”; and
 - (d) deleting the words “service licensee fee” wherever they appear in that section and by substituting the words “service licence fee”.

Amendment of section 4

4. Section 4(2) of the principal Act is deleted and substituted by the following:

- “(2) Where the Agency reasonably suspects that an abstraction licensee or a permit holder is in breach of this Act, the Regulations or an abstraction licence or a permit held by an abstraction licensee or a permit holder or where an allegation of breach is made to the Agency against an abstraction licensee or a permit holder, the Agency may conduct any investigation it considers necessary in relation to the abstraction licensee or permit holder and may perform any of the following in the course of such investigation —
- (a) compel the production of documents and records in the custody or control of the abstraction licensee or permit holder;

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- (b) compel the appearance of an employee or officer of an abstraction licensee or permit holder or any other person for the purpose of ascertaining compliance with this Act, the Regulations or the abstraction licence or permit;
- (c) inspect, examine or make copies of any document or record in the possession of the abstraction licensee or permit holder relevant to the abstraction licence or permit held by the abstraction licensee or permit holder;
- (d) require the verification of income and all other matters pertinent to an abstraction licence or a permit;
- (e) enter or inspect any premises for the purpose of ascertaining compliance with this Act, the Regulations or the permit; or
- (f) seize, remove or impound any document or records relating to an abstraction licence or a permit for the purposes of examination and inspection.

Amendment of section 36

5. Subsection (3) of section 36 of the principal Act is amended by deleting the word “including” appearing in that subsection and by substituting the word “excluding”.

Amendment of section 40

6. Section 40 of the principal Act is amended by —

- (a) deleting the word “Commission “ where it appears between the words “the” and “and” in subsection (1) and by substituting the word “Board”; and
- (b) deleting the word “Cabinet” where it appears in subsection (1) and by substituting the words “the Board after consultation with Cabinet”;
- (c) deleting the word “Cabinet” where it appears in subsection (2) and by substituting the word “Board after consultation with Cabinet”.

Amendment of section 42

7. Section 42 of the principal Act is amended by deleting the word “including” appearing in that section and by substituting the word “excluding”.

Amendment of section 52

8. Section 52 of the principal Act is amended by deleting the words “per meeting attended” occurring in that section.

Amendment of section 80

9. Section 80 of the principal Act is amended by deleting subsection (4) and by substituting the following:

“(4) The Commission —

- (a) may amend the new tariffs required by the service licensee and submitted to it pursuant to subsection (3), if it considers that an error has been made in calculating the new tariffs; or
- (b) shall, if it accepts the tariffs submitted to it pursuant to subsection (3), publish the new tariffs, the corresponding indices and the effective date in two newspapers in general and weekly circulation in Saint Lucia at least one month prior to the effective date.”.

Amendment of section 81

10. Section 81 of the principal Act is amended by deleting the words “tariff structure“ wherever they appear in that section and by substituting the words “tariff scheme”.

Amendment of section 82

11. Section 82 of the principal Act is amended by deleting the words “tariff structure” wherever they appear in that section and by substituting the words “tariff scheme”.

Amendment of section 89

12. Section 89 of the principal Act is amended by —

- (a) renumbering section “89” as “89(1)”; and
- (b) deleting the word “A” appearing at the beginning of the new section 89(1) and by substituting the words “Subject to subsection (2), a”; and
- (c) inserting the following as subsection (2):

“(2) A prosecution for an offence pursuant to subsection (1) shall not be brought during the time within which an appeal may be applied for or during an appeal pursuant to section 96.”.

Amendment of section 93

13. Section 93 of the principal Act is amended by —

- (a) deleting the word “arbitration” appearing in the head note to that section and by substituting the words “dispute resolution”; and
- (b) deleting the words “to the economic regulation of a service or” appearing in that section.

Amendment of section 94

14. Section 94 of the principal Act is amended by —

- (a) deleting the word “arbitration” appearing in the head note to that section and by substituting the words “dispute resolution”; and
- (b) deleting the word “arbitration” appearing in that section and by substituting the words “dispute resolution in accordance with the Regulations”.

Repeal of section 95

15. Section 95 of the principal Act is repealed.

Amendment of section 97

16. Section 97 of the principal Act is amended by renumbering subsection (3) as subsection (4) and by inserting the following as the new subsection (3):

“(3) The Regulations made pursuant to this section may create an offence for a breach of a provision of the Regulations and a person is, upon summary conviction for an offence created pursuant to the Regulations, liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months.”.

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Passed in the House of Assembly this 20th day of August, 2008.

SARAH FLOOD-BEAUBRUN,
Speaker of the House of Assembly.

Passed in the Senate this 10th day of September, 2008.

ROSEMARIE HUSBANDS-MATHURIN,
President of the Senate.