



Tonga

WATER SUPPLY REGULATIONS

Chapter 28.30.4

2016 Revised Edition



WATER SUPPLY REGULATIONS

Deemed to have been made under the Public Health Act¹

Commencement [9th October, 1963]

1. These Regulations may be cited as the Water Supply Regulations.
2. The Town Officer of every village in the Kingdom shall take steps to organize and form a committee by popular vote of all Tongans over the age of 21 years in the village for the purpose of assisting the village water scheme and to carry out all the necessary work to provide water, particularly for the functions and activities in relation to the health of the people of the village and the village schools.²
3. The Committee shall consist of 10 men and the Town Officer, who shall be the chairman, making 11 members in all.
4. The Committee shall at the first meeting elect a secretary and treasurer.
5. The objects of the Committee shall be —
 - (a) to provide voluntary labour and all assistance possible to help in the provisions of water and sanitation for the village;
 - (b) to raise money by voluntary subscription in support of a joint fund with the Government for the purpose of defraying the cost of the water works;
 - (c) to do all things as may be suggested and required to be done by the staff of the Schools Sanitation and Water Project.

6. The amount of money required to be paid monthly by each village water consumer shall be calculated by the village committee.³
7. All persons living in any village in the Kingdom shall be bound by the by-laws set out in the schedule in respect of the water works of their own village.⁴

SCHEDULE

BY-LAWS

1 Definitions

In these by-laws unless the context otherwise requires —

“**building supply**” means a supply of water used for the purpose of building or construction work whether public or private;

“**communication**” or “**connection pipe**” means so much of the service pipe which lies between the main and the stop-cock and includes the stop-cock;

“**cost of service connection**” means the cost of labour, materials, transportation, equipment, road repair, and charges deemed necessary by the Village Committee for complete installation of a service connection to a premises;

“**fire service**” includes any pipes and fittings used for the sole purpose of supplying water to premises to combat fire;

“**fittings**” includes all taps, stop-cocks, ball-cocks, valves, cold water cisterns, hot water apparatus, flushing apparatus or appliances used on a service connected with the supply of water, its storage, control or distribution, but excluding the meter used in measuring consumption by premises for purposes of records or assessment of amounts to be paid by a consumer;

“**main**” or “**main pipe**” means any pipe maintained by the Village Committee for the distribution of water, and to which service connections are made;

“**meter**” means any apparatus for measuring the flow of water and includes the meter box or meter box cover;

“**owner**” means the person liable for the fee for water service in premises, or in relation to a communal supply the member nominated by the residents of a community as owner for the purposes of the supply of water;

“**premises**” includes any structure, building or part of a building, or land without buildings;

“**public standpipe**” includes any fountains, standpipe, taps or appliances supplied and maintained by the Village Committee for the purpose of supplying water to the public;

“**service**” means that part of the pipe line from the main to the premises;

“**trade supply**” means the supply of water to premises used for trade, business, and Government Departments;

“**Village Committee**” means a body created in accordance with the Water Supply Regulations;

“**waterworks**” means all the parts of a water supply system and includes catchment areas, buildings, machinery, mechanical appliances, engines, reservoirs, tanks, meters, fountains, sluices, valves, pumps, prime movers, and all other structures or appliances used or constructed for the storage, conveyance, distribution, control or measurement of water, needed to carry into effect the objectives of these regulations and which are or may become hereafter the property of the village or the Government.

2 Water Superintendent

The Village Committee shall elect among their members or from residents of the village a Water Superintendent who shall have charge of the custody and administration of the Waterworks and of the water therein and the management of the supply and the distribution of the water subject to the direction of the Village Committee.

3 Superintendent may disconnect services

The Water Superintendent may disconnect from the waterworks the service to any premises without prejudice to any water charges, meter rent or other sums due or to become due —

- (a) unless the owner within 30 days from the date of service of written notice in that behalf or such extended time as the Village Committee may allow, makes satisfactory arrangements to pay the amount due for charges for water in accordance with these by-laws;
- (b) if default is made by the owner of the premises in the payment of any deposit which the Water Superintendent may require or of any moneys due under these by-laws for so long as the default continues;
- (c) if the construction, alteration or repair of any inside service is not carried out to the satisfaction of the Water Superintendent in accordance with these by-laws, or if the construction, alteration or repair of any inside service is carried out without the approval of the Water Superintendent;
- (d) if water supplied from the waterworks through the service to the premises is being wilfully or negligently wasted; or
- (e) if any act or thing is done or omitted contrary to the provisions of these by-laws in relation to any damage, alteration, pollution or abuse of the waterworks or of any service or fire service.

4 Power of entry into premises

The Water Superintendent or any person duly authorized by him at any reasonable time between 6 a.m. and 6 p.m. may enter into and upon any premises into or upon which any service has been laid for the supply of water from the waterworks, for the following purposes —

- (a) to inspect any service and to ascertain whether there is any waste, leakage, obstruction, alteration, interference or damage to any service or meter therein and anything in connection therewith;
- (b) to regulate or repair any service or meter;
- (c) to ascertain the consumption; or
- (d) to disconnect the service to any premises or to diminish, withhold or suspend, stop, turn off or divert the supply of water to any premises through or by means of any service either wholly or in part.

5 Power to restrict, suspend etc. the supply of water

The Water Superintendent may restrict, diminish, withhold or suspend, stop, turn off or divert the supply of water through or by means of any main, service or public standpipe, either wholly or in part, and without prejudice to any water charges, meter rent or other sums due or to become due, and without compensation for any damage or loss which may result —

- (a) whenever the available supply of water from the waterworks shall in the opinion of the Water Superintendent be insufficient;
- (b) whenever it may be expedient or necessary for the purposes of extending, altering, testing or repairing the waterworks or for the purpose of the connection of services or fire services;
- (c) whenever any public standpipe is damaged or the waters thereof are polluted or wasted;
- (d) in the case of an outbreak of fire; or
- (e) in case of a breakdown in the waterworks.

6 Service connections

- (1) All pipes, fittings, and any other apparatus required by domestic, trade or institutional premises and which will carry water supplied by the Village Committee shall meet the specifications of the Village Committee.

Installation

- (2) When the application for a service connection has been approved, such connection shall be installed by the Village Committee at the expense of the applicant and thereafter will be maintained by the Village Committee at its expense.

Deposit

- (3) A deposit at least equal to the Village Committee's estimate of the cost of the service connection shall be paid by the applicant before the connection is installed.

Consumer's supply pipe

- (4) The consumer shall install and connect at his expense his supply pipe to the shut-off valve installed by the Village Committee. The consumer's supply pipe shall at all times remain the sole property of the consumer, who shall be responsible for its maintenance and repair.

Connection to main

- (5) Only employees of the Village Committee or those authorized by the Committee will be allowed to connect or disconnect the service connection to or from the main, or any other pipe or conduit carrying water.

Change in location or size of service connection

- (6) When the proper size of service connection for any premises has been determined and the installation has been made, the Village Committee shall have fulfilled its obligations insofar as the size of the service and the location thereof are concerned. If thereafter the consumer desires a change in size of the service connection or a change in the location thereof, he must apply to the Village Committee, and he shall bear all costs of such change.

Shut-off valve

- (7) A readily accessible shut-off valve controlling all outlets shall be installed by the Village Committee at the expense of the consumer on his supply pipe at a location to be determined by the Committee. If a replacement of the shut-off valve is necessary, it shall be paid for by the consumer.

Alteration to public water system

- (8) All work and materials in connection with the change in location or elevation of any part of the existing public water system made necessary by the new service connection shall be at the expense of the applicant.

7 Chief Executive Officer for Health to inspect the works of the Committee

- (1) The Chief Executive Officer for Health may inspect at any time all records, and works of the Village Committee in the interests of public health.

Request to replace equipment and materials

- (2) The Chief Executive Officer for Health in the interests of public health may request the Village Committee to replace equipment and materials in use, to add water treatment plants, and in general to request change in all procedures

and equipment of the Village Committee which in his opinion affects the health of the public.

Non-compliance by the Committee with the Chief Executive Officer for Health's recommendation

- (3) If the Water Superintendent or the Village Committee do not comply with the recommendations of the Chief Executive Officer for Health for the maintenance of the standards for drinking water which the Chief Executive Officer for Health considers vital to the health of the public, then the Chief Executive Officer for Health may refer the matter to the Minister of Health.
- (4) All plans for the extension of the system shall be submitted by the Village Committee to the Chief Executive Officer for Health for approval before work is begun with a request to the Chief Executive Officer for Health to return the plans to the Village Committee with his written opinion within 2 weeks of receipt of the plans.

8 Penalties in respect of wrongful acts

Any person who wilfully, fraudulently or by culpable negligence injures or permits to be injured any meter, fountain, pump, cock, valve, pipe, cistern, reservoir, fence, water course or other part of the waterworks or alters the index of any meter or prevents any meter from duly registering the quantity of water supplied or fraudulently abstracts or uses water supplied by the Committee shall (without prejudice to any other right or remedy for the protection of the Committee or the punishment of the offender) for every such offence be liable to a fine not exceeding \$20.

9 Penalty for contaminating water supply

- (1) A person who —
 - (a) washes animals or any clothes, wool, leather or the skin of any animal or any noisome or offensive thing or throws or casts any dead animal or any filth or other noisome or offensive thing or who bathes in any water in the waterworks;
 - (b) causes or suffers the water of any sewer or drain to run or be conveyed into any water in the waterworks or into any water in a catchment area;
 - (c) depastures livestock or permits any livestock to be in any catchment area; or
 - (d) does any other thing whatsoever or permits any other thing whatsoever to be done to the water in the waterworks or the water in a catchment area whereby or by means whereof the water or any part thereof is or may be fouled, corrupted or injured,

shall be guilty of an offence and shall be liable to a fine not exceeding \$100.

- (2) For the purposes of this section water shall not be deemed to be fouled, corrupted or injured by reason only of innocuous discolouration.

10 Wasting water etc.

A person who —

- (a) opens or leaves open any cock, valve or any fountain or pump being part of the machinery so that the water of or supplied from the waterworks runs or may run to waste;
- (b) wilfully and without consent of the Committee negligently interferes with valves or other apparatus of the waterworks;
- (c) without the consent of the Committee makes any alteration in a service pipe or uses any pipe so altered;
- (d) without the consent of the Village Committee supplies any water from the water supplied to him to any person for use in other premises, except where the supply is made in case of a fire or to a person supplied by the Village Committee but temporarily unable, through no default of his own, to obtain water;
- (e) uses water for any purpose other than that for which the water is supplied to him; or
- (f) is found within an enclosure to any well site or reservoir forming part of the waterworks without reasonable excuse,

shall be guilty of an offence and shall be liable to a fine not exceeding \$20.

11 Waste caused by disrepair, etc.

A person who wilfully or negligently causes or suffers any water fitting to be or remain so out of order or repair or to be so constructed or used that the water of or from the waterworks is wasted or contaminated before use, or foul air or any impure water is likely to return into any pipe shall be guilty of an offence and shall be liable to a fine not exceeding \$20. The Committee may require the necessary works to be done and on default himself may carry them out and recover the cost from the owner of the premises.

12 Onus of proof

Any livestock found in any catchment area shall be deemed to be there under the authority of the owner thereof unless the owner thereof proves the contrary, and under the authority of the person, if any, actually in charge of such livestock.

13 Water supply mandatory

- (1) A person residing within 200 metres from a water main shall draw water from the waterworks for purposes of drinking, washing and cooking, and from no other source unless authorized by the Chief Executive Officer for Health and shall make payment for the water as the Village Committee directs.
- (2) All rain water cisterns are to be sealed, and all wells in such an area are to be covered at the expense of the Committee, and for reasons of public health no water shall be drawn from these or any other sources which the Chief Executive Officer for Health condemns as unsafe for human consumption.

14 Water rates

- (1) The Village Committee may impose water rates from time to time to meet financial costs and requirements of the water system.

Trade, industrial or institutional

- (2) The Village Committee may also charge special rates for consumers of large quantities of water for trade, or industrial, or institutional premises.

15 Sales of water

No person or organization or association in the village, except the Village Committee may sell water from either the waterworks or from any other source.

16 Payment of bills

All bills shall be due and payable upon presentation to the consumer. Payment shall be made at the office of the Village Committee or, at the Village Committee's option to duly authorized collectors. If any bills are not paid within 15 days after presentation the water service shall be subject to discontinuance without further notice.

17 Discontinuation of water service

Water service may be discontinued for the following additional reasons —

Consumer about to vacate premises

- (a) A consumer about to vacate any premises supplied with water by the Village Committee shall give notice of his intention to vacate prior thereto, specifying the date service is desired to be discontinued, otherwise he shall be held responsible for all water service furnished to such premises until the Village Committee has received notice of discontinuance;

Unauthorized use of water

- (b) The Village Committee may refuse or discontinue water service to any premises if necessary, without giving notice, to protect itself against fraud, abuse, or unauthorised use of water;

Wasteful use of water

- (c) Where negligent or wasteful use of water exists on any premises, the Village Committee may discontinue the service if such conditions are not corrected within 5 days after giving the consumer written notice of intention to do so;

Restoration of water service

- (d) If water service is turned off because of failure to pay a bill, for violation of any of the regulations, or for other reasons, all outstanding accounts against the consumer shall be paid before water service will be restored.

18 Damage and accessibility to Committee's property

- (1) Any damage to water mains, service connections, valves, fire hydrants, or other parts of the waterworks shall be paid for by the person or organization responsible for the damage.
- (2) The consumer shall be liable for any damage to a meter or other equipment or property of the Village Committee caused by the consumer or his tenants, agents, employees, contractors, licensees or permittees, on the consumer's premises; the Village Committee shall be promptly reimbursed by the consumer for any such damage upon demand. In default of payment the Village Committee may discontinue water service to the premises.

19 Consumer's pumping installations

- (1) Consumers shall not be permitted to install or operate pumps, pumping water directly from the main of the waterworks except in cases approved in writing. No such approval shall be given in cases where it is the opinion of the Village Committee that such an installation and the operation thereof may adversely affect the water service extended to other consumers.
- (2) Approvals given by the Village Committee under this by-law will be qualified by clauses making them revocable upon 90 days' notice during which period the consumer, if he desires to continue the operation of the pump, shall eliminate the objectionable features causing the giving of such notice.
- (3) No pump shall be equipped with a direct water supply connection for priming purposes except with the written permission of the Committee.

20 Cross-connections and backflow protection

In order to provide proper sanitary protection to the village water supply, the Village Committee shall require that no cross-connections with other water supplies, or other physical connections, shall exist, or be installed, located, maintained or operated which could permit backflow of contaminated water or any other dangerous, impure, unsanitary, or unpotable substance from the consumer's premises into the Village Committee's water supply system.

21 Conservation measures and interruption of water supply

- (1) The Village Committee shall exercise reasonable diligence and care to deliver an adequate supply of water to the consumer and to avoid shortages or interruptions in water service, but will not be liable for any interruption, shortage, insufficiency of supply, or any loss or damage occasioned thereby.
- (2) Whenever in the Village Committee's opinion special conservation measures are advisable in order to forestall water shortages and a consequent emergency, the Village Committee may restrict the use of water by any reasonable method of control.
- (3) The Village Committee may shut off water from the mains without notice for the purpose of making repairs, extensions, alterations, or for other reasons. Consumers depending upon a continuous supply of water shall provide emergency water storage and any check valves or other devices necessary for the protection of plumbing or fixtures against failure of the pressure or supply of water in the village water supply mains. Repairs or improvements will be prosecuted as rapidly as practicable and, insofar as practicable, at such times as will cause the least inconvenience to the consumer.

22 Government may assume control in case of failure to operate water supply satisfactorily

In the event of failure by the village without reasonable excuse to operate satisfactorily the waterworks, the Principal Board of Health may take possession and assume management of the waterworks and charge the people of the village the cost of operation and maintenance accordingly.

23 Efficiency of waterworks

- (1) To ensure efficiency of operation, the Village Committee shall keep records of periodic inspection of —
 - (a) water sources;
 - (b) tank and reservoir maintenance;
 - (c) pump and engine operation and maintenance;
 - (d) treatment operation;

- (e) distribution system maintenance;
- (f) service connections to the system;
- (g) meter repairs and maintenance;
- (h) operation in emergencies;
- (i) detection and elimination of cross-connections; and
- (j) detection and elimination of services of contamination.

Operational Records

- (2) The operational records of the Water Superintendent shall include the following statistical information —
 - (a) the amount of water pumped into the system or delivered into the system by the different prime movers separately;
 - (b) the amount of water sold to customers;
 - (c) rate of increase in the number of customers;
 - (d) system losses;
 - (e) system maps;
 - (f) delivery capabilities of the system at various points; and
 - (g) relation of supply to demand.

Financial Statement

- (3) The Village Committee's financial records shall include —
 - (a) the proper valuation of the system;
 - (b) depreciation of the system;
 - (c) operating expenses;
 - (d) reinvestments in new capital improvements;
 - (e) cash position; and
 - (f) long term debt.

ENDNOTES

¹ GS 47/1963, GS 31/1984, made under the repealed Cap 74 of the 1988 Revised Edition and saved under section 164 of the Public Health Act, Cap. 28.30

² Substituted by GS 31/84

³ Substituted by GS 31/84

⁴ Substituted by GS 31/84