



ST. HELENA

CHAPTER 55

WATER ORDINANCE and Subsidiary Legislation Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

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CHAPTER 55**WATER ORDINANCE**

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CHAPTER 55**WATER ORDINANCE**

(Ordinances 13 of 1978, 17 of 1987, 2 of 1989 and 15 of 2007, Legal Notices 26 of 2009 and 11 of 2010 and Ordinance 3 of 2013)

AN ORDINANCE TO REGULATE WATER SUPPLIES AND WASTE WATER DISPOSAL.²

Commencement

[15 December 1978]

Short title

1. This Ordinance may be cited as the Water Ordinance.

Interpretation

2. In this Ordinance, unless the context otherwise requires—
“**Authority**”³ means the Utilities Regulatory Authority established by section 3 of the Utility Services Ordinance, 2013;
“**irrigation**”⁴ ...

² Long Title amended by Ord. 3 of 2013

³ Definition of “Authority” inserted by Ord. 3 of 2013

⁴ Definition of “irrigation” repealed by Ord. 3 of 2013

“irrigation water”⁵ ...

“irrigation works”⁶ ...

“owner” includes any person acting as agent for the owner, and, in the absence of the owner, if there be no agent, the occupier;

“premises” includes all lands and buildings thereon;

“prescribed”⁷ ...

“private service”⁸ means any pipe, tap, channel or contrivance used for—

(a) the conveyance of water from the water supply system on to any land or into any premises for the supply to and drawing off of water on such land or in such premises; and

(b) the drainage of waste water from any such land or premises and includes any tank used for the storage of such waste water on such land or premises;

“Utilities Provider”⁹ means a person licenced under section 6 of the Utility Services Ordinance, 2013, to provide public utilities services relating to the collection, storage, treatment and distribution of water and the disposal of waste water;

“waste water”¹⁰ means liquid waste discharged by domestic residences, commercial properties, industry and agriculture but does not include rainwater or similar natural occurrences of water; and

“waste water drainage system”¹¹ means the system of conduits which collects, conducts and disposes of waste water, all sewers, conduits, pipes, manholes and other appliances used, or intended to be used, for the reception, conveyance, removal and disposal of waste water; but excludes any such apparatus which forms part of a private service;

“water authority”¹² ...

“water supply system”¹³ means and includes all intake, dams, boreholes, wells, tanks, conduits, pipes, sluices, valves, pumps and appliances controlled by the Utilities Provider for obtaining, storing, conveying or supplying water.

Water authority

3.¹⁴ ...

Water rates

4.¹⁵ ...

Water meter

5.¹⁶ Whenever the Utilities Provider shall see fit they may install one or more meters to measure the amount of water supplied to any private service from the water supply system.

⁵ Definition of “irrigation water” repealed by Ord. 3 of 2013

⁶ Definition of “irrigation works” repealed by Ord. 3 of 2013

⁷ Definition of “prescribed” repealed by Ord. 3 of 2013

⁸ Definition of “private service” substituted by Ord. 15 of 2007 and amended by Ord. 3 of 2013

⁹ Definition of “Utilities Provider” inserted by Ord. 3 of 2013

¹⁰ Definition of “waste water” inserted by Ord. 15 of 2007 and amended by Ord. 3 of 2013

¹¹ Definition of “waste water drainage system” inserted by Ord. 15 of 2007 and substituted by Ord. 3 of 2013

¹² Definition of “water authority” amended by Ord. 15 of 2007 and repealed by Ord. 3 of 2013

¹³ Definition of “water supply system” amended by Ord. 3 of 2013

¹⁴ Section 3 amended by L.N. 26 of 2009 and L.N. 11 of 2010 and repealed by Ord. 3 of 2013

¹⁵ Section 4 substituted by Ord. 15 of 2007 and repealed by Ord. 3 of 2013

¹⁶ Section 5 amended by Ord. 2 of 1989 and Ord. 3 of 2013

Functions, duties and powers of Utilities Provider

6.¹⁷ (1) The functions and purposes of the Utilities Provider are—

- (a) to develop, control, conserve and distribute fairly the water resources of the Island; and
- (b) to develop and control the conduction, collection and disposal of waste water,

whether it be for domestic, industrial or farming purposes.

(2) Without prejudice to the duties and powers under subsection (1), the Utilities Provider may specifically—

- (a) at all reasonable times enter upon any land or premises to inspect, repair or renew the water supply system or the waste water drainage system, any private service or irrigation work, provided that at least one hour's previous notice shall be given to the occupier, where practicable;
- (b) at the request of the owner, or with his permission, connect any premises to the main or other pipes of the water supply system or waste water drainage system to establish a private service, and determine the material and fittings to be used for any private service, whether on installation, repair or renewal;
- (c) improve the efficiency of the flow in any stream or water-course serving the water supply system or waste water drainage system, including the removal of impediments therefrom;
- (d) shut off temporarily the supply of water from the main or other pipes used for the supply of water or drainage of waste water, as may be necessary in order to effect repairs or for other sufficient reason, such notice being given as is reasonable in the circumstances;
- (e) regulate, reduce or suspend the supply of water from the main or other pipes as may be necessary in order to prevent waste or in the event of shortage of water;
- (f) subject to giving to the occupier one week's notice, enter upon any land for the purpose of surveying any water resources, irrigation work or drainage system, or determining the potential requirement for the same, or for constructing any type of water work or carrying out any work ancillary to the survey;
- (g) ...
- (h) ...
- (i) require, in respect of all systems or supplies of water for irrigating fields, market gardens or house gardens, that the supply be drawn from a stand pipe and may require that such stand pipes be separately licensed and such annual fee paid therefor as shall be prescribed by regulation;
- (j) stop all traffic in any road or street whenever necessary during the execution of any works on the water supply system or waste water drainage system.

Private service to be provided with suitable stopcock

7. Every connection by which water can be drawn off from the water supply system to any private service shall be provided with a suitable high pressure stopcock.

Cost of private service

8.¹⁸ ...

¹⁷ Section 6 amended by Ord. 15 of 2007 and Ord. 3 of 2013

¹⁸ Section 8 repealed by Ord. 3 of 2013

Powers of Utilities Provider

9.¹⁹ (1) Subject to the provisions of section 10 and subject to the requirements of any planning or building control law it shall be lawful for the Utilities Provider—

(a) to construct on any land any water intake, dam, cistern, tank or trough, to lay above or beneath the surface of such land any pipe line, and to take water from any spring or stream for the extension of the water supply system from any source:

Provided that a sufficient supply of water is left for the use of any person having a legal right to such water;

(b) to lay through any land, after due notice to the owner or agent of the owner, or occupier of such land, mains or branch mains as may be necessary for the extension of the water supply system; and

(c) to construct a tank on any land and to lay above or beneath the surface, where appropriate, of any land any pipe line, mains or branch mains, after due notice to the owner or agent of the owner or occupier of such land, as may be necessary for the extension of the waste water drainage system.

(2) If there is, in the opinion of the Utilities Provider, an emergency, the Utilities Provider may carry out any work whatsoever on a private service without the authority or agreement of the owner, and the owner shall nevertheless be liable and chargeable with the cost of the same provided that the work carried out without the authority of the owner shall be the minimum work required to deal with the emergency satisfactorily.

Notice of work to be carried out

10.²⁰ (1) Whenever the Utilities Provider propose to exercise their powers under section 9, with regard to making any type of construction or pipe laying, they shall serve on the occupier and the owner and, where necessary, on the owner and occupier of any other property served by the same water flow or affected by the drainage of waste water, a notice setting out in general terms the work which the Utilities Provider propose to carry out on the land in question, the object of the work, and the anticipated effect such work will have on the water flow or drainage of waste water, whether by way of development, abstraction, change of course or in any other way, and where necessary accompanied with a sketch plan.

(2) The notice shall also state that if the addressee has any objection to the proposed work, he should lodge a written objection with the Utilities Provider within 3 weeks from the issue of the notice.

(3) Such notice will only be effective if it is served on the addressee in St. Helena, and if for any reason the notice cannot be served on the addressee in St. Helena, the Utilities Provider shall refer the matter to the Authority, who shall decide how the notice shall be served, and the modifications required to the notice due to the addressee being then away from St. Helena.

(4) The Utilities Provider shall consider any objection received and shall endeavour to satisfy the objector, and secure the withdrawal of the objection or other compromise: If agreement cannot be reached and the objection is not withdrawn, either the objector or the Utilities Provider may appeal in such manner as may be prescribed.

(5) ...

¹⁹ Section 9 amended by Ord. 15 of 2007 and Ord. 3 of 2013

²⁰ Section 10 amended by Ord. 15 of 2007 and Ord. 3 of 2013

Claim in respect of insufficiency of water

11.²¹ Any person having a legal right to water from any spring or stream from which water is obtained by the Utilities Provider under section 9(a) who may dispute the sufficiency of water left for his use from such spring or stream shall be entitled to have the question as to what constitutes a sufficient supply of water determined by the Authority whose decision shall be final and binding.

Claim for compensation for damage

12.²² (1) Section 4 of the Lands Acquisition Ordinance, 2006, shall apply to the payment of compensation for any damage caused by reason or in consequence of any works carried out in exercise of powers under section 9 in like manner as it applies to the payment of compensation in respect of a preliminary investigation.

(2) ...

(3) Wherever the owner or occupier of any land is under a legal obligation to provide or secure a supply of water or a system of drainage of waste water to any third person, and such legal obligation becomes impracticable to observe due to the exercise of powers under section 9 by the Utilities Provider, such matter may be referred to the Authority under this section and the Authority shall make such order as may be appropriate and shall have power to discharge the owner or occupier of any land from any such legal obligation as herein referred to.

Irrigation water rates

13.²³ ...

Offences and penalties

14.²⁴ Any person who—

- (a) wilfully damages or in any way interferes with the water supply system, waste water drainage system;
- (b) wilfully wastes or permits to run to waste water supplied by the water supply system to any premises;
- (c) places or causes to be placed in any stream, spring, watercourse, catchment, conduit, cistern, tank, trough or pipe any foul or injurious matter liable to pollute or render the water therein unfit for use or to obstruct the flow of water;
- (d) alters or changes or causes to be altered or changed, without the permission of the Utilities Provider, any private service fitting with the intent to obtain thereby a larger supply of water from the water supply system;
- (e) diverts or causes to be diverted the course of any stream without the permission of the Utilities Provider;
- (f) obstructs the Utilities Provider in the performance of their duty under this Ordinance;

²¹ Section 11 amended by Ord. 3 of 2013

²² Section 12 amended by Ord. 15 of 2007 and Ord. 3 of 2013

²³ Section 13 repealed by Ord. 3 of 2013

²⁴ Section 14 amended by Ord. 15 of 2007 and Ord. 3 of 2013

- (g) places, or causes to be placed, in any conduit, tank or pipe any matter liable to obstruct the flow of waste water or alters or changes, or causes to be altered or changed, any flow of waste water without the permission of the Utilities Provider;
- (h) allows any waste water to flow along any surface gutter or canal or in any manner other than conveyed by means of pipes laid underground and connected with the waste water drainage system;
- (i) lays any pipe for conveying sub-soil drainage, rain water or surface water in such manner or in such position as to communicate directly or indirectly with the waste water drainage system,

is guilty of an offence for which the maximum penalty on conviction is a fine of £50.

(4) Where an offence under this Ordinance is committed by a body corporate, every director, manager, secretary or other similar officer of the body corporate is guilty of the like offence and liable to be proceeded against, convicted and punished accordingly:

Provided that a person shall not be liable to be convicted under this subsection if he shows that he was unaware (and could not by reasonable diligence have been aware) of the acts or omissions which constituted the offence.

Regulations

15.²⁵ The Governor in Council may make regulations to enable the Utilities Provider to carry out their duties and exercise their powers under this Ordinance in the most efficient and equitable manner, including, but not limited to,—

- (a) provisions to regulate the construction and maintenance of irrigation works and control of water used for agricultural purposes to prevent waste or contamination of water;
- (b) provisions to restrict or control the use of water in the event of a water shortage; and
- (c) procedures relating to any appeal under the Ordinance.

²⁵ Section 15 substituted by Ord. 3 of 2013

WATER CHARGES REGULATIONS

ARRANGEMENT OF REGULATIONS

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2. Interpretation
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5. Disconnection of private service
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9. Liability for charges
10. Charge for water
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WATER REGULATIONS^{26 27} – SECTIONS 4 AND 15

(Legal Notices 12 of 1982, 4 of 1993, 5 of 1996, 5 of 1999, 9 of 1999, 10 of 2008, 12 of 2008, 14 of 2011, 8 of 2013 and 10 of 2015)

Commencement

[1 November 1982]

Short title

- 1.²⁸ These regulations may be cited as the Water Regulations.

Interpretation

2. In these regulations, unless the context otherwise requires—

“consumer”²⁹ ...

“consumption” means the supply obtained;

“customer”³⁰ means a person who is approved under regulation 3(1);

“prescribed”³¹ ...

“supply”³² means a supply of water provided by the Utilities Provider from the water supply system.

²⁶ Citation amended by L.N. 14 of 2011

²⁷ These Regulations have become obsolete. See section 14 of the Utility Services Ordinance, 2013

²⁸ Regulation 1 amended by L.N. 14 of 2011

²⁹ Definition of “consumer” revoked by L.N. 8 of 2013

³⁰ Definition of “customer” inserted by L.N. 8 of 2013

³¹ Definition of “prescribed” inserted by L.N. 14 of 2011 and revoked by L.N. 8 of 2013

³² Definition of “supply” amended by L.N. 8 of 2013

Approval of customer

3.³³ (1) The Utilities Provider may approve, as the customer with respect to a supply of water from the water supply system and drainage of waste water through the waste water drainage system, any person who—

- (a) occupies the premises; or
- (b) is responsible for the management of the premises or any part thereof; and
- (c) gives an undertaking, in such form as the Utilities Provider may specify to pay any charge due in respect of the supply.

(2) A customer may at any time apply to the Utilities Provider for cancellation of an undertaking given by him under this regulation and the Utilities Provider shall, if all charges due from the customer have been paid, cancel the undertaking whereupon he shall cease to be the customer.

Refusal of a connection or reconnection

4.³⁴ The Utilities Provider may refuse to connect or reconnect a private service to the water supply system or waste water drainage system if—

- (a) the private service or any alteration thereto is not approved by the Utilities Provider; or
- (b) there is no customer for the private service.

Disconnection of private service

5.³⁵ The Utilities Provider may disconnect a private service if—

- (a) any prescribed charge in respect of the private service is not paid;
- (b) there is no customer for the private service;
- (c) the private service is constructed, installed or altered without its permission;
- (d) the customer, on receipt of a notice under regulation 8, fails to carry out the repairs or other works specified in the notice;
- (e) the Utilities Provider, or any person acting under its authority, is obstructed from entering the premises or carrying out any function under section 6 of the Water Ordinance; or
- (f) the Utilities Provider is satisfied that waste, misuse or pollution of the supply has occurred or is likely to occur.

Notice of disconnection

6.³⁶ (1) Except in the case of an unforeseen emergency, prior notice of disconnection of a private service under regulation 5 shall be served on the customer by the Utilities Provider and the notice shall specify the reasons for the disconnection.

(2) Notice under subsection (1) shall, where there is no customer, be served on the occupier of the premises or left at the premises.

³³ Regulation 3 amended by L.N. 8 of 2013

³⁴ Regulation 4 amended by L.N. 8 of 2013

³⁵ Regulation 5 amended by L.N. 14 of 2011 and L.N. 8 of 2013

³⁶ Regulation 6 amended by L.N. 8 of 2013

Power of entry into premises

7.³⁷ The Utilities Provider and any person acting under its authority may enter at any reasonable time, or in case of urgency at any time, any premises to disconnect a private service.

Utilities Provider may require repairs to be carried out

8.³⁸ The Utilities Provider may, if satisfied that a private service—

- (a) is in such a condition that waste or pollution of a supply has occurred or is likely to be caused thereby; or
- (b) has been altered without its permission,

by notice require the customer to carry out the repairs or other works specified in the notice to the private service.

Liability for charges

9.³⁹ (1) All charges arising in connection with or in consequence of a supply, including the charge for making a connection to the water supply system or waste water drainage system, shall be payable by the customer.

(2) The liability of a customer under an undertaking given under regulation 3 shall continue until—

- (a) another customer is approved by the Utilities Provider in his place; or
- (b) the undertaking is cancelled by the Utilities Provider, notwithstanding that—
 - (i) he ceases to occupy the premises;
 - (ii) he ceases to be responsible for the management of the premises or any part thereof; or
 - (iii) the Utilities Provider exercises any power under regulation 4 or 5.

Charge for water

10.⁴⁰ ...

Connection of private service

11.⁴¹ If a private service is approved by the Utilities Provider it shall, on payment of a charge, connect the private service to the water supply system or waste water drainage system.

Disconnection or reconnection of supply at customer's request

12.⁴² (1) A customer who wants a private service to be disconnected shall apply to the Utilities Provider, in such form as may be specified and on payment of a charge, giving not less than 7 days' notice of the date on which the disconnection is to be made.

³⁷ Regulation 7 amended by L.N. 8 of 2013

³⁸ Regulation 8 amended by L.N. 8 of 2013

³⁹ Regulation 9 amended by L.N. 8 of 2013

⁴⁰ Regulation 10 revoked by L.N. 14 of 2011

⁴¹ Regulation 11 amended by L.N. 14 of 2011 and L.N. 8 of 2013

⁴² Regulation 12 amended by L.N. 12 of 2008, L.N. 14 of 2011 and L.N. 8 of 2013

(2) A customer who wants a private service which has been disconnected under paragraph (1), to be reconnected shall apply to the Utilities Provider in such form as may be specified giving not less than 7 days' notice of the date on which the reconnection is to be made.

Method of disconnection

13.⁴³ (1) Disconnection of a private service under regulations 5 and 12 may be effected by severing the private service from the water supply system or waste water drainage system, or by any other means which the Utilities Provider thinks fit.

(2) A private service which is disconnected under paragraph (1) may be reconnected by the Utilities Provider—

- (a) on compliance by the customer with any requirement of the Utilities Provider relating to the reason for the disconnection; and
- (b) on payment of the prescribed reconnection and maintenance charge for reconnecting a private service.

Utilities Provider may specify notices and forms

14.⁴⁴ (1) A notice under these regulations shall be in writing and shall be in such form as may be specified by the Utilities Provider.

(2) The Utilities Provider may specify any forms required for the purposes of these regulations.

Utilities Provider may limit use of water

15.⁴⁵ (1) The Utilities Provider may, in the event of a water shortage, limit the use of water—

- (a) by way of public notice published in one or more newspapers circulating on St Helena; and
- (b) by announcing the content of such published notice on all local radio stations broadcasting on St Helena.

(2) A notice under paragraph (1)—

- (a) may impose limitations on specific types of use of water or may limit all water use and may apply to the whole island or only to such areas as may be stipulated in the notice; and
- (b) applies until it is lifted by the Utilities Provider by public notice published and announced in the same manner as required for the notice under paragraph (1).

(3) The Utilities Provider may by written notice exempt any person or class of persons from the limitations imposed under this Regulation.

(4) Any person who fails to comply with a notice issued by the Utilities Provider under paragraph (1) and who does not hold a notice of exemption under paragraph (3) is guilty of an offence for which the maximum penalty on conviction is a fine of £2,000 or imprisonment for a period of six months or both.

SCHEDULE⁴⁶

⁴³ Regulation 13 amended by L.N. 12 of 2008, L.N. 14 of 2011 and L.N. 8 of 2013

⁴⁴ Regulation 14 amended by L.N. 8 of 2013

⁴⁵ Regulation 15 added by L.N. 10 of 2015

⁴⁶ Schedule revoked by L.N. 14 of 2011

WATER (TARIFFS) REGULATIONS⁴⁷ – SECTIONS 3 AND 4

(Legal Notices 7 of 2012, 27 of 2012 and 1 of 2013)

Citation and commencement

1.⁴⁸ These Regulations may be cited as the Water (Tariffs) Regulations, 2012, and shall come into force on 1 October 2012.

Interpretation

2. For purposes of these Regulations, any word or phrase to which a meaning has been assigned in the Water Regulations bears the meaning so assigned, and—

“quarter” means a period of three months;

“unoccupied residential premises” means any residential premises, where—

- (a) the consumption of water during any quarter was less than five cubic metres; or
- (b) the premises are deemed to be unoccupied under the Electricity (Tariffs) Regulations, 2012,

and the consumer in relation to such premises cannot prove to the Water Authority that such premises were *bona fide* occupied as a residence for a period, or periods in aggregate, of at least 60 days during a quarter:

Provided that where a consumer who ordinarily resides at such premises is temporarily absent from such premises due to illness or overseas holidays, such premises shall be deemed to remain *bona fide* occupied as a residence during such period of absence.

Services charges for water supply

3.⁴⁹ (1) The service charge for connection to the water distribution system (whether for treated or untreated water) shall be—

Water supplied	Rate per quarter
(a) For domestic purposes (other than where paragraph (b) applies)	£6.60
(b) For unoccupied residential premises	£19.25
(c) For commercial purposes	£19.80
(d) For agricultural purposes	£6.60

(2) The service charge referred to in sub-regulation (1) shall be charged pro rata for any part of a quarter.

Rates for consumption of water

4.⁵⁰ (1) The rates for consumption of water shall be—

Water supplied	Rate per m ³
For domestic purposes:	

⁴⁷ These Regulations have been rendered obsolete by section 14 of the Utility Services Ordinance, 2013

⁴⁸ Commencement date amended by L.N. 27 of 2012

⁴⁹ Regulation 3 amended by L.N. 1 of 2013

⁵⁰ Regulation 4 amended by L.N. 1 of 2013

(a) Treated water:		
	(i) First 15m ³ during a quarter	£0.86
	(ii) Additional m ³	£1.14
(b) Untreated water		£0.57
For commercial purposes		£2.24
For agricultural purposes:		
	Treated water	£1.14
	Untreated water	£0.57

(2) No charges shall be due for water supplied for religious or social purposes, to a public building (other than a building referred to in paragraph (3)) where no charge is made for admission.

(3) The charges for water supplied to a community centre, or to land or premises for which no other charge is prescribed, are the same as those for occupied residential premises.

Connection, disconnection and reconnection charges

5.⁵¹ The following charges apply in respect of the connection, disconnection and reconnection of water supply under Regulation 11 or 12 of the Water Regulations:

Service	Charge
Connection charge	£8.80
Disconnection charge	£13.20
Reconnection and maintenance charge:	
After being disconnected for a period of up to one month	£8.80
After being disconnected for a period of more than one month up to six months	£36.30
After being disconnected for a period of more than six months up to 12 months	£60.50
After being disconnected for a period of more than 12 months	£60.50 for every year that the water supply has been disconnected: Provided that the amount for any part of a year shall be calculated on a pro rata basis.

Charges for waste water drainage service

6.⁵² The following charges apply in respect of waste water drainage services:

Service	Charge
Service charge for property connected to the public sewerage system:	
(a) Domestic purposes	£10.45 per quarter
(b) If the volume of water charged for under regulation 4 was less than 15 cubic metres during the quarter	£5.50 per quarter
(c) Commercial purposes	£16.50 per quarter
Emptying of septic tank	£53.35
Unblocking private sewerage line (whether connected to septic tank or making connection to public system)	£33.27

Repeal of legislation

⁵¹ Regulation 5 amended by L.N. 1 of 2013

⁵² Regulation 6 amended by L.N. 1 of 2013

7. The Water (Tariff) Regulations, 2011, are repealed.