

CHAPTER 69.**FREETOWN WATERWORKS.****ARRANGEMENT OF SECTIONS.**

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SCHEDULE.

CHAPTER 69.

FREETOWN WATERWORKS.

35 of 1901.
7 of 1906.
8 of 1909.
30 of 1928.
26 of 1930.
21 of 1949.
5 of 1954.
P.N.
150 of 1959.

An Ordinance to enable the Government of Sierra Leone to Make and Construct Waterworks for the purpose of providing Freetown with a supply of water, proper and sufficient, for public and private purposes.

[16TH DECEMBER, 1901.]

Short title
and
construction.

Cap. 65.

1. This Ordinance may be cited as the Freetown Waterworks Ordinance, and shall be read and construed as one with the Freetown Municipality Ordinance (hereinafter called the principal Ordinance), or any Ordinance replacing the same.

Interpreta-
tion.

2. In this Ordinance, unless the context otherwise requires—

“ Chief Justice ” includes a Judge of the Supreme Court of the Colony of Sierra Leone;

“ domestic supply ” means water from the waterworks, used in any tenement for any purpose of domestic life;

“ Engineer ” means any person for the time being acting under the authority of Her Majesty’s Secretary of State for the Colonies, or the Governor, in superintending the construction and establishment of waterworks;

“ gathering ground ” means any surface of land, or otherwise, which collects the rainfall for the purposes of the waterworks, or from which water flows into the waterworks;

“ Government ” means the Governor in Council of the Colony;

“ lands ”, besides its ordinary meaning, means messuages and all other corporeal hereditaments;

“ meter ” means any appliance used to measure, ascertain, or regulate the amount of water taken, or used from the waterworks, by means of any service, as well as any appliance used in estimating the flow of water, in or from any part of the waterworks;

“ Minister ” means the Member of Executive Council charged for the time being with responsibility for the subject of lands; P.N.
150 of 1959.

“ non-domestic supply ” means any water from the waterworks used for the purpose of, or in carrying on, any trade or manufacture, or for cattle, horses or other animals, or for watering fields or gardens, cultivated or occupied as a means of pecuniary profit, or private fountains, or for any ornamental purpose, or for the supply of ponds or tanks, or for laundries or public wash-houses, or public baths, vessels, ships or boats, and shall include the water used or consumed by any person, resident in or occupying any premises where a non-domestic supply is given, as well as any water taken or used from the waterworks by Imperial or Colonial, Military, Naval, or Civil establishments;

“ owner ” means the holder of any tenement direct from the Crown, whether under grant, lease, licence or otherwise, or the immediate landlord of any tenement, or the agent of any such holder or landlord, who is absent or under disability, or if there be no such agent, the occupier of the tenement;

“ prescribed waterworks area ” means such areas within or without the city as may be, from time to time, declared by the Government to be areas supplied with water from the waterworks;

“ public fountain ” means any fountain, standpost, valve, tap, or appliance used, or intended to be used, for, or in connection with, the supply of water to the public from the waterworks, and erected, or hereafter to be erected, by the Water Authority, and which belongs to, or is vested in, the Water Authority;

“ service ” means all pipes, valves, cisterns, cocks, fittings and other appliances (excepting any meters as hereinafter defined) by, or through, which water flows, or is intended to flow, from the waterworks, or which are, or may be used for the purpose of supplying any tenement with water from the waterworks, and which is situated in the tenement and which is the private property of the owner or occupier thereof;

“ tenement ” means any land, with or without buildings, which is held, or occupied as a distinct or separate holding or tenancy, or any wharf, or pier in the waters of the Colony;

“ Water Authority ” means the City Council of Freetown or any Water Authority constituted under the provisions of this Ordinance;

“waterworks” includes all streams, springs, wells, reservoirs, dams, weirs, tanks, cisterns, tunnels, filter-beds, conduits, aqueducts, pipes, fountains, sluices, valves, pumps, steam engines, and all other structures or appliances used or constructed for the storage, conveyance, supply, measurement or regulation of water, by or on behalf of the Water Authority, or which may hereafter be used or constructed for the purposes aforesaid by the Water Authority, and which belong to, or are managed by, or vested in, the Water Authority.

Power to establish waterworks.

3. Notwithstanding anything to the contrary in the principal Ordinance, it shall be lawful for the Governor, instead of the Council, to provide the City with a supply of water proper and sufficient for public and private purposes, and for those purposes to construct and establish waterworks:

Provided always that when the waterworks authorised by this Ordinance shall be completed the Governor shall hand them over to, and they shall thereupon vest in, the Council, who shall be the Water Authority.

Expenses of the Government to be paid by Council.

4. All expenses incurred by the Governor in the execution of this Ordinance, including the principal and interest of any money advanced or borrowed by the Governor for the purposes of this Ordinance, shall be refunded to the Governor by the Water Authority:

Provided that such expenses shall not exceed the sum of thirty-one thousand and five hundred pounds, without the previously obtained consent of the Council.

Water Authority to pay capital value of waterworks with interest.
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5. The Water Authority shall repay the capital value of the waterworks with interest thereon in such instalments, and at such times, as shall be prescribed by the Government so as to enable the Governor to pay such sums of money as shall become due and payable under the provisions of the General Loan and Inscribed Stock Ordinance.

Such payments shall commence from the date the waterworks are completed and handed over to the Water Authority.

Sources of revenue.

6. For the purpose of paying such instalments as may be prescribed by the Government under the provisions of the last

* The General Loan and Inscribed Stock Ordinance was No. 19 of 1913 (as subsequently amended). It was repealed by No. 15 of 1950, now Chapter 268, whose section 41 is a saving section.

preceding section, as well as for the purposes hereinafter prescribed, the Water Authority shall be entitled to levy and demand the following rates and payments—

- (a) a general water rate, payable upon all tenements situated within the prescribed waterworks area, whether provided with services or not;
- (b) a water supply rate, payable with respect to all tenements provided with services, in addition to the aforesaid general water rate;
- (c) payments for water supplied by meter;
- (d) payments for water supplied to shipping.

7. (1) The Water Authority shall annually assess the general water rate, payable by the owner of each tenement situated within the prescribed waterworks area, and the said general water rate shall be such percentage or poundage, upon the assessed annual rental of lands, houses and buildings, as the Water Authority shall determine. The actual amount payable with respect to each individual tenement shall be assessed by the Water Authority, according to the method of assessment provided for the collection of municipal taxes in Freetown:

Assessment of general water rate.

Provided that this section shall not apply to any prescribed waterworks area wholly without the City for which a special rate for the supply of water shall be made by an order of the Government.

(2) Notwithstanding anything in this Ordinance contained, it shall be lawful for the Water Authority to exempt from the payment of the general water rate the owners of tenements situated in streets which are two hundred yards distant from the nearest standpipe and in which, owing to the rocky nature of the ground, it is impracticable to erect at a reasonable cost standpipes with adequate drainage.

Exemption of tenements in streets with no water supply from payment of water rate.

(3) Notwithstanding anything in this Ordinance contained, the Water Authority may, if satisfied by any applicant by evidence on oath that on the ground of poverty it is desirable so to do, exempt from payment of the general water rate any tenement liable for payment of the same, or reduce the amount for which the tenement is liable for such rate.

Exemption on ground of poverty. 21 of 1949.

8. The Water Authority shall levy a water supply rate on all tenements; the said rate shall be proportioned to the facilities for the use and enjoyment of water which exist in the tenement in question, and the water supply rate shall be assessed in accordance with the schedule of water supply rates prescribed

Assessment of water supply rate.

by the Government under the authority of this Ordinance, or of such other schedule of rates which may hereafter come into force.

Purposes to which revenue to be devoted.

9. All moneys which may be raised by way of water rates by the Water Authority shall be applied, first, in keeping in order and maintaining the said waterworks; secondly, in payment of such instalments as shall be prescribed under the provisions of this Ordinance to be paid by the Water Authority to the Governor; and lastly, in the creation of a reserve fund, as hereinafter prescribed.

Reserve fund.

10. Any surplus revenue, over and above the sums prescribed for the payment of such instalments as shall be prescribed under the provisions of this Ordinance to be paid by the Water Authority to the Governor, and the cost of maintenance, shall be lodged in the Treasury to the credit of the Water Authority and shall form a reserve fund. The said reserve fund or any part thereof may, with the sanction of the Government, be expended by the Water Authority for the following purposes—

- (a) in the construction of extensions and improvements to the waterworks;
- (b) in the execution of renewals or extraordinary repairs;
- (c) in making good any excess of liabilities over revenue during any one year;
- (d) in the purchase of pipes and materials for the construction of services, and for the general purposes of the waterworks;
- (e) for such other purposes as may be approved by the Governor with the approval of the House of Representatives.

Power to make rules.
5 of 1954.

11. (1) The Water Authority may make rules for the administration of the waterworks, and as to the assessment of the general water rates and the water supply rate, price to be paid for water, and as to the construction of services, and any other matters and things, concerning the administration and regulation of the waterworks, and may from time to time revoke, replace or amend such rules or any of them.

(2) Rules made under this section shall be read as though they are part of this Ordinance and have the force of law.

(3) Rules made under this section shall not come into force until they have been approved by the Government.

(4) Rules made under the section hereby replaced shall remain in force and shall be deemed for all purposes to have

been made under this section; and such rules may from time to time be revoked, replaced or amended as provided in subsection (1) hereof.

12. (1) Whenever, in the opinion of the Government, the Council as Water Authority—

Power to supersede Council as Water Authority.

(a) fails to pay such instalments as shall be prescribed under the provisions of this Ordinance to be paid by the Water Authority to the Governor;

(b) fails or neglects to maintain the waterworks in an efficient condition;

(c) fails or neglects to give force to any rules made under the authority of this Ordinance;

the Supreme Court, upon motion duly made by the Attorney General, if it shall decide that the Water Authority has been guilty of any of the alleged defaults, shall make an order limiting a time for the performance of their duty in the matter of any such default, and if such duty is not performed by the time limited in the order, then it shall be lawful for the Government to appoint a temporary Board consisting of three or more persons to perform such particular duty.

Any Board so appointed to perform the duty of the Water Authority shall, in the performance and for the purposes of such duty, be invested with all the powers of the Water Authority necessary for the performance of such duty, and the Government may, from time to time, by order remove any person so appointed and appoint another person in his stead.

Any order made by the Board for the payment of any money in pursuance of this Ordinance may be removed into the Supreme Court by writ of *certiorari*, and may be wholly or partly disallowed or confirmed on motion and hearing, with or without costs, according to the judgment and discretion of the Court.

The Board, after paying out of so much of the water rates as may come into their hands all moneys legally payable by them thereout, shall pay the surplus, if any, to the Council.

(2) If the Supreme Court, upon motion duly made by the Attorney General, shall decide that the Council as Water Authority has done any act or thing contrary to the provisions of this Ordinance which makes it desirable in the public interest that the Council should cease to be the Water Authority, then it shall be lawful for the Government to suspend the Council from the office of Water Authority for such a period, not exceeding twelve months, as the Court may by its order declare, and

Liability of Council to suspension.

to appoint a Board consisting of not less than three persons to discharge for the said period the duties of Water Authority, and the said Board shall, when appointed, have all the powers conferred, and duties imposed upon the Water Authority by this Ordinance and by any rules made under the authority thereof.

(3) The proceeding on the motion made by the Attorney General as aforesaid to the Supreme Court shall be deemed to be a civil proceeding.

Reservation of gathering grounds.

13. As soon as practicable after the passing of this Ordinance, the Governor shall cause the limits or areas of all gathering grounds of the waterworks to be marked out and defined by boundary stones, or in some conspicuous and permanent manner, and thereafter no land, not then already leased by the Crown, shall be granted, devised or sold, within such limits or areas for any purpose whatsoever. A map, showing clearly such limits and areas, shall be made and kept for public reference at the office of the Water Authority, and a notification of the completion of such map shall be made in the *Gazette*.

No building to be erected on gathering ground.

14. No house or building or any other construction, used or intended to be used, temporarily or permanently, as a dwelling, shall be erected on any gathering ground of the waterworks, saving and excepting constructions intended solely for the purposes of the waterworks.

Preservation of gathering grounds.

15. Gathering grounds shall be retained as forest reserves. No tree or bush thereon shall be cut, felled, damaged or destroyed other than such trees, the cutting, felling or destroying of which is, in the opinion of the Government, desirable for the maintenance of the forest or for the introduction of new trees.

Gathering ground, how to be secured for augmenting water supply.

16. Whenever the Government shall, upon the representation of the Water Authority or otherwise, decide that a gathering ground is required for the purpose of extending or augmenting the water supply, the Water Authority shall cause the limits or areas thereof to be marked out, defined and mapped, as provided by section 13, and thereafter no land not then already granted, leased or sold by the Crown shall be granted, devised, or otherwise disposed of within such limits or areas for any other purpose whatsoever.

Enforcement of contracts.

17. Actions and suits shall and may be maintained in the name of the Engineer on all contracts entered into by or on behalf of the Governor for making or establishing the waterworks or any part thereof or any other of the works hereby authorised,

and damages and costs may be recovered against the Engineer; and all damages and costs so recovered shall be paid by the Treasurer.

18. It shall be lawful for the Engineer, with all necessary workmen and other servants, at all times to enter upon lands belonging to the Crown or to private persons; and also to set out, appropriate and take so much of such lands as may be required for the construction and establishment of the waterworks.

Power to enter and take lands.

19. When the Engineer shall set out, appropriate, and take any lands for the purposes of the waterworks, he shall cause such lands to be marked out and a notice to be posted in some conspicuous part of such lands, and such notice shall be in these words, viz.—“Taken for the Waterworks,” and shall be signed by the Engineer. All such lands belonging to private persons, when so set out, appropriated or taken, shall be vested in the Governor, free from all other estates, and all liens, rights, charges and encumbrances whatsoever.

Lands to be marked out and notice posted thereon by Engineer.

20. Within eight days after any such appropriation, the Engineer shall cause to be registered in the Office of the Registrar General a plan of the lands so set out, appropriated and taken as aforesaid, together with a certificate under his hand to the effect that the same have been taken and appropriated for the purposes of the waterworks.

Registration of plan and certificate.

21. When any lands have been taken and appropriated for the purposes of the waterworks, whether under the provisions of this or any other Ordinance, the registration of a plan of such lands, together with the certificate, in the office of the Registrar General, as in the last section mentioned, shall be conclusive evidence that such lands have been set out, appropriated and taken for the waterworks under the provisions of this Ordinance.

Registration of plan, etc., conclusive evidence of taking.

22. (1) If any lands be so cut through and divided by the taking and appropriation of part of such lands for the waterworks as to leave, either on both sides or on one side thereof, a portion of land which is practically useless to the owner for the purpose for which he had been accustomed to use the land, it shall be lawful for the owner of such land, by notice in writing to be served on the Engineer at any time before an agreement is come to for the purchase of the land taken as aforesaid, or before the assessment of the price to be paid for such land under the provisions of this Ordinance, to require the Minister to

Lands injuriously affected.

purchase not only the land actually taken as aforesaid, but also the land rendered useless as aforesaid by reason of the severance aforesaid, and thereupon it shall be lawful for the Minister to purchase the land rendered useless as aforesaid, or, if he refuse to do so, it shall be lawful for the Chief Justice, if he shall find as a fact that any portion of the said lands have been by the severance rendered useless as aforesaid, to adjudge that the Minister shall purchase the same and determine the price to be paid for the same, as if such land were actually taken and appropriated for the purposes of the waterworks.

Power to re-sell.

(2) It shall be lawful for the Minister to re-sell any lands purchased by him under the provisions of this section, and any moneys arising from any such sale shall be carried to and form part of the revenue of the waterworks.

Part of house etc., not to be taken.

23. Nothing in this Ordinance shall be deemed to authorise the Engineer to take and appropriate a part only of any house, building or manufactory, but, where a part of the land on which any house, building or manufactory stands is required for the waterworks, it shall be lawful for the owner of such house, building or manufactory to require the Engineer to take the whole house, building or manufactory:

Power to re-sell.

Provided that it shall be lawful for the Minister to re-sell any portion of any such house, building or manufactory that may not be required for the waterworks; and any moneys arising from any such sale shall be carried to, and form part of, the revenue of the waterworks.

Case in which owner, etc., of lands shall refuse to give up possession.

24. If, in any case in which, according to the provisions of this Ordinance, the Engineer is authorised to enter upon and take any lands required for the waterworks, the owner or occupier of any such lands or any other person refuse to give up the possession thereof or hinder the Engineer, his workmen or servants, from entering upon or taking possession of the same, it shall be lawful for the Governor to issue his warrant in the form in the schedule appended hereto directed to the sheriff ordering him to deliver possession of the same to the Engineer, and upon the receipt of such warrant, the sheriff shall deliver possession of any such lands accordingly; and the costs accruing by reason of the execution of such warrant, to be taxed by the Master of the Supreme Court, subject to review by the Chief Justice, shall be paid by the person refusing to give possession, or hindering the Engineer, his workmen or servants, as aforesaid, and the amount of such costs shall be deducted and retained by the Governor from the compensation (if any) then payable by

him to such person, and, if no compensation be payable to such person, or if the same be less than the amount of such costs, then such costs or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress; and upon application to the Magistrate for that purpose he shall issue his warrant accordingly.

25. The Engineer, his agents, servants, workmen, and other persons authorised by him or by the Governor, shall be and they are hereby empowered to do the following things, viz.— Powers of
Engineer.

(1) from time to time, as he may think necessary, to enter upon any lands for the purpose of making surveys or taking levels for the waterworks or doing anything necessary under this Ordinance with a view to taking and appropriating any lands;

(2) in or upon the lands set out, appropriated or taken for the waterworks, or upon any lands within one hundred feet thereof, to bore, dig, cut, trench, embank, sough and drain; and to remove or lay out, and also to use, cut, work and manufacture any earth, stone, rubbish, trees, gravel or sand or any other material or things whatsoever which may be dug or obtained therein, and which may be necessary or proper for making the waterworks or any part thereof, or which may obstruct the making of the same;

(3) to construct or make in, under, upon, across or over the waterworks or any part thereof, or any lands, or any roads, streets, dams, ways, lanes or other public passages or places, hills, valleys, rivers, canals, brooks, streams or other waters whatsoever, such inclined planes, tunnels, embankments, bridges, arches, piers, roads, ways, passages, conduits, drains, culverts, cuttings and fences; and also to lay down, erect and construct such machinery and buildings, of whatsoever kind or description, and all other works and conveniences as shall be necessary or expedient for the establishment of the waterworks;

(4) and also to alter and divert, as well temporarily as permanently, the course of any such rivers, canals, streams or watercourses, trenches, roads, streets, dams, or ways as shall be necessary or expedient for the establishment of the waterworks;

(5) and also to erect and construct such houses, warehouses, offices, and other buildings, yards, stations, wharves, engines, machinery, apparatus, and other works and conveniences as the Engineer shall think proper;

(6) and also from time to time to alter, repair, or discontinue the before mentioned works or any of them, and to substitute others in their stead;

(7) and to do and execute all other matters and things necessary for making the waterworks, and other works by this Ordinance authorised;

he, the said Engineer, his agents, servants, workmen and other persons authorised as aforesaid, doing as little damage as may be in the execution of the several powers to him and them hereby granted.

Compensation for lands taken for the waterworks.

26. The owners and occupiers of, and all other persons interested in, any lands which may be appropriated and taken or used for the purposes of the waterworks, or injuriously affected by the exercise of any of the powers hereby vested in the Engineer, shall be entitled to, and shall receive, compensation for the value of the lands so taken or used, and for all damages sustained by such owners, occupiers and other persons by reason of the exercise, as regards such lands, of the powers granted by this Ordinance; the amount of such compensation to be ascertained and determined as hereinafter provided.

Minister to contract with owner of lands for compensation.

27. It shall be lawful for the Minister, to contract and agree with the owner or occupier of, or any other person interested in, any lands which may be appropriated or taken or used for the purposes of the waterworks or injuriously affected by the exercise of any of the powers hereby vested in the Engineer, for the compensation to be allowed and paid to such owner, occupier, or other person, either in respect of the actual value of such lands or in respect of damages incurred by reason of the exercise of any of the said powers; and any sum so agreed on as last aforesaid, or which shall be awarded under the provisions of this Ordinance, shall be paid by the Treasurer.

Cases of disputed compensation etc., how settled.

28. In all cases in which any lands have been appropriated, taken, or used for the purposes of the waterworks or injuriously affected by the exercise of any of the powers hereby vested in the Engineer, if, within twenty-one days after the posting of the notice "Taken for the Waterworks" as hereinbefore provided, no claim shall have been lodged with the Engineer in respect of such lands, or if the person who may have lodged any claim and the Minister shall not have agreed as to the amount of compensation to be paid for the interest of any such person in any such lands, or if any such person has not given satisfactory evidence of his alleged interest, or if separate and conflicting

claims are made in respect of the same lands, the amount of compensation due (if any) and every such disputed interest or title shall be settled in accordance with the provisions of the Public Lands Ordinance, the words "Director of Surveys and Lands" therein being construed as meaning "the Engineer" under the provisions of this Ordinance. Cap. 116.

29. Any person who shall wilfully and maliciously pollute any water passing to or through the waterworks shall be liable to imprisonment, with or without hard labour, for a period not exceeding two years. Pollution of water.

30. Whoever shall wilfully or negligently injure the waterworks, public fountain services or meters, or shall unlawfully draw off, divert or take water from the same or from any streams of water by which the waterworks are supplied, or whoever shall pollute any such water or shall allow any foul liquid, gas, or other noxious or injurious matter to enter into the waterworks, or any services connected therewith, shall, for every such offence, be liable to a penalty not exceeding ten pounds and a further penalty not exceeding one pound for each day while the offence continues. Injury to waterworks.

31. Any person who shall wilfully or negligently misuse or waste any water passing into, through, or upon or near any tenement from the waterworks shall be liable to a penalty not exceeding five pounds. The liability to such penalty shall not prejudice the remedy by suspension of supply, or otherwise as provided by this Ordinance, or any rules made hereunder. Waste and misuse of water.

32. Every person who shall alter, or cause or permit to be altered, any service without the consent of the Water Authority, or contrary to any rules made under this Ordinance, shall be liable to a penalty not exceeding five pounds. Alteration of service.

33. Whoever shall alter, or cause or permit to be altered, any service with intent to avoid accurate measurement or register of water by means of any meter, or to obtain a greater supply of water than he is entitled to, and to avoid payment therefor, or who shall wilfully injure any meter, shall be liable to a penalty not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding twelve months, and any service so altered or meter so injured shall be replaced or repaired by the Water Authority at the expense of the person convicted, and such expense may be recovered upon the order of Fraudulent measurement.

a Magistrate in the same manner as any penalty herein provided may be recovered on conviction.

Accumulation of noxious matter.

34. Whoever shall put or allow to be put or to remain or to accumulate on any tenement occupied or owned by him and shall not upon notice from the Water Authority remove or cause to be removed or take such steps as may be necessary to prevent the passage of any foul, noxious, or injurious matter or any earth deposit or excavated materials lying in such manner or place that it may fall or be washed or carried into the waterworks or the gathering grounds thereof, shall be liable to a penalty not exceeding ten pounds, and for every day during which such matter, earth deposit or excavated materials are allowed to remain after notice in writing from the Water Authority requiring the same to be removed, a further penalty of one pound per diem.

Bathing or washing in waterworks.

35. Any person who—

(a) bathes in any part of the waterworks, or

(b) washes, throws, or causes to enter therein any horse, cow, sheep, goat, dog, pig, or any cattle or other animal, or

(c) wrongfully opens or closes any cock, valve or sluice belonging to the waterworks, or

(d) negligently injures any meter, standpipe or any other part of the waterworks,

shall be liable to a penalty not exceeding ten pounds.

Trespass.

36. Any person found trespassing on any enclosed land appropriated or used for the purpose of the waterworks shall be liable to a penalty not exceeding forty shillings.

Trespass by animals.

37. Any person who shall make fast any animal to any fence, pipe, valve, or hydrant, or allow any animal to wander on any pipe track, shall be liable to a penalty not exceeding five pounds.

Standing or resting articles on waterworks.

38. Any person who shall stand, sit or rest anything whatsoever on any pipe, hydrant, valve or reservoir shall be liable to a penalty not exceeding five pounds.

Taking water for ships.

39. Any person who shall fill any cask or other vessel at any standpipe for the purpose of supplying or loading any ship or steamer with such water without the permission of the Water Authority shall be liable to a penalty not exceeding ten pounds.

Penalty.

40. No person shall have on his premises a tank which is capable of being used for storing water supplied by the Water Authority without permission of the Water Authority, and for such permission there shall be paid the sum of three pounds per annum for each tank:

Possession of tank on premises without permission of Water Authority.

Provided that if any person possess a tank erected and constructed before the commencement of this Ordinance and fed by water coming through pipes filled from water coming from the Edeoroko Brook, such person may apply to the Water Authority, within three months from the date of the commencement of this Ordinance, for permission to use the tank aforesaid, subject to payment by the applicant of an annual sum of one pound in lieu of the annual sum of three pounds aforesaid, and it shall be lawful for the Water Authority to grant such permission.

Any person acting in contravention of this section shall be liable on conviction to a fine not exceeding ten pounds.

41. All penalties under this Ordinance or any rules made hereunder shall be in addition to any other remedy or proceeding, whether civil or criminal, which may be taken pursuant to any Statute, Ordinance or Law now or hereafter in force in the Colony.

Jurisdiction of Courts.

42. All offences under this Ordinance or any rules made hereunder in respect of which the penalty provided is a fine not exceeding ten pounds or imprisonment, with or without hard labour, for a period not exceeding three months, shall be dealt with summarily by the Magistrate.

Summary trial.

In any prosecution under this Ordinance, if the Magistrate is of opinion that the offender may be adequately punished by the imposition of a fine not exceeding ten pounds or imprisonment, with or without hard labour, for a period not exceeding three calendar months, the Magistrate may deal with the case summarily.

Save as in this section provided, all offences under this Ordinance shall be tried by the Supreme Court.

Saving.

43. (1) The Water Authority may from time to time make rules for the following purposes, and may from time to time revoke, replace or amend such rules or any of them—

Power to make rules.

(a) The use and preservation of the waterworks and gathering grounds.

5 of 1954.

(b) The prevention of pollution of water passing to, and through the waterworks.

(c) The prevention of waste or improper use of water passing to, through or from the waterworks.

(d) All other matters and things which may be necessary for the proper carrying out of the provisions of this Ordinance or of the principal Ordinance.

(2) Rules made under this section may impose penalties for the breach thereof not exceeding a fine of ten pounds or imprisonment, with or without hard labour, for a period not exceeding three months.

(3) Rules made under this section shall not come into force until they have been approved by the Government.

Sec. 24.

SCHEDULE.

WARRANT TO THE SHERIFF.

To the Sheriff of the Colony of Sierra Leone:

Whereas the following.....(*describe land*) is required for the Waterworks under the provisions of the Freetown Waterworks Ordinance.

And whereas the Engineer is authorised to enter upon and take such lands.

And whereas.....(*insert name of person or occupier*) refuses to give up possession thereof or.....(*as the case may be*) hinders the Engineer, his workmen or servants from entering upon or taking possession of the same:

These are therefore to command you to put the Engineer, or any person authorised by him in that behalf, in possession of the said land and premises.

Dated the.....day of.....19.....

.....
Governor.