

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1516/15 - 2007 සැප්තැම්බර් 25 වැනි අඟහරුවාදා - 2007.09.25

No. 1516/15 -TUESDAY, SEPTEMBER 25, 2007

(Published by Authority)

PART IV (B) — LOCAL GOVERNMENT

Local Government Notifications

L.D.B. 6/87 II.

LOCAL AUTHORITIES (STANDARD BY-LAWS) ACT, No. 6 OF 1952

Draft By-laws made under Section 2 of the Local Authorities (Standard By-laws) Act, No. 6 of 1952 (Chapter 262) by Bertie Premalal Dissanayaka, Provincial Minister in Charge of Local Government of the North Central Provincial Council by virtue of the powers vested in me by the aforesaid Act, read with Section 2 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989

FOR the purposes of Subsection (2) of Section 2 of the Local Authorities (Standard By-laws) Act, No. 6 of 1952 (Chapter 262) it is declared that a Pradeshiya Sabha is authorized to make and adopt these By-laws under Section 122 read with Section 126 of the Pradeshiya Sabha Act, No. 15 of 1987.

BERTIE PREMALAR DISSANAYAKA,
Provincial Minister in Charge of Local Government
of the North Central Provincial Council.

Anuradhapura,
20th September, 2007.

BY-LAWS

01. These By-laws may be cited as “Rural Water Supply Schemes Managed by Community Based Organizations By-laws”.

02. It shall be the responsibility of any Pradeshiya Sabha to extend necessary assistance to a Community Based Organization (hereinafter referred to as CBO) who carries on the business of water supply and water works within such Pradeshiya Sabha Area.

03. It shall be the duty of a CBO to manage a water supply and water works scheme in conformity with the conditions specified in Schedule 1 to these By-laws.

04. (1) A person who wishes to have a private water service connection may apply to the CBO of the area in the manner specified by such CBO.
 - (2) The CBO may either grant the water service connection to the applicant or reject the application for reasons to be recorded.
 - (3) A CBO may, among other reasons reject an application for a private water service connection under these By-Laws, if the CBO is of the view that providing such water connection would hamper the uninterrupted and regular supply of water to the area.
 - (4) Where the CBO rejects an application such rejection shall be informed to the applicant in writing within Seven days of such decision.
 - (5) Where the CBO decides to grant the water connection, the CBO shall enter into an agreement subject to the terms and conditions referred to in these By-laws, with the applicant before the water connection is given.
 - (6) The applicant shall pay the expenses for the water connection to the CBO as may be estimated by the CBO.
 - (7) (a) The CBO may on exceptional humanitarian grounds exempt an applicant from paying expenses for a new water connection, or for an alteration of the existing connection as the case may be, where such applicant is unable to pay such expenses.
 - (b) The decision for an exemption referred to in paragraph (a) shall be taken at a general meeting.
05. (1) The Chairman of a Pradeshiya Sabha shall register a panel of Water Works Technicians for the purposes of these By-laws from among persons:-
 - (a) who are members of a CBO and who have received adequate training and acquired adequate skills to perform the relevant tasks;
 - (b) who hold a permit issued by a Local Authority as a Water Works Technicians;
 - (c) who hold a Certificate in a relevant skill category issued by a recognized Technical College or Technical Institution;
 - (d) who hold a Certificate issued by the National Water Supply and Drainage Board to the effect that he is competent in water supply and water works.
 - (2) The Chairman of the Pradeshiya Sabha may register a private corporation as a Water Works Technician where such private corporation has in his employment a qualified engineer in water works management or persons holding qualifications and experience referred to in paragraph (1).
 - (3) (a) A register of Water Works Technicians registered under this By- laws, shall be maintained by the Pradeshiya Sabha.
 - (b) The Pradeshiya Sabha shall send a copy of the register or any subsequent alterations or amendments made to such register to the relevant CBO's immediately.
06. (1) (a) the CBO shall obtain a feasibility report from a Water Works Technicians, before effecting an extension or any alteration to an existing water supply scheme.
 - (b) It shall be the duty of such Water Works Technicians to provide such report within 14 days of such request.

- (2) The CBO shall employ a person with sufficient experience in water works when providing a private water service connection and require a Water Works Technicians to inspect the laying of pipe lines and other works connected therewith periodically.

07. (1) No person shall use water from a private water connection for any purpose other than a purpose indicated in the agreement, between the CBO and the applicant.

- (2) No person shall obtain a water connection or use water from a water supply scheme managed by a CBO in any manner contrary to these By-laws.

- (3) Where a CBO decides that the provisions of paragraphs (1) or (2) are violated by an owner or occupier, then CBO may disconnect such water connection.

08. When laying service pipe lines for a water supply scheme:-

- (1) No pipe line shall be laid so as to pass into or through any sewer, drain or cesspool or any manhole connected therewith or into or through any ash pit manure pit, waste water drain or latrine pit and except where unavoidable, shall not be laid through or allowed to remain in contact with any contaminated soil or other material likely to cause undue deterioration of such pipe.

- (2) If the criteria referred to in subparagraph (1) could not be met, due to unavoidable circumstances, the pipe shall be effectively protected from contact with any such substance either by being carried through an exterior corrosion resisting tube or by some other suitable means.

09. The pipes and fittings used in a water supply scheme shall conform to the standards set out in Schedule 2.

10. The water tariff rates may be determined and revised by the CBO at a general meeting, whenever the necessity arises.

11. (1) Where a meter is used for measuring the supply of water from a water supply scheme to any premises, all such meters shall be supplied and installed by the CBO.

- (2) Any repair to the meter shall be carried out by the CBO, but the cost of such repair shall be borne by the particular owner or occupier of the premises to which water is supplied.

- (3) Where a meter is not used for measuring water as provided in paragraph (1), a scheme of tariff shall be fixed by a resolution of the relevant CBO.

12. The consumption of water for any month shall be calculated by taking the difference between the first and last readings of the meter taken at the commencement and at the termination respectively of that month, in the manner stated below:-

- (1) The first reading shall, in the case of a newly fixed meter, be the reading taken when such meter is fixed, and in any subsequent case, the last reading taken for the month immediately preceding. For the purposes of this By law, the "newly fixed meter" shall also mean a meter, which has been fixed after repairs, or a meter fixed temporarily during such a period;

- (2) The last reading for any month shall be that taken on any day, not more than ten days after the termination of that month. However, if a meter is removed for repairs and it is not possible to take the last reading during the aforesaid period, the last reading shall be the reading that is taken before such meter is removed. For the purposes of this By-law the term "last reading" includes the reading at the time of removing of a temporarily fixed meter;

- (3) If two or more meters have been in use in any premises during any month the consumption for that month shall be the total sum of the quantities indicated by the respective meters, as calculated in accordance with paragraphs (1) and (2) of this By-law;

- (4) Where the CBO is unable to provide a temporary meter when a meter is removed for repairs, or when the meter has been non-functioning for a long time, then the monthly water consumption shall be assessed on the basis of consumption of the previous months.
13. (1) It shall be lawful for the CBO to prepare a bill, at the end of each month, in accordance with the provisions of these By-laws, and serve on the owner or occupier of the premises and it shall be the duty of the owner or occupier to settle such bill within the period stipulated by the CBO.
- (2) The consumer may if he feels that the calculations made in the bill referred to in paragraph (1) of this By-law is erroneous, he may in writing request for an amendment of the bill. The CBO shall investigate into such request as soon as possible and inform the decision to the consumer in writing.
14. (1) Where any owner or occupier doubts the accuracy of the meter in his premises, the CBO shall on request made by such owner or occupier and on prepayment of a testing fee as required by the CBO, cause the meter to be tested by a Water Works Technician referred to in By-law 5 in the presence of the owner or occupier or any other person authorized by such owner or occupier on that behalf. The result of said test shall be binding on the CBO and on the owner or occupier and the meter shall be corrected according to the result of the test.
- (2) Where the quantity recorded by the meter is correct or differs from the actual quantity of water supplied by not more than two per centum of the actual quantity supplied then the testing fee prepaid under paragraph (1) shall be retained by the CBO.
- (3) Where the quantity recorded by the meter differs from the actual quantity of water supplied by more than two per centum of the actual quantity supplied, the testing fee prepaid under paragraph (1) shall be refunded to the owner or occupier.
- (4) Where a default of a meter is detected as referred to in paragraph (3) the CBO shall adjust the bills of the affected owner or occupier in an appropriate manner, and account the relevant amounts in the bills for the following months as appropriate.

15. A CBO may obtain financial investments from local investors, if additional financial investment is required for further development of a water supply scheme.

16. After the date on which these By-laws comes into force -

- (1) No water tank or bath exceeding a capacity decided by the CBO shall be installed or constructed on any premises for holding any part of the water supplied to such premises ;
- (2) No water tank or bath shall be installed or constructed in any premises for holding the water supplied to such premises by a CBO, unless the size, design and the number of such water tanks or baths that are to be installed or constructed have received the prior approval of the CBO.

17. Whenever water is found running waste from any tap, pipe, meter or any other fittings forming part of the private water service connection in any premises, the CBO may forthwith direct the relevant owner or occupier to take remedial action. If action is not taken within three days of such notification, then the CBO may disconnect the service and such service shall not be reconnected until the owner or occupier of the premises eliminates the cause of the waste.

18. Where a complaint is received by the Chairman of the relevant Pradeshiya Sabha to the effect that water is found running to waste from any tap, pipe, meter or other fittings forming a part of the water supply scheme managed by a CBO, and thereby causing wastage of water, then the Chairman or an officer authorized by him shall investigate into such complaint and issue appropriate directions to the CBO.

19. A CBO shall at all stages of construction, maintenance and providing extensions to the water supply schemes, follow the principles of justice and fair play and supply minimum water requirements in respect of every community, and every individual who are being served by the scheme.

20. (1) Any person authorized by the CBO on that behalf may, at any time between 7.00 a.m. and 5.00 p.m. after giving formal notice to the owner or occupier of any building or premises supplied with water under these By-laws may enter such building or premises and examine the condition of the pipes, works and fittings and ascertain whether there is any waste or misuse of water. If such person is at any time without reasonable cause, refused admittance into such premises or is prevented without reasonable cause from making such examination the CBO may make a complaint to the Chairman of the Pradeshiya Sabha.
- (2) The Chairman shall on receipt of any complaint under paragraph (1), hold an inquiry and if he finds, that an authorized officer of the CBO has been unduly refused admittance, he may authorize the CBO to discontinue the supply of water to such building or premises.
- (3) A person dissatisfied with the decision taken under paragraph (2) may forward the matter to the appropriate Magistrate's Court.
21. (1) A Pradeshiya Sabha may, by a notice published in the *Gazette* declare a specified geographical area as a "Water Catchment Area" with effect from a specified date, provided that it does not contradict any written law.
- (2) No person shall after the specified date, engage in felling trees, clearing the land, tying animals or polluting the area in any manner or enter the area without prior approval of the Pradeshiya Sabha or deal with any development activity which may cause adverse effect to the water source within the water catchment area.
- (3) No person shall cause any damage in any way to the water intake, storage tank, the main pipe line, distribution pipe line, any building, any constructed component or any equipment belonging to the water supply system.

22. The Pradeshiya Sabha, the Community Based Organization Forum and the respective CBO's shall ensure the proper quality of drinking water from a water supply scheme and for the purpose, shall secure cleanliness, proper maintenance and safety of water catchment areas and reservoirs used by CBO's for the water supply schemes and shall take any other relevant measures in accordance with the instructions and standards issued by the National Water Supply and Drainage Board, or any other relevant authority.

23. (1) Any dispute arising in connection with the implementation of these By-laws shall initially be submitted for settlement by mediation.
- (2) For the purposes of paragraph (1), a dispute means a dispute between CBO and the Pradeshiya Sabha with which the CBO is registered or dispute between a CBO and any other adjacent Pradeshiya Sabha or a dispute between any of the two Pradeshiya Sabhas or a dispute between any two CBO's or a dispute between the CBO and a consumer.
- (3) It shall be the duty of any of the parties to notify the dispute referred to in paragraphs (1) and (2) for settlement by mediation to the Regional Assistant Commissioner of Local Government of the area, who shall be the mediator.
- (4) The Regional Assistant Commissioner of Local Government may nominate any other officer as the mediator depending on the nature of the dispute.
- (5) Any person aggrieved by the decision of the mediator may appeal against such decision to the Commissioner of Local Government of the Province.

24. A person who contravenes any of the provisions of these by laws commits an offence and shall on conviction by the Magistrates Court be punished with a fine not exceeding Seven Hundred and Fifty Rupees. In the case of continuing the same offence such person shall be punished with an additional fine of Rupees Two Hundred and fifty for each day during which the offence is continued, after conviction by the Court of Law, or after service of a written notice from the Chairman of a Pradeshiya Sabha or any officer authorized by him directing attention to such contravention.

25. For the purposes of these By-laws -

“Catchment Area” means a geographical area which is identified by a person or a body of persons competent for the purpose, and has been declared by the relevant Pradeshiya Sabha as the geographical area which is required to develop the flow of water into the water source or which could be determined as that which feeds the water source or which could be considered as adversely affecting the flow of water into the source if any change takes place in the area ;

“Community Based Organization” means an organization representing the user community which is a body corporate and is duly registered under the applicable law formed for the purpose of providing of water supply and water work services and for the sustainable management of the same ;

“Community Based Organization Forum” means an organization established collectively by the Community Based Organizations within the Pradeshiya Sabha Area, with representatives from each such Community Based Organization ;

“National Water Supply and Drainage Board” means the National Water Supply and Drainage Board established under Law No. 2 of 1974 ;

“Owner or occupier” or “Consumer” means a person who has the legal ownership or who occupies or who makes use of a premises to which a water supply connection is obtained from the water supply scheme operated and managed in conformity with these By-laws ;

“Private Water Service” or “private water connection” indicated in these By-laws shall not include a supply of water for horses or cattle or for washing vehicles where such horses, cattle or vehicles are kept for sale or hire, or a supply for any trade, manufacture of business, or for fountains or swimming pools or for any ornamental or mechanical purpose, or for purpose of irrigation or for any purpose other than for drinking and domestic purpose ;

“Water Supply and Water Works” shall have the same explanation given in paragraph (xiii) of Section 126 of the Pradeshiya Sabha Act No. 15 of 1987.

SCHEDULE - 1 (BY - Law 3)

ARRANGEMENTS FOR MANAGING A WATER SUPPLY SCHEME

- (i) Every CBO shall issue a receipt for moneys recovered by it and for this purpose is should conform to the provisions of the Stamp Act.
- (ii) All payments above Rs. 100 shall be made by a voucher.
- (iii) Every CBO shall maintain relevant records including a general ledger, cash book with record of receipts and payments, a petty cash book and an inventory book.
- (iv) All accounts of CBO shall be audited annually by an independent Auditor or by an Audit Firm and such reports shall be presented to the Community Based Organization Forum, the Pradeshiya Sabha and at executive committee meeting of the CBO.

- (v) CBO shall maintain a Current Bank Account and monthly reconciliation of such Account shall be prepared before the Fifteenth day of the following month.
 - (vi) A Register of water consumers shall be maintained.
 - (vii) Water service connection shall be given according to the order of the fulfillment of the requirements of providing such services stipulated by the CBO.
 - (viii) CBO which manage the Water Supply Scheme, should prepare monthly progress reports.
 - (ix) The testing fee provided in By-law 14 (1) shall be the real expenditure for such inspection and be a reasonable amount affordable even for person in a low income group.
 - (x) The CBO shall maintain and update for all the items purchased by the CBO, or donated or given on loan by the Pradeshiya Sabha or any other organization ;
 - (a) A fixed asset register for all the fixed assets; and
 - (b) An inventory for all capital goods,
- and prepare a verification report after inspection annually before the audit mentioned in clause (iv) of this Schedule.

SCHEDULE - 2 (BY - Law 3)

PIPES AND FITTINGS USED IN A WATER SUPPLY SCHEME

- (i) All polyvinyl chloride pipes (PVC) shall conform to the SLS standards No. 147:1993 or any subsequent revision. Pipes produced in Sri Lanka shall bear the SLS marking. Joints and fittings for use with PVC pipes shall comply with SLS 659:1993 or BS 4346 Parts I & II : 1970 and any subsequent revisions.
- (ii) All polyethylene pipes used in the construction of any private water service connections shall conform to British Standard 6572:1985 and any subsequent revisions thereto, or any other national standards. Pipes for above ground use shall comply with BS 6730:1986 and any other national standards.
- (iii) All Galvanized Wrought Iron Pipes (GI pipes) used in the construction of any private water service connection shall conform to British Standard 1387 of 1985 and any subsequent revision thereto.