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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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No. 1794/12 - TUESDAY, JANUARY 22, 2013

(Published by Authority)

PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

UVA PROVINCE PROVINCIAL COUNCIL

Local Authorities (Standard By-laws) Act, No. 6 of 1952

DRAFT By-laws made under the Section 2 of the Local Authorities (Standard By-laws) Act, No. 6 of 1952 (Chapter 262) by Shashindra Rajapaksha, Provincial Minister in-charge of Local Government of the Uva Province 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.

The Municipal Councils, Urban Councils and Pradeshiya Sabhas are authorized to make By-laws for the provisions of above mentioned draft By-laws by Section 267 read with Section 272 of the Municipal Council Act No. 16 of 1947 (Chapter 252), Section 153 read with Section 157 of the Urban Council Act, No. 61 of 1939 (Chapter 255) and Section 122 read with Section 126 of the Pradeshiya Sabha Act, No. 15 of 1987 respectively. I hereby authorized all Local Government Authorities to make and adopt these By-laws subject to the provisions of Sub section (3) of section 2 of the Local Authorities (Standard By-laws) Act, No. 6 of 1952.

SHASHINDRA RAJAPAKSHA,
Provincial Minister in-charge of Local Government of the
Uva Province Provincial Council.

At the Office of the Chief Minister,
Badulla,
18th December, 2012

BY-LAWS

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

2. (1) It shall be the responsibility of any Local Government Authority to extend necessary assistance to a Community Based Organization (hereinafter referred to as CBO) who carries on the business of water supply and works within the area of such Local Government Authority.

(2) The CBO shall prior to carrying on the business of water supply and water works within the area of Local Government Authority obtain the approval of such Local Government Authority.

(3) The Local Government Authority shall upon the receipt of an application for such approval, grant or reject approval for same within 30 days of receipt of such application and in the event of rejection of approval, shall give reasons for such rejection.

(4) However before granting the approval for a such application the Local Government Authority shall take the recommendations from the institution holds the ownership or the possession of the land that such water supply and water work business is Located and the National Water Supply and Drainage Board, regarding such business.

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

4. (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) (a) When a CBO rejects any application, such CBO shall notify the relevant applicant thereof with reasons therefore within fourteen days from the receipt of such application ;

(b) Where a CBO rejects any application, the party aggrieved by such rejection may make an appeal there from to the relevant Local Government Authority ;

(c) The Chief of the Local Government Authority shall, upon the receipt of an appeal, conduct an appropriate inquiry and issue appropriate orders within fourteen days from the receipt of such appeal.

(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 alternation 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.

5. (1) The Chief of a Local Government Authority 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 work.

(2) The Chief of the Local Government Authority 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 Local Government Authority ;
- (b) The Local Government Authority shall send a copy of the register of any subsequent alterations or amendments made to such register to the relevant CBO's immediately.
6. (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 and shall obtain through the chief of the Local Government Authority the approval of the Technical Services Committee of such Local Government Authority for the said feasibility report ;
- (b) If the Technical Service Committee of the Local Government Authority reject to grant approval for same, it shall give reasons for such rejection ;
- (c) 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.

7. (1) No person shall use water from a private 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 and shall notify the Local Government Authority thereof with reasons for such disconnection.

8. 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.

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

10. The CBO may determine or revise the water tariff rates at a General Meeting as may be necessary, and shall get the general body of the Local Government Authority to resolve such determinations and revisions.

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 is provided in paragraph (1), scheme to 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 the termination respectively of that month, in the manner stated below :-

- (1) The first readings 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 regarding taken for the month immediately preceding. For the purposes of these By-laws the "Newly fixed meter" shall also mean a meter, which has been fixed after repairs, or a meter fixed temporarily during such 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 a removed for repairs and it is not possible to take the last reading during the aforesaid period, the last readings shall be the reading that is taken before such meter is removed for the purposes of this By-laws the term "last reading" "includes the reading at the time of removing of a temporarily fixed meter ;
- (3) If two or more meter have been in use any premises during any month the consumptions 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 month, in accordance with the provisions of these By-law and serve to the owner or occupier of the premise 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 calculation made in the bill referred to in paragraph (1) of this By-laws 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 mater 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-laws 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 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 investments are 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 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 Chief of any Local Government Authority to the effect that water is found running to waste from any tap, pipe, meter or any other fitting which forms a part of any Water Supply Scheme managed by a CBO, the Chief or any officer authorized by him shall investigate into such complaint and issue appropriate directions to the relevant CBO and to other parties connected therewith.

19. A CBO shall at all stages of construction, maintenance and providing extensions to the water supply schemes, follows the principles of justice and fair play and supply minimum water requirements in respect of every community, and every individuals 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 Chief of the Local Government Authority.

(2) The Chief 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 Court.

21. (1) A Local Government Authority may, by a notice published in the Gazette declare a specified geographical area as "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 Local Government Authority 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.

(4) No person shall without having legal grounds, obstruct the commencement or maintenance of any water supply and water work business.

22. The Local Government Authority, 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.

3. (1) (a) Any dispute arising in connection with the implementation of these By-laws shall initially be referred for settlement by mediation ;
- (b) Every dispute shall immediately be referred for settlement by mediation within the following 30 days after it arises.
- (2) For the purpose of paragraph (1), a dispute means a dispute between CBO and the Local Government Authority with which the CBO is registered or dispute between a CBO and any other adjacent Local Government Authority or a dispute between any of the two Local Government Authorities 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 paragraph (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 within a period of thirty days immediately following such decision, make an 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 Magistrate 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 Chief of a Local Government Authority 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 person competent for the purpose and has been declared by the relevant Local Government Authority 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 ;

“Chief of Local Government Authority” mean, the Mayor of a Municipal Council or the Chairman of an Urban Council or a Pradeshiya Sabha ;

“Community Based Organization” means, an organization representing the user community which is a body corporate and a 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 Organization within the area of Local Government Authority, with representatives from each such Community Based Organization ;

“Local Government Authority” means, a Municipal Council or an Urban Council or a Pradeshiya Sabha ;

“National Water Supply and Drainage Board” or “NWSDB” means, the National Water Supply and Drainage Board established under the 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 ;

“Provincial Water Committee” or “PWC” means, the Uva Province Provincial Water Committee chaired by the Uva Province Provincial minister in charge of water supply ministry or the secretary of the said ministry or the chief secretary of Uva Province ;

“Water Supply and Water Works” shall have the same explanation given in paragraph (xiii) of Section 126 of the Local Government Authority 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 it should conform to the provisions of the Stamp Act, No. 43 of 1982 ;
- (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) (a) 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 Local Government Authority and at Executive Committee Meeting of the CBO ;

(b) Where the Chief of the relevant Local Government Authority is of the opinion that it is expedient to do so, he or any other officer of the Local Government Authority authorized by him may examine all accounts and administrative affairs relating to the rural Water Supply Scheme of the CBO and issue appropriate directives to 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) The CBO, which manages the Water Supply Scheme, shall prepare monthly progress reports and also shall forward to the Chief of the relevant Local Government Authority a quarterly report on all accounts and administration affairs relating to the rural Water Supply Scheme of the CBO ;
- (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 Local Government Authority 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 ;
- (xi) On a request of the Provincial Water Committee (PWC) or National Water Supply and Drainage Board (NWSDB) the CBO shall provide any information regarding accounts and administrative affairs related to its Water Supply Schemes, in a form of written or verbal or requested by the PWC or NWSDB and the CBO shall allow PWC or NWSDB to examine or investigate that information or documents or records or Water Schemes or stores or any place related to that Water Supply Scheme.

SCHEDULE - 2 (BY-LAW 9)

PIPES AND FITTING 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 fitting for use with PVC pipes shall comply with SLS 1659 ; 1993 or BS 4346 Parts I & II : 1970 and any subsequent revisions ;
- (ii) All polythylene pipes used in the construction of any private Water Service Connection shall conform to British Standard 6572 : 1985 and any subsequent revisions thereto, or any other National Standard, 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 conform to British Standards 1387 of 1985 and any subsequent revision thereto.