

REGULATIONS RESPECTING HOUSE SERVICES AND THE DISTRIBUTION OF WATER TO THE PUBLIC

I. TITLE AND DEFINITION

1. These regulations may be cited as the Water Supply Regulations, 1948.

2. (1) In these Regulations, unless the context otherwise requires, the following expressions shall have the meanings respectively assigned to them :

"communication" or "service" means the pipes and other fittings which from the mains lead to and into a tenement, up to and including the meter and stop-cock;

"constant supply" means a supply of water which is made to a tenement by means of a pipe connected with the water works so as to allow of water being at any time drawn from the taps or other outlets connected with such pipe;

"consumer" means the person or body to whom or on whose account water is supplied by the Corporation;

"corporation" means the Water Services Corporation;

"Chief Executive"- means the Chief Executive of the Water Services Corporation;

"domestic supply" means a supply of water made to a tenement to meet the domestic requirements of the person or persons residing in the tenement;

"Office" means the Head Office of the Corporation;

"period of four months" means a period of one third of a year which normally passes between one normal meter reading and the next reading, the reading at the commencement and at the termination of the supply being deemed to be normal readings:

Provided that, when a reading is taken for a period of less or more than one third of a year, the service charge and the tariff for water consumption shall be calculated on a *pro rata* basis.

"person residing in the tenement" has the meaning assigned to it in regulation 14 of these regulations;".

"sea-craft" includes floating tanks for the supply of water to any sea vessel;

"taking over" means the commencement of occupation by an owner, a tenant or other occupier of a tenement, or by the proprietor of an industrial or commercial establishment, served with a constant supply;

"tenement" includes any part of a tenement provided with a constant supply, normally metered separately;

(2) The meanings set out in Section 2 of the Water Services Corporation Act, 1991 shall be applicable in these regulations, unless the context requires otherwise.

L.N. 133 of 16
March 1948

L.N. 29 of 7
September 1963

L.N. 14 of 25
February 1969

L.N. 91 of 8
August 1975

L.N. 6 of 9

II. IDENTIFICATION OF EMPLOYEES

3. Workmen of the Corporation shall be provided with a pass countersigned by the Chief Executive, and they shall if so required produce it before they are given admission to any tenement.

III. APPLICATIONS

4. Applications for the supply of water shall be made on a form obtainable from the office and shall be addressed to the Chief Executive.

IV. WATER SERVICES

5. (1) Services shall be provided and laid by the Corporation, at the expense of the applicant, and in such manner as the Corporation may deem necessary or expedient having regard to the requirements of the applicant concerned:

Provided that any repairs or alterations to a service shall be at the expense of the Corporation:

Provided also that, with regard to those works which are carried out within the boundaries of a tenement, the Corporation shall not undertake to restore ornamental floors, wall surfaces or any other decorations which may be unavoidably interfered with in the execution of such works.

(2) The fee which is to be collected by the Corporation as payment for the provision and laying of the service shall be as follows:

- when one communication is made for one tenement Lm70
- when one communication is made for more than one tenement, for each tenement Lm35:

Provided that, where the service is longer than seven metres, the Corporation shall charge an additional sum of Lm10 for every metre, or part thereof, by which the service is longer than seven metres:

Provided further that, for the purpose of measurement, where the main pipe lies in the road in front of the tenement, it shall be deemed to lie in the middle of the road.

(3) No work on the service shall be commenced before the Corporation shall have received the total fee due to it for such service as indicated in paragraph (2) of this regulation.

6. It is not permitted that any person performs any work, of whatever nature, on a service or in any manner whatsoever tampers with the service, unless authorised by the Corporation to do so.

V. DEPOSITS

L.N. 100 of 9 November 1972

7. Before any of the works specified in regulation 5 are undertaken by the Water Services Corporation or before water is supplied to any consumer or at any time thereafter, the Chief Executive may, without prejudice to the provisions of regulation 34, require such applicant or consumer to deposit at the office a sum of money to be fixed by the Chief Executive as a security for the regular payment of all amounts that may become due to the Corporation in connection with the supply of water to that consumer. Without prejudice to the generality of the aforesaid powers, the Chief Executive may require such a deposit to be made when a consumer is or has been in arrear in the payment of water dues for two consecutive accounts in respect of the same tenement.

8. A deposit made under the preceding regulation in respect of the supply of water shall be refundable to the depositor on his ceasing to be a consumer, provided that all sums due to the Corporation in respect of the supply of water to that consumer have been paid.

VI. SURETY

9. In lieu of requiring a deposit to be made as provided in regulation 7, the Chief Executive may require a consumer to produce an undertaking by a third party acceptable to the Chief Executive, who will hold himself bound jointly and severally with the consumer in respect of the regular payment of all amounts that may become due to the Corporation in connection with the supply of water to that consumer.

VII. TENEMENTS

10. Any person who owns or administers or has under his control any tenement provided with a constant supply of water from the Water Services Corporation, shall, on letting such tenement for longer than one quarter to any other person not permanently resident in these Islands, give notice thereof in writing to the Water Services Corporation stating the full name and any available particulars of the tenant and the agreed period of the tenancy; and so long as such notice is not given or if the information given is not correct, the lessor shall without prejudice to the provisions of regulation 11, be liable jointly and severally with the lessee for any debt incurred by the latter on account of meter rent and of water supply to that tenement. The written acknowledgement of the Water Services Corporation shall be necessary to prove that the lessor has given the notice aforesaid.

11. Where a tenement provided with a constant supply of water from the Water Works is let to any person, either expressly or tacitly, by the week, by the month or for not more than one quarter, or when the tenement, being let for more than one quarter, is in fact occupied by the tenant for less than one quarter, the person who owns or administers or has under his control such tenement shall be

liable jointly and severally with the lessee for any debt incurred by the latter on account of meter rent and of water supply to that tenement.

VII. SUPPLY TARIFF

L.N. 100 of 9
November 1972
L.N. 6 of 9
January 1981

12. Water for all domestic supplies shall be charged for by the Water Services Corporation in accordance with the Tariff and provisions contained in the Schedule to these regulations.

L.N. 91 of 8
August 1975
L.N. 101 of 23
October 1979
L.N. 6 of 9
January 1981
L.N. 91 of 8
August 1975
L.N. 7 of 8
February 1983
L.N. 15 of 24
May 1985
w.e.f. 1 June
1985
L.N. 105 of 1994

13. Water for all supplies other than domestic shall be charged for by the Water Services Corporation at the rate of one lira and ten cents (Lm1.10) for every cubic meter (1m³) consumed.

14. (1) For the purposes of these regulations a person residing in the ^{"Residents in a tenement"} tenement is a person who in accordance with such records as may be in the possession of the Water Services Corporation, lives in the premises as his principal permanent residence.

(2) Where the Corporation issues a bill indicating a subsidy in respect of a number of persons as residing in the premises and the consumer alleges that the number of persons for whom a subsidy is given is less than the number of persons actually so residing, such consumer may prove such allegation to the Corporation by the production of one or more identity cards issued under the Identity Card Act, and, in the case of persons under the age prescribed in subsection (1) of section 3 of the said Act, by the production of a certificate by the Director ^{Cap. 258.} (Social Security) that childrens' allowances in respect of persons residing at such premises are being paid by the said Director, or in both cases by the production of such proof that the Corporation may deem sufficient; and in the absence of such proof a person shall not be deemed to be residing at such premises and a subsidy shall not be due in his respect.

IX. APPLICATION AND ADJUSTMENT OF RATES

L.N. 14 of 25
February 1969
L.N. 6 of 9 January
1981

15. (1) The settling of a claim by a consumer shall be subject to the following provisions:

(a) for current claims which are settled within the specified date shown on the bill, a discount rate of three percent (3%) on the current bill only shall be given;

(b) current claims which are settled between the specified date shown on the bill and 15 days thereafter are to be paid at the full amount, without any discount or charge, as shown on the bill;

(c) for current claims which are settled at a time later than 15 days after the specified date shown on the bill, an administrative charge at a rate of six percent (6%) on the current bill only shall be added.

(2) A consumer who does not pay the administrative charge specified in subparagraph (c) of paragraph (1) of this regulation shall be considered as a

person in arrears of his payments, and the provisions of regulations 34 to 39 of these regulations shall also apply to such consumer.

X. NON-POTABLE WATER

L.N. 91 of 8
August 1975
L.N. 101 of 23
October 1979
L.N. 48 of 9 May
1980
L.N. 6 of 9 Jan
1981
L.N. 56 of 31

16. The Water Services Corporation may, on demand, supply non-potable water which shall be charged for as follows :-

<u>Purpose</u>	<u>Rate</u>
a) Agricultural	4c per 1 m ³
b) Industrial	4c per 1 m ³
c) Building or other	40c per 1 m ³

L.N. 6 of 9
January 1981
L.N. 28 of 13
May 1983

17. The Water Services Corporation shall charge for supplies of treated sewage to potentially irrigable land the rate of Lm 36 per hectare per annum.

XI. SUPPLY OF DISTILLED WATER

L.N. 68 of 28 May
1974
L.N. 46 of 11
April 1975
L.N. 91 of 8
August 1975
L.N. 6 of 9
January 1981

18. The Water Services Corporation may, on demand, supply distilled water which shall be charged for at the rate of Lm 2.20,0 per cubic metre for sea craft or air craft and Lm 1.10,0 per cubic metre for other commercial or for industrial purposes. Arrangements for the transportation thereof will have to be made by the consumer.

XII. METERS

19. All constant supplies shall be measured by a meter, provided that the Water Services Corporation may allow temporarily unmetered supplies to be made to any tenement.

20. Meters shall be provided and fixed by the Corporation at its expense, in such part of the tenement and with such precaution as the Water Services Corporation may deem fit. Such meters shall remain the property of the Government. Keys of meter boxes or recesses shall be supplied to consumers against payment on application.

21. Meters shall be sealed by the Corporation, and the consumer shall be held responsible should the seals be found broken or tampered with at any time.

L.N. 100 of 9 November 1972
22. The service charge for every period of four months shall be as indicated in the schedules to these regulations.

23. (1) Meters shall, on application by the consumer, be tested by the Corporation. The consumer or his agent may be present at the test. The test shall be binding both on the consumer and on the Corporation, and the consumption of water from the date of the last reading of the meter to the date of the test, or of the removal of the meter for the purpose of the test, shall be calculated in accordance with the result of such test and charged for accordingly.

L.N. 56 of 31 December 1985

(2) If a meter, on being tested, shall be found correct up to a limit of six per centum (6%) more, a fee of five Maltese liri (Lm5) shall be charged to the consumer for the test. No charge shall be made to the consumer if the meter is found incorrect beyond the limit above stated.

24. (1) Meters may be read or examined by the officials of the Corporation whenever required by the Chief Executive.

(2) When a consumer, after receiving reasonable notice, fails to afford facilities to an official of the Corporation for the reading of the meters, the Chief Executive, saving any other liability incurred by the consumer or other person who refuses admission to the official of the Corporation, or hinders or obstructs such reading, shall cause an assessment of the consumption to be made, at his discretion, on the basis of any of the options provided under regulation 26 and the consumer shall be charged accordingly :

Provided that in any case the proper adjustment of the consumer's account in respect of the consumption shall be made when the meters are eventually read.

XIII. METERS OUT OF ORDER

25. When a meter is found to be out of order, notice of the fact shall be given in writing to the consumer and the meter shall be replaced by another meter. A record of the reading of the new meter at the time of its installation shall be given to the consumer at his request, provided that the Water Services Corporation may allow a temporarily unmetered supply to be made until the new meter is installed.

26. (1) The consumption of water in respect of the period between the reading immediately preceding the reading in relation to which the meter is found to be defective and the installation of a new meter or the repair of the defective meter, as the case may be, shall be reckoned as the Chief Executive may direct, either in accordance with paragraph (2) or in accordance with paragraph (3) of this regulation.

(2) Where the Chief Executive directs that the consumption referred to in paragraph (1) of this regulation is to be reckoned in accordance with this paragraph, such consumption shall be reckoned, at the Chief Executive's discretion, on the basis of the average daily rate of consumption :

(a) during the corresponding period of the last preceding year; or

(b) during the period between the two readings immediately preceding the reading in relation to which the meter was found to be defective; or

(c) during the period between the date of the installation of the new meter or of the repair of the defective meter, as the case may be, and a subsequent date to be determined by the Chief Executive.

(3) Where the Chief Executive directs that the consumption referred to in paragraph (1) of this regulation is to be reckoned in accordance with this paragraph, such consumption shall be reckoned on the basis of the average daily rate of consumption during the period from the date of the installation of the meter found to be defective or the date on which the consumer became accountable in respect of the premises, whichever is the later, and the last day on which in the opinion of the Chief Executive the meter was in working order.

Provided that in the case of a consumer who has changed residence, where the Chief Executive directs that the consumption is to be reckoned in accordance with this paragraph the average daily rate of consumption in respect of the

corresponding period of the last preceding year, at the place in respect of which such consumer was last accountable prior to the change of residence shall be the basis on which the consumption shall be reckoned.

XIV. SPECIAL READINGS OF METERS

27. Special readings of meters may be taken at any time as agreed between the consumer and the Corporation.

28. Regulation 28 revoked.

29. Regulation 29 revoked.

30. Regulation 30 revoked.

31. Regulation 31 revoked.

XV. ACCOUNTS

32. Accounts shall be made up for such period or periods as the Chief Executive may determine either generally or with respect to any one or more consumers or classes of consumers and shall be posted to the address to which they refer, unless arrangements are made for their delivery at any other address.

33. Consumers will be furnished with a record on every reading of the meter, showing the consumption of water since the last preceding reading.

33A Bills shall be rounded up or down to the nearest cent."

XVI. SUSPENSION OF SUPPLIES

34. If any amount due to the Corporation under these regulations is for any cause not paid within fifteen days from the date specified in the bill requesting payment of such amount or if any deposit is not made when required in terms of regulation 7, there shall run interest on such amount or deposit at the rate of 9% per annum for every day which passes after the said fifteen days up to the date when payment is effected, and the water supply may be discontinued, and the service may be removed until the amount is paid or the deposit made. If the service is not removed, the service charge shall continue to be due:

Provided that any interest due shall be remitted if such amount or deposit is paid within forty-five days of the date specified in the bill.

35. When subsequently payment is effected or the deposit is made, the Corporation shall not be bound to restore the supply and if necessary, replace the service, on the date of payment or of the making of a deposit.

36. The water supply may also be discontinued if the seals of a meter fixed in a tenement are tampered with or if any damage is caused to any part of the service, wilfully or by neglect. In every such case, the consumer shall be responsible for any such damage.

37. The Water Services Corporation may at any time cut off or limit the domestic supply of water to any tenement if, in the opinion of the said Authority, such water is being used for other purposes, or it is necessary to restrict the general consumption of water and may for the purpose plug any outlets as it considers necessary.

L.N. 6 of 9
January 1981
L.N. 105 of
1994

L.N. 100 of 9
November 1972
L.N. 6 of 9
January 1981

L.N. 105 of
1994

L.N. 6 of 9
January 1981

38. The Water Services Corporation may at any time cut off or limit supply of water for use in gardens and garages, and may for the purposes plug any outlets as it considers necessary.

39. A fee of Lm30 in each case shall be charged to consumers for cutting off the supply under regulation 34 or for restoring supply or for removal of meter or for re-installing meter.

XVII. RELIEF FROM LIABILITY

40. (1) A consumer shall not be relieved of his liability for the payment of the service charge and water consumption rates due unless and until he has given notice in writing to the Water Services Corporation of his intention to discontinue the use of the water service from such a future date as shall be stated by him and has paid any amount that may be due by him under these regulations.

(2) In every such case the Water Services Corporation may cause the supply of water to be discontinued from the date mentioned in the notice.

XVIII. MISUSE OF WATER

41. No person shall :

a) take any water from a standpipe when the house or premises in which he is actually living has main water laid on; or

b) without the previous permission in writing of the Chief Executive, make use of a constant supply or of a domestic supply for purposes of irrigation; or

c) convey to his tenement or elsewhere water drawn from a standpipe in quantities exceeding 40 litres at any one time.

XIX. COMPLAINTS

42. No notice shall be taken of complaints on any matter dealt with under these regulations, unless they are made or addressed to the Chief Executive.

FIRST SCHEDULE

(Regulation 12)

Domestic Supplies - Tariff for Service Charge and Water Consumption incorporating drainage contribution.

1. In every period of four months:

(a) the service charge in respect of every tenement, for every service installed in the tenement, shall be Lm4;

(b) the charge for water consumption shall be as follows:

for any quantity not exceeding 11m^3 per person residing in the tenement 16c5 per 1m^3

for any quantity exceeding the said quantity of 11m^3 per person residing in the tenement Lm1.10 per 1m^3 :

Provided that, where it results that there are more than four persons residing in a tenement, the bill for water consumption relative to that tenement shall carry a rebate, in every period of four months, for every person more than four residing in such tenement, as follows:

during the year 1998 Lm1.40

during the year 1999 Lm1.10

during the year 2000 Lm0.60:

so, however, that the charge for water consumption in such tenement shall never be less than zero.

2. For the purposes of paragraph 1 of this schedule, the following provisions shall apply with respect to the calculation of the number of persons residing in a tenement:

(a) a consumer shall furnish in writing to the Corporation within such time as may be stipulated by the Corporation any information together with any supporting documents which may be required by the Corporation for the purpose of such calculation;

(b) a consumer shall notify the Corporation in writing of any change in the circumstances, on the basis of which such calculation is made, not later than one month from when such change occurs;

(c) any change in the number of persons residing in a tenement shall be taken into account, for the purpose of such calculation, from the date of the first normal meter reading following the date on which the change in the number of persons occurs or the date on which the Corporation is notified in writing of such a change, at the discretion of the Corporation;

(d) if in accordance with the provisions of these regulations, there is no person residing in the tenement as his principal permanent

residence, it shall be deemed that one person resides in that particular tenement;

(e) a person residing in a tenement may apply to the Corporation so that he shall be deemed to be residing in a tenement other than that in which he resides;

(f) any application referred to in sub-paragraph (e) of this paragraph, shall be made in such form as may be issued by the Corporation from time to time;

(g) every arrangement made in terms of sub-paragraph (e) of this paragraph shall be valid until the 31st December of the year in which it was made or for which it was renewed, and it shall be deemed to have been renewed for the next following year unless the consumer, not later than the last day of November of the year in which the arrangement is in force, gives notice in writing to the Corporation that he does not want the said arrangement to be so renewed.

3. Where a consumer, irrespective of his age, satisfies the Director (Social Security) that he is neither employed nor self-employed, and that he forms a single person family, or lives together with his wife or her husband, if there is one, to the exclusion of other members, and that he is in receipt of an income which when calculated according to the second part of the second schedule of the Social Security Act entitles him or his wife, as the case may be, to such assistance, such consumer, in any period of four months, shall be entitled to a rebate as follows:

Lm4 service charge for one service installed in the premises

16c5 per 1m^3 for any quantity of water consumed not exceeding 5.5m^3 per person residing in the tenement:

Provided that no such rebate shall be granted unless the Director (Social Security) certifies the consumer to be entitled to the said rebate under these provisions or where the Director (Social Security) deems that other members living with the consumer form a separate family:

Provided also that the Minister responsible for social security may allow the said rebate in respect of such charitable institutions as the said Minister may declare to be financially meritorious.

SECOND SCHEDULE

(Regulation 13)

Non-Domestic Water Consumption Tariff for service charge and water consumption, incorporating drainage contribution.

In every period of four months, for each year as indicated hereunder, if so indicated, the charges shall be as follows:

(a) Agriculture and agrofoods

Service Charge	Lm8			
Year :	1998	1999	2000	2001 and after
Consumption up to 2270m ³	9c per 1m ³	12c per 1m ³	15c per 1m ³	18c per 1m ³
Consumption exceeding 2270m ³	20c per 1m ³	25c per 1m ³	30c per 1m ³	35c per 1m ³

(b) Personal Health-related uses in fields and uninhabited premises in fields:

Service Charge	Lm8			
Year :	1998	1999	2000	2001 and after
Consumption up to 5m ³	9c per 1m ³	13c5 per 1m ³	18c per 1m ³	22c5 per 1m ³
Consumption exceeding 5m ³	35c per 1m ³	40c per 1m ³	50c per 1m ³	60c per 1m ³

(c) Industrial (excluding food and beverages manufacturing)

Service Charge	Lm8			
Year :	1998	1999	2000	2001 and after
Consumption	35c per 1m ³	60c per 1m ³	70c per 1m ³	85c per 1m ³

(d) Industrial - Food and Beverages Manufacturing

Service Charge	Lm8			
Year	1998	1999	2000	2001 and after
Consumption	35c per 1m ³	40c per 1m ³	50c per 1m ³	60c per 1m ³

(e) Tourist Flats

Service Charge	Lm8			
Consumption up to 84m ³	Lm 0.75 per 1m ³			
Consumption exceeding 84 m ³	Lm 1.10 per m ³			

(f) Hotels

Service Charge Lm8

Year : 1998 1999 2000 2001 and
after

Consumption up to 14m ³ per bed	70c per 1m ³	75c per 1m ³	80c per 1m ³	90c per 1m ³
Consumption exceeding 14m ³ per bed	Lm1.10 per 1m ³	Lm1.10 per 1m ³	Lm1.10 per 1m ³	Lm1.10 per 1m ³

(g) Laundries, laundrettes, car washing garage, or any other premises offering a similar or other washing service:

Service Charge Lm8

Consumption up to 2270m ³	Lm0.75 per 1m ³
Consumption exceeding 2270m ³	Lm1.10 per 1m ³

(h) Sea Craft

Service Charge Lm8

Consumption	Lm1.10 per 1m ³
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(i) Government Departments or any other place used, occupied or held by or on behalf of the Government or a body established by law:

Service Charge Lm8

Consumption	Lm1.10 per 1m ³
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(j) Boat house, Garden, Garage

Service Charge Lm4

Consumption up to 10m ³	Lm0.85 per 1m ³
Consumption exceeding 10m ³	Lm1.10 per 1m ³

(k) Non-Commercial organisations (Churches, Clubs, Trade Unions, etc)

Service Charge Lm4

Consumption up to 57m ³	Free
Consumption exceeding 57m ³	35c per 1m ³

(l) Commercial (Bars, restaurants, night-clubs, shops, offices, clinics, and private hospitals), and any other premises not listed in any other category:

Service Charge Lm8

Consumption up to 57m ³	Lm0.50 per 1m ³
Consumption exceeding 57m ³	Lm1.10 per 1m ³ .