STATE OF SABAH

I assent,

TUN DATUK SERI PANGLIMA HAJI AHMADSHAH BIN ABDULLAH,
Yang di-Pertua Negeri.

20TH NOVEMBER, 2003

No. 10 of 2003

An Enactment to provide for the control and regulation for the supply and distribution of water and for matters connected therewith and incidental thereto.

ENACTED by the Legislature of the State of Sabah as follows:

Short title and commencement

1. (1) This Enactment may be cited as the Sabah Water Supply Enactment 2003.

(2) This Enactment shall come into force on such date as the Minister may, by notification in the *Gazette* appoint. *[02-01-2004]*

PART I
PRELIMINARY

Interpretation

2. In this Enactment, unless the context otherwise requires –

"alternative water supply system" means any stand alone water supply system operated in areas where water is not supplied from the waterworks;

"area of supply" means any area where water is supplied from the waterworks;

"chargeable water" means –

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(a) in the case of any premises entitled to a free allowance of water, any consumption in excess of such free allowance; or

(b) in the case of any premises not entitled to a free allowance of water, the total consumption;

"charges" includes deposits and such other payments and contributions in connection with the supply of water and services rendered by the State Water Authority;

"communication pipe" means that part of a service pipe which lies between the supply main and a State Water Authority's stopcock or where no stopcock is fitted, between the supply main and the point at which the service pipe enters thepremises supplied at its boundary with the road reserve in which the supply main islaid and includes all fittings thereon between a stopcock and the supply main;

"consumer" includes any person, persons, developer or corporate body, government body, agency, public authority, legal or registered entities who is supplied with water from the public main or any person, persons, developer or body corporate who is otherwise liable for the payment of water charges, depositor meter rent or any other payment of moneys due or to become due under this Enactment and whose premises are for the time being connected for the purpose of supply of water from the waterworks and includes an occupier and management corporation of a premises;

"distribution pipe" means any consumer's pipe conveying water from a storage cistern, a feed cistern or a hot water apparatus supplied from a feed cistern and is under pressure only from such feed cistern or hot water apparatus or any inline booster pump;

"fire hydrant" means any device that is connected to a public mains to provide the means for attaching fire hoses for discharging water at a high rate for fire fighting;

"fittings" includes all taps, stopcocks, ballcocks, cold water cisterns, hot water apparatus, flushing apparatus and any other apparatus or appliance used on an inside service in connection with the supply of water from the waterworks, except meters;

"Government" means the Government of the State of Sabah;

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"Health Authority" means the Director of State Health Department in Sabah or such other authority having powers conferred by any written law to determine the standards of safe drinking water in Sabah;

"impounding works" means any works undertaken by the State Water Authority for the construction of –

(a) any dam, weir or other works in inland water whereby water may be impounded; and

(b) any works for diverting the flow of inland water in connection with the construction or alteration of any dam, weir or other works falling within the preceding paragraph *(a)*;

"licence" means any licence issued under this Enactment;

"licensed pipe fitter" means any person licensed by the State Water Authority to construct, alter or repair supply pipes and fittings which are connected with or to be connected with the waterworks;

"mains layer" means any person licensed by the State Water Authority to construct, alter or repair; pressure test and do tapping on water mains, valves, hydrants and associated fittings which are connected with or to be connected with the waterworks; inclusive of constructing, altering and repair of sewer and drainage pipes and associated fittings;

"meter" includes any appliance or device used to measure or ascertain the amount of water taken or used from the waterworks;

"Minister" means the Minister responsible for water supply;

"pollutant" means any crude oil, diesel oil, fuel oil, lubrication oil, micro organism or any substance whether liquid, solid or gaseous which is hazardous or potentially hazardous or prejudicial to public health and safety, or to fish or aquatic life, or to plants, and includes minerals or radioactive chemicals or properties;

"pollution" in relation to water, or waterworks, shall mean any direct or indirect alteration of such water or waterworks so as to cause a condition thereof which is hazardous to public health, animals or plants;

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"premises" includes any building or structure or any part thereof, land without any building or structure, any wharf, passenger landing facility, vessel, structures floating or erected on any water body;

"public main" means any pipe laid by the State Water Authority for the purpose of giving a general supply of water under pressure and not to include a communication pipe;

"public standpipe" includes any fountain, standpipe, valve, tap or appliance provided and maintained by the State Water Authority for the purpose of supplying water to the public;

"security" for the purpose of section 16 (5) shall include performance bond in the form of bank guarantee or insurance guarantee;

"service pipe" means so much of any pipe for supplying water from a supply main to any premises which is subject to water pressure from the supply main, or would be so subject but for the closing of a tap;

"State Water Authority" means the Director of the State Water Department;

"supply pipe" means so much of any service pipe as is not a communication pipe;

"water" means potable water supplied by the State Water Authority meeting current Malaysian Standards for potable water as set by the Health Authority;

"water body" shall have the same meaning assigned to it under the Water Resources Enactment 1998;

"Water Supply Authority" means any authority appointed or established under section 20;

"water supply system" means the whole system incorporating plant, equipment, public mains, pipes, treatment plants, pumping stations, service or balancing reservoirs or any combination thereof and all other structures, installations, buildings, equipment and appurtenances used and the lands where the same are located for extraction, collection, conveyance, treatment, distribution and the supply of water;

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"water supply undertaking" means the take over by the Water Supply Authority from the State Water Authority of any facility or service of any description in connection with the exercise and performance of its powers, functions and duties under Part II of this Enactment;

"waterworks" includes all reservoirs, dams, weirs, intake, tanks, tunnels, aqueducts, mains, pipes, meters, fountains, public standpipes, sluices, valves, boreholes, wells, hydrants, pumps, treatment plants, water tankers, water towers, hydropower infrastructures and all other structures, equipment or appliances used or constructed for the collection, storage, conveyance, distribution, supply, measurement or regulation of water belonging to the State Water Authority.

PART II
ESTABLISHMENT, POWERS, FUNCTIONS AND DUTIES OF THE STATE WATER AUTHORITY

State Water Authority and other officers

3. (1) There shall be established an authority called the "State Water Authority".

(2) There shall be such number of officers as may be necessary or expedient for the due administration of this Enactment, who shall be appointed by the State Public Service Commission from amongst the members of the State Public Service to run the State Water Department.

Responsibility of State Water Authority

4. (1) The State Water Authority shall be generally responsible for carrying into effect the provisions of this Enactment.

(2) The custody, management and administration of the water supply system within the State of Sabah shall be vested in the State Water Authority.

Privatization agreement

4A. The State Water Authority shall have power to enter into any agreement with any water supply services contractor authorizing the contractor to do all or any of the following matters:

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(a) to construct, manage, inspect, operate or maintain any water supply system;

(b) to provide water supply services;

(c) to do such other matters as may be necessary.

5. *(Deleted by En. No. 2 of 2022)*

6. *(Deleted by En. No. 2 of 2022)*

Functions and duties of the State Water Authority

7. (1) The State Water Authority shall have the functions and duties to –

(a) manage the production and distribution of water, and the collection of revenue;

(b) regulate and control the supply of water;

(c) ensure efficiency and quality in the supply of water;

(d) exercise regulatory functions as prescribed under this Enactment and the regulations made under this Enactment;

(e) investigate any accidents involving any part of a water supply system arising out of the operations and maintenance of any water supply system or water supply services;

(f) require a Water Supply Authority to perform any duty imposed on him by or under this Enactment or any regulations made under this Enactment;

(g) prescribe a code of practice for Water Supply Authority;

(h) prosecute any offence under this Enactment;

(i) issue licence;

(j) review the regulations made under this Enactment and to make recommendations to the Minister; and

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(k) carry on all such other activities as may appear to the State Water Authority necessary and incidental for the purpose of carrying out or in connection with the performance of his functions and duties under this Enactment.

(2) In addition to the functions and duties conferred on the State Water Authority by this Enactment or regulations made under this Enactment, the State Water Authority shall have the general control and supervision of all Water Supply Authorities in the State.

(3) No person shall supply water for public consumption without a licence issued by the State Water Authority, except in areas where water is not supplied from the waterworks and the means of supply is by an alternative supply system on a temporary basis sanctioned by the State Water Authority.

(4) In the discharge of its functions and duties, the State Water Authority shall comply with such directives as may be given by the Minister from time to time.

Power to delegate

7A. (1) The State Water Authority may, in writing, delegate any of his functions or powers subject to such conditions, limitations or restrictions as he thinks fit, to any officer, and such person to whom the functions or powers is delegated shall perform the functions or powers in the same manner and with the same effect as if the functions or powers had been conferred on him under this Enactment.

(2) A person purporting to act pursuant to a delegation made under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) A delegation made under this section may at any time be revoked by the State Water Authority.

(4) A delegation made under this section shall not preclude the State Water Authority from carrying out at any time the delegated functions or powers.

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Power to fix public standpipe and fire hydrant

8. It shall be lawful for the State Water Authority to fix public standpipe and fire hydrant together with the connection to the waterworks in, under or over any street or road and such standpipes and hydrants shall remain vested in the State Water Authority.

Power to lay water mains, etc

9. The State Water Authority may make, construct, provide, repair and alter such mains and other waterworks as may be necessary for supplying any area of supply and the inhabitants thereof with water and, in executing such works, may carry such mains and other waterworks through, across or under any street or road, or any place laid out or intended for a street or road, or any premises under any street or road:

Provided that –

(a) as regards to any street or road which is a State or Federal road, the State Water Authority shall comply with the provisions of any written law when executing any works on such street or road;

(b) whenever any street or road, or any place laid out or intended for a street or road, or any premises under any street or road, are opened or broken up in the execution of such works, the State Water Authority shall, with all convenient speed, complete the work for which the same shall be opened or broken up, and reinstate and make good such street, road, place or premises; and

(c) the construction, laying, repair and alteration of such mains shall only be undertaken by mains layers licensed by the State Water Authority.

Power to enter on land for purposes of construction

10. (1) Whenever it is necessary, for the purpose of making, constructing, providing, repairing or maintaining any mains or other waterworks under this Enactment, the State Water Authority may lay, place or carry on, under or over any land, mains and other waterworks.

(2) Before entering on any land for the purpose specified in subsection (1), the State Water Authority shall, except in the case of urgency, give notice to the owner or occupier of such land, stating as fully and accurately as possible the nature and extent of the works intended to be done.

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(3) Such notice required under subsection (2) shall be deemed to be properly served if sent by registered post or left at the usual or last known place of abode of the person to whom it is to be served or, if the usual or last known place of abode of such person cannot be ascertained, by fixing the notice conspicuously on some part of the land.

Power to enter into premises

11. (1) The State Water Authority may enter into any premises without notice at any reasonable time to –

(a) inspect any supply pipe and to ascertain whether there is any waste, leakage, obstruction, alteration, interference or damage to any supply pipe or meter therein, and anything in connection therewith;

(b) regulate and repair any supply pipe or meter;

(c) ascertain the consumption;

(d) disconnect the supply pipe 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 supply pipe, either wholly or in part; and

(e) repair, alter, take up, re-lay, re-arrange or otherwise to deal with any supply pipe or meter, as circumstances may require.

(2) Without prejudice to subsection (1), the State Water Authority may in the case of urgency enter into any premises at any time.

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

12. (1) Without prejudice to any water rate, meter rent or other sums due or to become due under this Enactment or regulations made under this Enactment, it shall be lawful for the State Water Authority to restrict, withhold or suspend, stop, turn off or divert he supply of water through or by means of any mains, supply pipe or public standpipe, either wholly or in part, whenever –

(a) the available supply of water from the waterworks shall, in the opinion of the State Water Authority, be insufficient;

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(b) it may be expedient or necessary for the purpose of extending, altering, testing or repairing the waterworks, or for the purpose of the connection of supply pipes or fire hydrants;

(c) any public standpipe is damaged or the waters thereof are polluted or wasted;

(d) there is an outbreak of fire; or

(e) there is a breakdown in the waterworks.

(2) In carrying out the powers conferred under subsection (1), the State Water Authority shall not be held liable for any damage or loss which may result from such restriction, withholding or suspension, stoppage, turning off or diversion.

Power to demand deposit

13. (1) The State Water Authority shall fix the amount of, and to demand in advance, deposits from consumers to cover the amount due or to become due for the meter rent and for chargeable water at any premises, and for works to be carried out by the State Water Authority.

(2) The State Water Authority shall hold such deposit for such period as it deems necessary and it shall bear no interest.

(3) Without prejudice to subsection (2), the State Water Authority may exercise any of its power under this Enactment.

Capital contribution

14. The State Water Authority shall determine and collect capital contribution from consumer where applicable, towards the capital outlay necessarily incurred for the supply of water as prescribed by the regulations made under this Enactment.

Recovery of monies

15. (1) Any monies due under this Enactment shall be deemed to be debt owed to the State Water Authority and shall carry interests at the prevailing statutory rate.

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(2) A certificate issued as provided in the First Schedule by the State Water Authority shall be conclusive proof of such debt unless the contrary is proved in Court, be evidence of the non-payment thereof.

Set-off and combining of account

15A. The State Water Authority may, without notice to the consumer, combine, consolidate or merge all or any of the consumer's accounts with, and liabilities to, the State Water Authority and may set-off or transfer any sum standing to the credit of any such accounts in or towards satisfaction of any of the consumer's liabilities to the State Water Authority, and may do so notwithstanding that a suit in respect of such liabilities instituted on the date of set-off or transfer may be dismissed pursuant to the Limitation Ordinance [*Sabah Cap.72*].

PART III

LICENSING

Licensing

16. (1) No water supply undertaking under section 20(1) shall be managed by any entity unless licensed by the State Water Authority under subsection (3).

(2) Any application for the grant of a licence under this Part shall be made in writing and shall contain, or be accompanied by, such information and documents as may be specified by the State Water Authority for the purposes of determining the application and the suitability of the applicant for the licence.

(3) Upon receiving any application made in accordance with subsection (2), the State Water Authority may –

(a) issue the licence upon payment of the prescribed fees and the security required under subsection (5); or

(b) refuse to issue the licence.

(4) Every licence issued shall set out–

(a) the name and address of the licensee;

(b) the duration of the licence;

(c) the area of supply;

(d) the types of services or facilities to be provided by the licensee;

(e) the annual licence fee payable by the licensee;

(f) the code of practice as prescribed by the regulations made under this Enactment;

(g) the particular duties of the licensee in respect of the services or facilities provided by it; and

(h) such other matters or conditions as the State Water Authority thinks fit.

(5) Before the issuance of any licence, the State Water Authority shall impose security for the sum to be specified and furnished by the applicant for the due compliance of the terms and conditions of the licence and any regulations made under this Enactment.

(6) A licence shall not be transferable unless with the written consent of the Minister.

Notice to perform

17. (1) If it appears to the State Water Authority that a Water Supply Authority has failed to carry out any of its duties under the licence, the State Water Authority may give notice in writing to the Water Supply Authority requiring it to perform such duties within the period prescribed in the notice.

(2) If upon the expiry of the period prescribed in such notice, the Water Supply Authority fails to carry out the duties mentioned therein, the State Water Authority may suspend or revoke the licence.

Suspension and revocation of licence

18. Any licence issued to a Water Supply Authority may be suspended or revoked if –

(a) there has been any breach of any condition of the licence or provision of this Enactment or any regulations made under this Enactment;

(b) there has been a breach by the Water Supply Authority of the terms and conditions of the Agreement referred to in section 21;

(c) the water supplied does not meet the standards set by the Health Authority for water; or

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(d) the Water Supply Authority has become insolvent, or a liquidator or receiver has been appointed by a Court or by its creditors.

Appeal

19. (1) A Water Supply Authority may appeal to the Minister against the suspension or revocation of its licence by the State Water Authority.

(2) Every such appeal shall be made in writing stating the grounds of appeal within fourteen days from the date on which the decision of the State Water Authority is served on the Water Supply Authority.

(3) Upon service of such appeal, the Minister shall make a decision within a reasonable time and the decision shall be final and conclusive.

(4) During the appeal period, where a licence is suspended or revoked under section 18, the State Water Authority may, if it considers that such suspension or revocation would materially affect water supply to the consumers, with the consent of the Minister –

(a) take temporary possession of any water supply undertaking;

(b) operate any water supply undertaking; and

(c) engage any servant or employee,

of the Water Supply Authority.

(5) No compensation shall be paid to the Water Supply Authority in the event of suspension or revocation of the licence.

PART IV

ESTABLISHMENT, FUNCTIONS AND DUTIES OF THE WATER SUPPLY AUTHORITY

Appointment or establishment of Water Supply Authority

20. (1) The State Water Authority may, with the approval of the Minister, appoint or establish a Water Supply Authority for the whole or any particular area of supply in the State of Sabah.

(2) Such appointment or establishment of the Water Supply Authority pursuant to subsection (1) shall be published in the *Gazette*, and the *Gazette* notification shall state-

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(a) the area of supply;

(b) the rates or tariffs to be charged for water supplied to consumers; and

(c) any other matter incidental thereto.

(3) The Water Supply Authority shall have the custody, management and administration of the waterworks and of the water therein and the management of the supply and distribution of such water within its area of supply, subject to the general control and supervision of the State Water Authority.

(4) It shall be the duty of the Water Supply Authority to supply water to consumers within its area of supply subject to the provisions of this Enactment and any regulations made under this Enactment.

Agreement with the Government

21. The management and administration of the Water Supply Authority shall be governed by an Agreement between the Government and the Water Supply Authority.

Compliance to directions, instructions and guidelines of the State Water Authority

22. The Water Supply Authority shall comply with all directions, instructions and guidelines relating to the water supply undertaking issued by the State Water Authority.

Water treatment chemicals

22A. No chemical other than that approved by the State Water Authority shall be used for the treatment of water to be supplied to the public, and the use and storage of such approved chemicals shall be in accordance to the methods, specifications and practice approved by the State Water Authority.

PART V

WATER SUPPLY

Construction and connection of supply pipes and fittings

23. (1) Any consumer shall make arrangement with the State Water Authority or a licensed pipe fitter to construct a supply pipe in any premises for the supply of water from the waterworks.

(2) Every supply pipe and fitting shall be constructed, and the type, size and quality of the materials and fittings used therewith shall be in accordance with regulations made under this Enactment.

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(3) Upon completion of such construction to the satisfaction of the State Water Authority it shall be connected to the waterworks, subject to –

(a) the consumer entering into such agreement with the State Water Authority for the supply of water;

(b) payments of such charges for such connections as prescribed by the regulations made under this Enactment; and

(c) payments of such contributions as shall be determined from time to time by the State Water Authority, towards the capital outlay necessarily incurred to provide the supply.

(4) Notwithstanding the provisions of subsections (1), (2) and (3), the State Water Authority shall not connect with the waterworks the supply pipes of any premises which are-

(a) more than fifty meters from a supply main; or

(b) at an altitude higher than that to which water from the waterworks can be supplied by gravitation,

unless otherwise directed by the State Water Authority and the additional cost thereof shall be borne by the consumer.

(5) Nothing in this section shall be deemed to restrict the fixing of any public standpipe to be provided by the State Water Authority.

Costs relating to supply pipes

24. The cost of constructing, altering or repairing all supply pipes shall be borne by the consumer.

Supply pipes may be repaired by State Water Authority

25. State Water Authority may at its discretion, repair any part of a supply pipe at the request of the consumer and, on completion thereof, the consumer shall pay the costs of such repairs.

Vesting of communication pipes and repairs of such pipes

26. All communication pipes at present existing or hereafter laid may be vested in the Water Supply Authority; and the Water Supply Authority shall, at its own expense, carry out any necessary works of maintenance, repair or renewal of such pipes, and any work on their supply main and incidental thereto.

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Measurement of water supplied

27. (1) All water supplied to premises through supply pipes shall be measured by meter or otherwise measured or charged for in such manner as shall be determined bythe State Water Authority.

(2) The reading in the meter shall be prima facie evidence of the quantity of water supplied unless the contrary is proved in Court.

(3) The State Water Authority shall fix the meter or cause the meter to be fixed at such part of the premises of the consumer in accordance with the regulations made under this Enactment.

Debt owing

28. (1) All chargeable water shall be paid to the State Water Authority withinfourteen days from the date of service of the water bill. Failure to pay such bill shall be deemed to be a debt due to the State Water Authority.

(2) A certificate issued as provided in the First Schedule shall be conclusive proof of the debt until the contrary is proved in Court.

Duty of consumer to report

29. Upon signing the agreement and upon the State Water Authority supplying water to the premises, it shall be the duty of a consumer to report to the State Water Authority, for any water bill which has not been received for the prescribed billing period. The State Water Authority shall immediately investigate and take steps to issue such bill.

Rewards

29A. The State Water Authority may order such rewards as he thinks fit to be paid to any person for services rendered in connection with the detection of any offence under this Enactment or any regulations made under this Enactment, or in connection with any seizures made under this Enactment.

Disconnection of supply pipes

30. (1) The State Water Authority shall disconnect the supply pipe of any premises from the waterworks by severing the service pipe or by taking such other means as he thinks fit and proper notwithstanding any water rate, meter rent or other sums due or to become due under this Enactment or regulations made under this Enactment –

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(a) unless the consumer, within fourteen days from the date of service of written notice in that behalf or such extended time as the State Water Authority may allow, gives an undertaking satisfactory to the State Water Authority to pay to the State Water Authority the amount due for charges of water and for meter rent in accordance with regulations made under this Enactment;

(b) if default is made in the payment of any deposit which the State Water Authority may demand, or of any monies due including anyinstallments from the consumer, for so long as the default continues;

(c) if the construction, alteration or repair of any supply pipe and fittings by a consumer is not carried out to the satisfaction of the State Water Authority in accordance with the provisions of this Enactment or any regulations made under this Enactment, or if such construction, alteration or repair is carried out without the approval of the State Water Authority;

(d) if any consumer is found to be wilfully or negligently wasting water supplied from the waterworks through the supply pipe to his premises; or

(e) if any act or thing is done or omitted contrary to the provisions of this Enactment in relation to any damage, alteration, pollution or abuse of the waterworks, or of any supply pipe, fittings or fire hydrant and appurtenances.

(2) The State Water Authority shall not be held liable for any loss or damage to any consumer or person or property as a result of such disconnection.

(3) The State Water Authority may recover the costs of disconnecting and reconnecting the water supply from the consumer and until all sums payable have been paid, the State Water Authority shall not be obliged to reconnect the supply of water to the affected premises.

PARTVI
RESTRICTION OF WATER SUPPLY

Disconnection of water supply

31. If it appears to the State Water Authority that there is reasonable cause to believe that any premises have been used or are about to be used for the commission of an

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offence under this Enactment or under any regulations made under this Enactment or under any written law or on such other grounds as he may deem fit the State Water Authority may disconnect the supply of water to the said premises.

Disconnection for failure to remedy or rectify

32. (1) The State Water Authority shall have the power to disconnect water to any premises at any time for any contravention of the provision of this Enactment or any regulations made under this Enactment provided that –

(a) he shall inform the owner or occupier or the management corporation of such premises, in writing prior to such disconnection and the reason for so doing; and

(b) no disconnection of water supply shall be carried out unless the consumer has failed to remedy or rectify the default or contravention within the time prescribed in the written notice.

(2) The State Water Authority may recover the costs of disconnection and reconnection of the water supply from the owner or occupier or management corporation as the case may be of such premises.

(3) The State Water Authority shall not be held liable for any loss or damage to any person or property as a result of any disconnection made under this section.

State Water Authority may temporarily cease and reduce water supply

33. (1) The State Water Authority may temporarily cease the supply of water to any premises without any prior notice being given for the purpose of carrying out essential maintenance of and repairs or alterations to any water supply system or part thereof.

(2) The State Water Authority may reduce or divert wholly or in part, water in any pipe or any part of any water supply system, due to a breakdown in the water supply system or part thereof, the outbreak of fire, excessive drought or any other cause, if the State Water Authority is of the opinion that the supply of water is insufficient or unsafe for the purpose of supply to the public.

Restrictions during water supply emergency

34. (1) Where the water supply is insufficient due to excessive drought, industrial unrest, strike, lock-out or any other event which gives rise to an emergency or any other unforeseen circumstances, the State Water Authority may, by notification in the *Gazette* –

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(a) declare a water supply emergency;

(b) prohibit or restrict the use of water –

(i) generally or for specified purposes;

(ii) during specified hours of the day or otherwise; or

(iii) in a specified manner; and

(c) determine and impose –

(i) limits on the quantities of water which may be consumed overany specified period;

(ii) any surcharge in respect of the consumption of water in excess of any limit imposed above; and

(iii) any other conditions as the State Water Authority may deem necessary.

(2) The State Water Authority may –

(a) limit the application of subsection (1) to specified areas, groups,classes of persons, premises or activities; and

(b) suspend or waive any provisions of this section.

(3) The State Water Authority may after declaring a water supply emergency, take temporary possession of any water supply system from any Water Supply Authority and operate it in such manner as it deems fit and take or cause to be taken such measures including the installation of restrictive, controlling and measuring devices and the regulation and control of the disposition of appliances, as may be necessary, to ensure compliance with this section.

No liability for stoppage or reduction of supply

35. The State Water Authority and the Water Supply Authority, and their servants and agents shall not be liable to any action for breach of contract on account of any disconnection or stoppage or reduction or restriction of water supply under section 33 or 34.

Prosecution

36. No prosecution for an offence under this Enactment shall be instituted except by or with the written consent of the Public Prosecutor.

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Civil actions

37. No fine or punishment imposed under this Enactment shall affect or prejudice the powers of the State Water Authority under section 30 nor shall anything in this Enactment be held to prevent proceedings by civil suit against any person for damage caused to any waterworks.

PART VII

ENFORCEMENT

Interpretation

37A. In this Part, "conveyance" means any vehicle, vessel, ship, aircraft or any other mode of transportation whether by air, sea or land.

Authorized officer

37B. (1) The State Water Authority may in writing authorize any public officer to be an authorized any public officer to be an authorized officer to exercise the powers of enforcement under this Enactment.

(2) An authorized officer shall exercise all powers vested in him under this Enactment or any regulations made under this Enactment.

Authority card

37C. (1) The State Water Authority shall issue an authority card to each authorized officer which shall be signed by the State Water Authority.

(2) Whenever an authorized officer exercises any of the powers under this Enactment or any regulations made under this Enactment, he shall on demand, produce to the person against whom the power is being exercised, the authority card issued to him under subsection (1).

Power of investigation

37D. (1) An authorized officer shall have the power to investigate the commission of an offence against this Enactment or any regulations made under this Enactment.

(2) An authorized officer may, in relation to an investigation in respect of an offence committed against this Enactment or any regulations made under this Enactment,

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exercise all or any of the powers in relation to police investigation, except the power to arrest without warrant, given under the Criminal Procedure Code [*Act 593*].

Search with warrant

37E. (1) If it appears to a Magistrate, upon written information on oath and after such inquiry as he considers necessary, that there is reasonable cause to believe that –

(a) any premises have been used or are about to be used for; or

(b) there is in any premises evidence necessary to the conduct of an investigation into,

the commission of an offence under this Enactment or any regulations made under this Enactment, the Magistrate may issue a warrant authorizing an authorized officer named in the warrant, at any reasonable time by day or by night and with or without assistance, to enter the premises and if need be by force.

(2) Without affecting the generality of subsection (1), the warrant issued by the Magistrate may authorize the authorized officer to –

(a) search for any equipment, device, appliance, material, book, record, account, document or other thing as he may consider necessary;

(b) inspect any equipment, device, appliance, material, book, record, account, document or other thing and may open any receptacle, package or conveyance as he may consider necessary;

(c) search for any signboard, card, letter, pamphlet, leaflet or notice;

(d) take any photograph or video via any means including electronic means, enquire and record any information about the inspection as he may consider necessary; or

(e) request the production of any books, account or other documents and may make copy of or extract from thereof.

(3) An authorized officer entering any premises under this section may take with him such other persons and equipment as may appear to him to be necessary.

(4) An authorized officer conducting a search under subsection (1) may, for the purpose of investigating into the offence, search any person who is in or on the premises.

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(5) Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(6) An authorized officer may, in the exercise of his powers under this section, if it is necessary so to do -

(a) break upon any outer or inner door of the premises or any fence, enclosure, gate or other obstruction to the premises, in order to effect entry into the premises, if necessary forcibly;

(b) remove by force any obstruction to entry, search or removal as he is empowered to effect under this section; and

(c) detain any person found in the premises until the search has been completed.

Search without warrant

37F. If the authorized officer has reasonable cause to believe that by reason of delay in obtaining a search warrant under section 37E the investigation would be adversely affected or the evidence of the commission of the offence is likely to be tampered with, removed, damaged or destroyed, the authorized officer may enter the premises and exercise, in respect of the premises, all the powers referred to in section 37E in as full and ample a manner as if he was authorized to do so by a warrant issued under that section.

Power to seize equipment, device, *etc.*

37G. (1) If an authorized officer has reason to believe that there has been committed an offence under this Enactment or any regulations made under this Enactment, he may seize any equipment, device, appliance, material, book, record, account, document or other thing or any receptacle, package or conveyance in which the equipment, device, appliance, material, book, record, account, document or other thing may have been found or which has been used in connection with the offence.

(2) Where under this section any equipment, device, appliance, material, book, record, account, document or other thing or any receptacle, package or conveyance has been seized in respect of such offence then the authorized officer may retain the equipment, device, appliance, material, book, record, account, document or other thing or the receptacle, package or conveyance until the conclusion of such criminal proceedings.

(3) If the State Water Authority is satisfied that, and where applicable, any of the said equipment, device, appliance, material or other thing or any receptacle, package or conveyance -

(a) is subject to speedy and natural decay;

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(b) is liable to deteriorate in quality or spoil within a short time;

(c) is liable to depreciate in value within a short time; or

(d) the custody of which involves unreasonable expense and inconvenience,

he may order the equipment, device, appliance, material or other thing or any receptacle, package or conveyance to be destroyed or otherwise disposed of in such manner as the State Water Authority thinks fit, and the proceeds of sale, if any, shall be kept until the conclusion of such criminal proceedings.

(4) The owner of the equipment, device, appliance, material, book, record, account, document or other thing or any receptacle, package or conveyance that has been seized under subsection (1) shall pay such sums as the State Water Authority may consider reasonable to cover the expenses connected with the removal to a place of detention and unless such sum is paid within a specified time the equipment, device, appliance, material, book, record, account, document or other thing or any receptacle, package or conveyance shall be forfeited.

Power to seal premises

37H. (1) If by reason of its nature, size or amount, it is not practicable to remove any equipment, device, appliance, material, book, record, account, document or other thing or any receptacle, package or conveyance that has been seized in or on any premises, the authorized officer shall, by any means, seal such premises from where the equipment, device, appliance, material, book, record, account, document or other thing or the receptacle, package or conveyance was found.

(2) Any person who, without lawful authority, breaks, tampers with or damages the seal referred to in subsection (1) or removes any equipment, device, appliance, material, book, record, account, document or other thing or any receptacle, package or conveyance seized under seal or attempts to do so, commits an offence and shall on conviction be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Access to computerized data

37I. (1) An authorized officer conducting a search under this Enactment shall be given access to computerized data whether stored in a computer or otherwise.

(2) For the purpose of this section, “access” includes being provided with the necessary password, encryption code, decryption code, software or hardware or any other means required to enable the comprehension of computerized data.

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List of things seized

37J. (1) Where any seizure is made under this Enactment, the authorized officer making the seizure shall prepare a list of the equipment, device, appliance, material, book, record, account, document or other thing or the receptacle, package or conveyance seized and of the place in which that equipment, device, appliance, material, book, record, account, document or other thing or receptacle, package or conveyance is found and shall sign the list.

(2) The list prepared in accordance with subsection (1) shall be delivered immediately to the occupier of the premises where the equipment, device, appliance, material, book, record, account, document or other thing or the receptacle, package or conveyance seized is found.

(3) Where the seizure is made in or from any premises which is unoccupied, the authorized officer shall whenever possible post a list of the things seized conspicuously at or on the premises.

Power to require attendance of person acquainted with case

37K. (1) An authorized officer making an investigation under this Enactment may, by order in writing, require the attendance before himself of any person who appears to the authorized officer to be acquainted with the facts and circumstances of the case, and such person shall attend as so required.

(2) If the person refuses or fails to attend as so required, the authorized officer may report such refusal or failure to a court who shall issue a summons to secure the attendance of such person as may be required by the order made under subsection (1).

Examination of person acquainted with case

37L. (1) An authorized officer making an investigation under this Enactment may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer all questions relating to the case put to him by the authorized officer, but he may refuse to answer any question the answer to which would have a tendency to expose him to a criminal charge or penalty of forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to the questions.

(4) The authorized officer examining a person under subsection (1) shall first inform that person of the provision of subsections (2) and (3).

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(5) A statement made by any person under this section shall, whenever possible, be reduced into writing and signed by the person making it or affixed with thumbprint, as the case may be, after it has been read to him in the language in which he made it and after he has been given an opportunity to make any correction he may wish.

Admissibility of statements in evidence

37M. (1) Except as provided in this section, no statement made by any person to an authorized officer in the course of an investigation under this Enactment shall be used in evidence.

(2) When any witness is called for the prosecution or for the defence, other than the accused, the court shall, on the request of the accused or the prosecutor, refer to any statement made by that witness to the authorized officer in the course of the investigation under this Enactment and may then, if the court thinks fit in the interest of justice, direct the accused to be furnished with a copy of it and the statement and the statement may be used to impeach the credit of the witness in the manner provided by the Evidence Act 1950 [*Act 56*].

(3) Where the accused had made a statement during the course of an investigation, such statement may be admitted in evidence in support of his defence during the course of the trial.

(4) Nothing in this section shall be deemed to apply to any statement made in the course of an identification parade of falling within section 27 or paragraphs 32(1)*(a)*, *(i)* and *(j)* of the evidence Act 1950 [*Act 56*].

(5) When any person is charged with any offence in relation to -

(a) the making; or

(b) the contents,

of any statement made by him to the authorized officer in the course of an investigation made under this Enactment, that statement may be used as evidence in the prosecution's case.

Forfeiture or release of equipment, device, *etc*., seized

37N. (1) Any equipment, device, appliance, material, book, record, account, document or other thing or any receptacle, package or conveyance seized in exercise of any power conferred by this Enactment shall be liable to forfeiture.

(2) An order for the forfeiture of any equipment, device, appliance, material, book, record, account, document or other thing or any receptacle, package or conveyance shall be

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made if it is proved to the satisfaction of the court that an offence under this Enactment has been committed and that the equipment, device, appliance, material, book, record, account , document or other thing or the receptacle, package or conveyance was the subject matter of or was used in the commission of the offence, even though no person may have been convicted of such offence.

(3) If there is no prosecution with regard to any equipment, device, appliance, material, book, record, account, document or other thing or any receptacle, package or conveyance seized under this Enactment, such equipment, device, appliance, material, book, record, account, document or other thing or receptacle, package or conveyance shall be taken and deemed to be forfeited at the expiration period of one calendar month from the date of service of a notice to the last known address of the person from whom the equipment, device, appliance, material, book, record, account, document or other thing or the receptacle, package or conveyance was seized indicating that there is no prosecution in respect of such equipment, device, appliance, material, book, record, account, document or other thing or receptacle, package or conveyance unless before the expiration of that period a claim thereto is made in the manner set out in subsections (5), (6), (7) and (8).

(4) If no claim is made under subsection (5) within one calendar month from the date of service of the notice referred to in subsection (3), the equipment, device, appliance, material, book, record, account, document or other thing or receptacle, package or conveyance seized under this Enactment shall be taken and deemed to be forfeited at the expiration of that period.

(5) Any person asserting that he is the owner of an equipment, device, appliance, material, book, record, account, document or other thing or receptacle, package or conveyance referred to in subsection (3) and that it is not liable to forfeiture may personally or by his agent authorized in writing, give written notice to the authorized officer in whose possession such equipment, device, appliance, material, book, record, account, document or other thing or receptacle, package or conveyance is held that he claims the equipment, device, appliance, material, book, record, account, document or other thing or receptacle, package or conveyance.

(6) On receipt of the notice referred to in subsection (5), the authorized officer shall refer the claim to a Magistrate.

(7) The Magistrate to whom a matter is referred under subsection (6) shall issue a summons requiring -

(a) the person asserting that he is the owner of the equipment, device, appliance, material, book, record, account, document or other thing or the receptacle, package or conveyance; and

(b) the person from whom the equipment, device, appliance, material, book, record, account, document or other thing or the receptacle, package or conveyance was seized, to appear before him, and when they appear or they fail to appear, due service of the summons having been proved, the Magistrate shall proceed to the examination of the matter.

(8) If it is proved that an offence under this Enactment or any regulations made under this Enactment has been committed and that the equipment, device, appliance, material, book, record, account, document or other thing or the receptacle, package or conveyance was the subject matter of or was used in the commission of such offence, the Magistrate shall order the equipment, device, appliance, material, book, record, account, document or other thing or the receptacle, package or conveyance to be forfeited, and shall, in the absence of such proof, order its release.

(9) Any equipment, device, appliance, material, book, record, account, document or other thing or any receptacle, package or conveyance forfeited or deemed to be forfeited shall be delivered to the State Water Authority and shall be disposed of in such manner as the State Water Authority thinks fit.

Cost of holding equipment, device, *etc*., seized

37O. If any equipment, device, appliance, material, book, record, account, document or other thing or any receptacle, package or conveyance seized under this Enactment is held in the custody of the State Water Authority pending completion of any proceedings in respect ofan offence under this Enactment or any regulations made under this Enactment, the cost of holding it in custody shall, in the event of any person being found to commit an offence, be a debt due to the Government by such person and shall be recoverable accordingly.

No cost or damages arising from seizure to be recoverable

37P. No person shall, in any proceedings before any court in respect of any equipment, device, appliance, material, book, record, account, document or other thing or any receptacle, package or conveyance seized in the exercise or the purported exercise of any power conferred under this Enactment or any regulations made under this Enactment, be entitled to the costs of such proceedings or to any damages or other relief unless such seizure was made without reasonable cause.

Obstructing, *etc*., officers

37Q. Any person who –

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(a) in any way assaults, hinders or obstructs the authorized officer in the performance of his duties under this Enactment or any regulations made under this Enactment; or

(b) fails to give reasonable facilities or assistance to any authorized officer in the performance of his duties under this Enactment or any regulations made under this Enactment,

commits an offence and shall on conviction be liable to a fine not exceeding three hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Authorized officer may seek assistance to examine things relating to offence

37R. An authorized officer may seek the assistance from any person who has the necessary qualifications to examine the equipment, device, appliance, material, book, record,account, document or other thing seized or retained under this Enactment for the purposes of an investigation under this Enactment.

PART VII

Sections 38 – 47 (Substitute by En. 2 of 2022)

Section 48 (Deleted by En. 2 of 2022)

PART VIII

OFFENCES, PENALTIES AND COMPENSATIONS

Injuring water supply system, misuse, etc

49. Any person who –

(a) wilfully or negligently damages or causes to be damaged any conduit, reservoir, cistern, pump, well, pipe, valve, meter or part of any water supply system belonging to or under the management or control of the State Water Authority;

(b) unlawfully flushes, draws off, diverts or takes water from any water supply system or part thereof belonging to or under the management or control of the State Water Authority from which water is supplied to any water supply system unless otherwise permitted under any other written law;

(c) bathes, wastes in or throws any rubbish or creature, dead or alive, into any water supply system or part thereof;

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(d) wilfully or negligently deposits or allows to be deposited any earth, materials or liquid in such manner or place into any water supply system or part thereof

(e) wilfully or negligently misuse or waste or allows to be misused or wasted any water supplied from any water supply system either through any public standpipe or hydrant;

(f – g) (Deleted by En.2 of 2022)

commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both and in the case of a continuing offence to a further fine not exceeding one thousand ringgit for each day or part thereof during which the offence is continued.

Unlawful connection of service pipes and continuing offence

50. Any unlawful connection of a service pipe to a public mains or to another service pipe serving another premises, shall be presumed until the contrary is proved that the unlawful connection was made by the owner or occupier of the first mentioned premise, commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both and for each day the offence is continued it shall be a separate offence.

Pollution

51. Any person who pollutes water in the water supply system by –

(a) depositing or allowing to be deposited any earth, material or liquid in such manner or place that it may be washed, fall or be carried into the waterworks;

(b) washing or bathing, or throwing into any part of the waterworks; or

(c) throwing or causing to enter therein any creature, dead or alive,

commits an offence and shall on conviction be liable to a fine of not exceeding three hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Tampering with meter

52. (1) Any consumer who –

(a) causes or permits to be altered or tampered, any supply pipe with intent to avoid the accurate measurement of water;

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(b) wilfully or negligently interferes or tampers with or injures or damages any meter;

(c) alters the index of any meter belonging to the State Water Authority for measuring the water supplied by such authority; or

(d) prevents any meter belonging to the State Water Authority from registering correctly the quantity of water supplied,

commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(2) Any supply pipe so altered or meter so, tampered or interfered with, altered or injured shall not be replaced or repaired by the State Water Authority unless the costs incurred for the replacement or repair thereof has been paid to the State Water Authority.

Illegal reconnection and continuing offence

53. Any consumer whose water supply has been disconnected by the State Water Authority and it is found that the supply has been reconnected illegally, shall be deemed, until the contrary is proved, to have committed the offence and shall on conviction be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both, and for each day the offence is continuing it shall be a separate offence.

Offences relating to the use of water supplied

54. (1) Any consumer who –

(a) has a contract with the State Water Authority for the supply of water allows or causes any such water to be carried or conveyed or used outside such premises for purposes other than the purpose of the contract (the extinguishments of fire excepted);

(b) wilfully or negligently misuses or wastes or causes or permits to be misused or wasted any water supplied to his premises; or

(c) has agreed to use the water supplied for a particular purpose only but uses or causes or permits the use of water for a different purpose (the extinguishments of fire excepted),

commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand ringgit.

(2) Nothing in this section shall affect the rights of the State Water Authority to disconnect water supply from the premises of the consumer who is reasonably suspected

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of having committed any of the offences in subsection (1) and the State Water Authority shall not be held liable for any loss or damage to any person or property as a result of such disconnection.

55. *Deleted by En. 2 of 2022*

Altering services

56. Any consumer who alters or causes or permits to be altered any plumbing system so as to enable him to get a greater supply of water as prescribed by the regulations made under this Enactment, commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Unlawful taking of water from fire hydrant

57. Any person who takes water from any fire hydrant without the written approval of the State Water Authority, except for extinguishments of fire, commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Failure to report damage

58. Any person who neglects or fails to report to the State Water Authority of any communication pipe or part thereof which has become damage so as to cause or is likely to cause contamination or waste of water, commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit.

Failure to repair damage

59. Any consumer who neglects or fails to clear any obstruction or repair any damage that may cause or is likely to cause contamination, waste, undue consumption or blockage of water in any part of the service pipe (other than a communication pipe), a distribution pipe or water fitting in or upon any premises commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit.

Wilfully causing loss

60. Any person who wilfully causes chargeable water not to be collected or billed commits an offence and shall on conviction be liable to a maximum fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding six months or to both.

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Tampering of water supply system or part thereof

61. Any person who tampers with any valve, fire hydrant or any water supply system or part thereof commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Compensation for damage

62. The State Water Authority may recover compensation from any person who wilfully or negligently damages or causes to be damaged any meter, valve, fire hydrant, public standpipe, pipe or any water supply system belonging to the State Water Authority.

Offence using explosive or poisonous substance

63. Any person who intends to commit an offence using any explosive substance, explosive projectile, natural poisonous substance or poisonous chemical substance in the water supply system commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Contravention of restrictions during water supply emergency

64. Any consumer who contravenes or fails to comply with the provisions of section 34 commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Penalty for obstructing

65. A person who at any time –

(a) hinders or obstructs the State Water Authority or any person authorized by the State Water Authority or fails to comply with any requirement made by the State Water Authority in the exercise of his powers, functions and duties under this Enactment; or

(b) removes or destroys any mark set up for the purpose of indicating the level of water in any watercourse by which water is supplied to any water supply system,

commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding six months or to both.

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General penalty

66. (1) Any person who commits an offence under this enactment or any regulations made under this Enactment for which no penalty is expressly provided shall on conviction be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(2) Any body corporate which commits an offence under this Enactment or any regulations made under this Enactment for which no penalty is expressly provided shall on conviction be liable to a fine not exceeding five hundred thousand ringgit.

Penalties for regulations

66A. The regulations made under section 72 or any other regulations made under this Enactment may provide for any act or omission in contravention of the regulations, rules or other subsidiary legislations to be an offence and may provide for penalties of a fine not exceeding three hundred thousand ringgit or a term of imprisonment not exceeding three years or both.

PART IX
POWERS OF THE MINISTER

Power of the Minister to give directions

67. The Minister may, from time to time, give directions of a general character not inconsistent with the provisions of this Enactment as to the performance of the functions and the exercise of the powers of the State Water Authority under this Enactment and it shall be the duty of the State Water Authority to give effect to such directions.

Power to constitute a Board

68. (1) The Minister may constitute a Board for the purpose of this Enactment and matters related thereto.

(2) The constitution of the Board shall be published in the *Gazette*.

Enabling power for any agency to assume responsibility of the State Water Authority

69. The Minister shall seek the consent of the State Legislative Assembly for any agency to assume the responsibility of the State Water Authority for such period and conditions as the Minister may determine.

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Approval of Minister to delegate powers, functions and duties of State Water Authority to Water Supply Authority

70. The State Water Authority may, with the approval of the Minister –

(a) transfer, assign or delegate any of the powers, functions and duties and obligations; and

(b) transfer, convey any of its movable assets or lease any of its immovable assets to any Water Supply Authority.

Special power in emergency

71. (1) The Minister may, on the occurrence of any industrial unrest, strike, lock-out, natural disaster or any other event which gives rise to an emergency, or in the interest of public safety, issue a certificate in accordance to the Third Schedule, authorizing the State Water Authority to –

(a) suspend the licence of the Water Supply Authority, take possession of such water supply undertaking and operate it in such manner as it deems fit; or

(b) withdraw either partially or totally the use of any water supply undertaking from the Water Supply Authority.

(2) Where the State Water Authority takes possession of any water supply undertaking under subsection (1), no compensation shall be paid.

Regulations

72. The Minister may, after consultation with the State Water Authority, by order published in the *Gazette*, make any regulations specifically or generally for the purpose of carrying out the provisions of this Enactment such as –

(a) the form of all notices required to be given or sent under this Enactment, and the issuing and service thereof;

(b) (Deleted by En. 2 of 2022)

(c) (Deleted by En. 2 of 2022)

(d) the sale and price of water;

(e) free allowances of water to approved house of worship and fire hydrants;

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(f) the fixing of meters, the cost of meter rents and the ascertaining of consumption at any premises;

(g) the notification of restriction or suspension of water supply and the disconnection or re-connection of the water supply from or to a consumer;

(h) the licensing of pipe-fitters and mains layers;

(i) to provide for the following technical and performance standards:

(i) the minimum standards and specifications which shall be used in the design, construction, installation, protection, operation and maintenance of any water supply system;

(ii) installation of meters and sub-meters or monitoring systems with respect to connection, disconnection, use, maintenance, authentication, testing and commissioning of meters and sub-meters or monitoring systems and with respect to any related matters;

(iii) the minimum qualifications to be possessed by persons before they may be allowed to construct, install, test, commission, operate, maintain or manage any water supply system;

(iv) the performance related specifications for infrastructure development to be undertaken;

(v) the internal reticulation including internal piping and water filters;

(vi) the standardization of equipment, devices, appliances and materials used for water supply systems and for the purposes of providing water supply services;

(j) (Deleted by En. 2 of 2022)

(k) the prevention of waste and the prohibition of the re-sale of water;

(l) the taking of water from public stand pipes, the regulation or restriction of the persons resorting or desiring to resort thereto, the apportionment, rationing or restriction of the supplies which may be taken there from;

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(m) the use of water for fire services or sewerage purposes, or any public sewerage system;

(n) the conservation and use of water from the waterworks;

(o) the regulation, protection and control of the impounding works and matters connected therewith;

(p) the licensing of Water Supply Authority, the fees to be paid and the security to be furnished for such licences;

(q) *(Deleted by En. 2 of 2022)*

(r) *(Deleted by En. 2 of 2022)*

(s) the control and prevention of contamination and pollution of water supply;

(t) the sanctioning of the alternative water supply system;

(u) *(Deleted by En. 2 of 2022)*

(v) to prescribe the charges or rates for capital contribution which a State Water Authority may charge for the purposes of connecting a premises or a development to the State Water Authority's supply system;

(w) to prescribe the offences which may be compounded and the forms to be used and the method and procedure for compounding the offences;

(x) to prescribe fees and charges which may be prescribed under this Enactment; and

(y) to prescribe all other matters as are necessary or expedient to be prescribed for giving effect to this Enactment.

PART X

MISCELLANEOUS

Offences by body corporate

72A. (1) If a body corporate commits an offence under this Enactment or any regulations made under this Enactment, a person who at the time of the commission of the offence was a chief executive officer, chief operating officer, director, manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate or was assisting in such management –

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(a) may be charged severally or jointly in the same proceedings with the body corporate; and

(b) if the body corporate is found to have committed the offence, shall be deemed to have committed that offence unless, having regard to the nature of his functions in that capacity and to all circumstances, he proves –

(i) that the offence was committed without his knowledge, consent or connivance; and

(ii) that he had taken all reasonable precautions and exercised due diligence to prevent the commission of the offence.

(2) If any person would be liable under this Enactment or any regulations made under this Enactment to any punishment or penalty of his act, omission, neglect or default, he shall be liable to the same punishment or penalty for every such act, omission, neglect or default of any employee or agent of his, or of the employee of the agent, if the act, omission, neglect or default was committed –

(a) by that person's employee in the course of his employment;

(b) by the agent when acting on behalf of that person; or

(c) by the employee of the agent in the course of his employment by the agent or otherwise on behalf of the agent acting on behalf of that person.

Compounding of offences

72B. (1) The State Water Authority may compound any offence committed by any person under this Enactment or any regulations made under this Enactment which is prescribed tobe a compoundable offence by making a written offer to such person to compound the offence on payment to the State Water Authority of such amount not exceeding fifty per cent of the amount of the maximum fine for that offence within such time as may be specified inthe offer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted.

(3) If the amount specified in the offer made under subsection (1) is not paid within the time specified in the offer or within such extended period as the State Water Authority may grant prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(4) Where an offence has been compounded under subsection (1), no prosecution shall after that be instituted in respect of the offence against the person to whom the offer to

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compound was made, and any equipment, device, appliance, material, book, record, account, document or other thing or any receptacle, package or conveyance seized in connection with the offence may be released by the State Water Authority, subject to such terms as the State Water Authority thinks fit.

Vesting of land and reversion upon expiry

73. For the purpose of section 69, where in the opinion of the Yang di-Pertua Negeri it appears desirable, he may from time to time vest any State land or immovable asset in the agency and such State land or immovable asset shall be held in trust for the State Water Authority, and upon expiry of the period or determination, such State land or immovable asset shall be reverted to the Government.

Protection against suit and legal proceedings

74. No action shall lie or prosecution shall be brought, instituted or maintained in any court against –

(a) the State Water Authority, officer or authorized officer; and

(b) any other person for or on account of or in respect of any act done or purported to be done by him under the order, direction or instruction of the State Water Authority, officer or authorized officer,

If the act was done in good faith and in a reasonable belief that it was necessary for the purpose intended to be served by it and for the carrying into effect the provision of this Enactment.

Public Authorities Protection Act 1948

75. The Public Authorities Protection Act 1948 shall apply to any action, suit, prosecution or proceedings against the State Water Authority or agent of the State Water Authority in respect of any act, neglect or default done or committed by any of them in such capacity.

Repeal and savings

76. (1) The Water Supply Ordinance 1961 *[Sabah No. 16 of 1961]* is repealed.

(2) The repeal of the said Ordinance shall not affect the rights, obligations, powers, functions and duties of any Water Authority established prior to the date of the repeal thereof, nor affect in any way, any regulation, order, declaration or notification issued prior to the date of such repeal and such regulation, order, declaration and notification should continue in full force and effect until replaced or substituted or amended by a new regulation, order, declaration or notification made under this Enactment.

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(3) Any Water Authority constituted under the repealed Ordinance shall, on the date of the repeal thereof, be known and referred to as State Water Authority and its name shall be amended accordingly.

(4) Any water bill which have been paid in accordance to the water rates prior to the coming into force of this Enactment shall be deemed to have been paid under the provisions of this Enactment.

(5) Any civil proceedings or cause of action pending or existing immediately before the commencement of this Enactment by or against the Water Authority constituted under the repealed Ordinance or any person acting on its behalf may be continued and instituted by or against the State Water Authority as it might have been by or against the Water Authority constituted under the repealed Ordinance or such person as if this Enactment had not been passed.

Prevention of anomalies

77. (1) If any difficulty or anomaly arises in connection with the transitional provisions contained in this Enactment, the Minister may, subject to subsection (2), by Order make such modifications therein as may appear to him necessary for removing, resolving or preventing such difficulty or anomaly.

(2) The Minister shall not exercise the powers conferred by subsection (1) after the expiration of two years from the commencement of this Enactment.

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FIRST SCHEDULE

WATER SUPPLY ENACTMENT 2003

CERTIFICATE DEBT OWED

(Section 15, 28 and 62)

I,..... , the State Water Authority / Water Supply Authority hereby certify that you* ……..…… of**..... and account number ***..... owe the State Water Authority /Water Supply Authority the sum of RM .....……..... for.....the nature of non-payment) ……..

You are indebted for the sum certified.

This certificate is dated this ..... day of ..... month ..... year.

(Name of State Water Authority / Water Supply Authority)

* Name and NRIC / passport number

** Address

*** Account number in the State Water Department

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SECOND SCHEDULE

-Deleted by En. 2 of 2022-

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THIRD SCHEDULE

SABAH WATER SUPPLY ENACTMENT 2003

CERTIFICATE STEP-IN-RIGHTS

(Section 71)

I, ... , the Minister responsible for water supply under this Enactment hereby certify that …….. ..... has occurred which gives rise to an emergency and hereby authorize the State Water Authority to exercise the power conferred under this section.

This certificate is dated this ..... day of ..... month.....year.

(Name of Minister)
Minister in charge of water supply.

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CERTIFIED by me to be a true copy of the Bill passed by the Legislative Assembly on Monday, the 20th day of October, 2003.

DATUK JAMES A. VITALES,
Deputy Speaker,
State Legislative Assembly.