

# CENTRAL WATER AUTHORITY (AMENDMENT) ACT 1975

Act No. 26 of 1975

Proclaimed by [\[Proclamation No. 8 of 1975\]](#) w.e.f. 1<sup>st</sup> September 1975

I assent,

10<sup>th</sup> July 1975

A.R.M OSMAN  
Governor-General

## ARRANGEMENT OF SECTIONS

### Section

1. Short title
2. Interpretation
3. Section 7 of the principal Act repealed and replaced.
4. Section 21 of the principal Act amended.
5. Section 22 of the principal Act repealed and replaced.
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8. Section 27 of the principal Act amended.
9. Sections 28, 30, 31 and 32 of the principal Act repealed.
10. Section 41 of the principal Act repealed and replaced.
11. Section 49A added to the principal Act.
12. Consequential amendment.
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## An Act

### To amend the Central Water Authority Act, 1971

ENACTED by the Parliament of Mauritius, as follows-

#### 1. Short title.

This Act may be cited as the Central Water Authority (Amendment) Act 1975.

#### 2. Interpretation

In this Act-

"principal Act" means the Central Water Authority Act, 1971.

#### 3. Section 7 of the principal act repealed and replaced

Section 7 of the principal Act is repealed and replaced by the following section-

#### **The Board.**

7. (1) The Authority shall, subject to the provisions of this Act, be administered and controlled by the Central Water Board.
- (2) The Board shall consist of-
- (a) six appointed members who shall be-
- (i) a Chairman, who shall be appointed by the Minister;
  - (ii) a representative of small planters;
  - (iii) a representative of large planters;
  - (iv) a representative of millers;
  - (v) a representative of industry;
  - (vi) a representative of the consuming public;
- (b) eight nominated members who shall be-
- (i) a representative of the Ministry of Works, who shall be an engineer;
  - (ii) a representative of the Ministry of Finance;
  - (iii) a representative of the Ministry of Housing, Lands and Town and Country Planning;
  - (iv) a representative of the Ministry of Economic Planning and Development;
  - (v) a representative of the Ministry of Co-operatives and Co-operative Development;
  - (vi) a representative of the Ministry of Commerce and Industry;
  - (vi) a representative of the Ministry of Local Government;
  - (viii) a representative of the Ministry of Power, Fuel and Energy;
- (c) three ex-officio members who shall be-
- (i) the General Manager;
  - (ii) the Chief Agricultural Officer;
  - (iii) the General Manager, Central Electricity Board.

- (3) The members referred to in subsection (2) (a) (ii) to (vi) shall be appointed by the Minister after consultation with their respective associations, if any.
- (4) An appointed member shall hold office for a period of one year and shall, at the end of his term of office be eligible for re-appointment.
- (5) A nominated member shall hold office until such time as his nomination is revoked and a fresh nomination is made.

#### **4. Section 21 of the principal act amended**

Section 21 of the principal Act is amended by deleting paragraph (f) and replacing it by the following paragraph-

- (f) to enter upon or inspect any property at any time between sunrise and sunset;

#### **5. Section 22 of the principal Act repealed and replaced**

Section 22 of the principal Act is repealed and replaced by the following section-

##### **Existing water rights**

22. Notwithstanding anything contained in this Part, the Authority shall not exercise any duty imposed under section 20 or any power conferred under section 21 so as to affect an existing water right except with the written consent of its owner.

#### **6. Section 22A added to the principal Act**

The principal Act is amended by inserting the following new Section immediately after the heading of Part V-

##### **Capital of the Authority**

- 22A. (1) The initial capital of the Authority shall be one hundred and twenty-two million nine hundred and ninety-three thousand and sixty-four rupees and ten cents, being the net value of the assets vested in the Authority pursuant to section 33 as at the 9th July 1973.
- (2) The initial capital of the Authority-
  - (a) shall be increased by the value of any additional assets vested in the Authority pursuant to section 33;
  - (b) may be increased by such amount as may be determined by the Board with the approval of the Minister of Finance.

#### **7. Section 24 of the principal Act amended**

Section 24 of the principal Act is amended in the marginal note by deleting the word "Board's" and replacing it by the word "Authority's".

## **8. Section 27 of the principal Act amended**

Section 27 of the principal Act is amended-

(a) by deleting the marginal note and replacing it by the following marginal note-

(b) by deleting subsection (1) , subsections (2), (3), (4) and (5) being renumbered (1), (2), (3) and (4) accordingly.

## **9. Sections 28, 30, 31, and 32 of the principal Act repealed.**

Sections 28, 30, 31 and 32 of the principal Act are repealed.

## **10. Section 41 of the principal Act repealed and replaced**

Section 41 of the principal Act is repealed and replaced by the following section-

### **Restriction on execution**

41. Notwithstanding any other law, an unsecured creditor of the Authority shall not levy and sell the Authority's immovable property in satisfaction of a judgment debt.

## **11. Section 49A added to the principal Act**

The principal Act is amended by inserting the following new section immediately after section 49-

### **Offences.**

- 49A. (1) Any person who contravenes any subsidiary enactment made under this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding two thousand rupees and to imprisonment for a term not exceeding two years.
- (2) Where, in any proceedings under subsection (1) against the owner or occupier of any premises, it is averred that any water works or sewer has in any manner whatsoever been interfered with, the fitting of a device to or the absence of any part from any works, installation or meter set up or supplied by the Authority shall be prima facie evidence of interference with the water works or sewer, as the case may be, unless he proves that the device was fitted or that the part of the works, installation or meter was removed without his knowledge and that he had taken all reasonable steps to ensure that no such act would take place.

## **12. Consequential amendment.**

- (1) The Statutory Bodies (Accounts and Audit) Act, 1972 is amended in the First Schedule, by adding the following item-

27. The Central Water Authority-Act No. 20 of 1971.

(2) Notwithstanding anything contained in the Statutory Bodies (Accounts and Audit) Act, 1972-

(a) the period extending from the commencement of this Act to the 30th June next following shall be deemed to be the first financial year of the Authority;

(b) section 7 (1) of that Act shall not apply in relation to the first financial year of the Authority.

### **13. Commencement**

**Proclaimed by [\[Proclamation No. 8 of 1975\]](#) w.e.f. 1<sup>st</sup> September 1975**

This Act shall come into force on a day to be fixed by Proclamation.

Passed in the Legislative Assembly on the eighth day of July, one thousand nine hundred and seventy-five.

GUY T. D'ESPAIGNET  
Clerk of the Legislative Assembly