



ST. HELENA

## CHAPTER 60

# JAMESTOWN DRAINAGE ORDINANCE

### Non-authoritative Consolidated Text

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

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

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

This version contains a consolidation of the following laws—

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Ordinance 6 of 1904 .. in force 10 October 1904

Amended by Legal Notice 4 of 1967

Amended by Ordinance 7 of 2003

Amended by Legal Notice 26 of 2009

No Subsidiary Legislation has been made under this Ordinance

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

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**JAMESTOWN DRAINAGE ORDINANCE**

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## CHAPTER 60

## JAMESTOWN DRAINAGE ORDINANCE

*(Ordinances 6 of 1904 and 7 of 2003 and Legal Notices 4 of 1967 and 26 of 2009)*

AN ORDINANCE TO PROVIDE FOR DRAINAGE AND SEWERAGE IN JAMESTOWN.

**Commencement**

*[10 October 1904]*

**Short title**

1. This Ordinance may be cited as the Jamestown Drainage Ordinance.

**Interpretation**

2. In this Ordinance, and in any regulation or order made thereunder, unless the context otherwise requires—

**“Drainage Authority”**<sup>2</sup> means the Council Committee for the time being having responsibility for the subject matter of this Ordinance;

**“drainage district”** means all and the whole of the town of Jamestown situated on the north part of the Island, beginning on the foreshore at outfall of the Run and continuing upwards along the course of the said Run to a point known as Drummer’s Point Spring, and extending east and west throughout to a distance of five hundred lineal yards on both sides of the said Run from the said outfall at foreshore to the said terminus at Drummer’s Point Spring;

**“drainage works”** means the works executed for carrying out the scheme of underground drainage of Jamestown, and any works connected therewith, and shall include drains, sewers, cesspools, pipes, water-closets, traps, inspection-chambers and gratings;

**“house drain”** means any channel or conduit, whether covered or not, used, or intended to be used, for the collection, conveyance and removal of rain-water falling upon, or flowing off from any roof, terrace, yard, garden or upon any part of any tenement;

**“house sewer”** means any sewer laid or constructed or existing within private or Government tenements; or under or upon any place, other than a public thoroughfare used, or intended to be used, for the removal of sewage from any such tenement or group of tenements, and the expression shall include all water-closets, sinks, gullies, flushing-tanks and other appliances used, or intended to be used, in connection with the said sewer;

**“occupier”** includes the owner of any occupied or unlet property and applies equally to every person in actual occupation of the premises and shall include the owner of such premises when such owner is in actual occupation of the same;

**“owner”** means the person for the time being receiving, or who would be entitled to receive, the rent of any premises if such premises were let for his own benefit or that of any other person; or, when the owner cannot be found or ascertained, the occupier. The occupier shall in the case of property belonging to the Crown signify the Public Works and Services Committee; and in all other cases of public property the officer to whom the management thereof is entrusted;

<sup>2</sup> Definition of “Drainage Authority” amended by L.N. 4/1967 and L.N. 26 of 2009

**“premises”** means all lands and tenements when enclosed or not enclosed, whether built on or not, and shall include all buildings thereupon;

**“prescribed”** means prescribed by this Ordinance and regulations made under this Ordinance;

**“regulations”** means any regulations made under this Ordinance and in conformity with its provisions;

**“refuse”** means the waste matter from premises and shall be classified as follows—

- (a) dry refuse, including dust, ashes, refuse food such as bones and offal, vegetables and fruit, and the dung of domestic animals;
- (b) liquid refuse or sewage, including water sullied or contaminated by matter in solution or suspension, derived from the use of water in connection with the life and avocations of mankind; saving and excepting such water or other fluid or substance which may by the provisions of this Ordinance be specifically exempted from this definition;
- (c) human excreta solid and fluid;

**“run”** means and includes the culvert and stream of water running through Jamestown from the waterfall on the south to the outlet on the west side of the Line Gates leading to the wharf;

**“sewerage system”** means all sewers, conduits, pipes, manholes and other appliances used, or intended to be used, for the reception, conveyance, removal and disposal of sewage; saving and excepting house sewers as above defined;

**“street sewer”** means underground drains laid in streets or thoroughfares, for the purpose of removing liquid refuse and human excreta from premises;

**“subsoil drain”** means any drain, conduit or channel constructed below ground, and used, or intended to be used, for collecting and conveying away water other than sewage from the soil;

**“water carriage”** means the removal of human excreta and their carrying away from the premises into street sewers by means of water.

## PART I

### Responsibility for works

**3. (1)** All drainage works shall be carried out, managed and supervised by the Drainage Authority which shall be responsible directly to the Governor.

**(2)** The Governor may from time to time appoint such further officers and servants as may be necessary for carrying out the management, supervision and inspection of drainage works under the control of the Drainage Authority.

**(3)** It shall be lawful for the Drainage Authority at any time for the purpose of this Ordinance to—

- (a) stop all traffic in any road or street whenever necessary during the execution of any drainage works thereon;
- (b) enter any premises with the necessary material, plant and men and execute any drainage works during the day;
- (c) lay down any house sewer with the necessary service piping, connect it with any street sewer, and subsequently maintain it.

**(4)** If, in the opinion of the Drainage Authority, there is no suitable route whereby the house sewer of any premises can be connected with a street sewer without passing through one or more adjoining premises, it shall be lawful for the Drainage Authority to lay down and subsequently maintain a house sewer in and across any one or more of such adjoining premises; or, if the Drainage Authority shall think fit, to connect the house sewer of any one of

two or more adjoining premises with the house sewer of any other adjoining premises so as to lead through one service to the street sewer.

### **Compensation in certain cases**

4. (1) If on the completion of any drainage works authorised by section 3(4) of this Ordinance the owner of any premises shall consider that the value of this premises has been impaired by the execution of such works, it shall be lawful for him to apply to the Drainage Authority for a certificate stating what drainage works have been executed on his premises for the purpose of connecting the house sewer of any adjoining premises with the street sewer, and the Drainage Authority shall thereupon furnish him with such certificate.

(2) It shall be lawful for the owner, within a period of six months from the date of issue of such certificate, to apply to the owner or owners of any one or more adjoining premises, the house sewer of which shall have been connected with the house sewer of his premises or laid in or across his premises, for reasonable compensation in respect of the damage caused to his premises by the works stated in the certificate, and, in default of payment of the sum demanded, a summons may issue calling upon the party refusing to pay to show cause for such refusal. A Magistrate shall decide whether any compensation shall be paid and if so shall fix the amount to be paid, and shall apportion the costs of the application in such manner as he shall think fit, and such judgment shall be final.

## **PART II**

### **Liquid refuse how to be dealt with**

5. It shall not be lawful for any owner or occupier of any premises situate within the “drainage district” to allow any liquid refuse to flow along any surface gutter or canal. Such liquid refuse shall be conveyed by means of pipes laid underground under the control of the Drainage Authority and connected with the street sewer.

### **Works for removing liquid refuse**

6. After a week’s notice given to the owner or occupier of any premises, it shall be lawful for the Drainage Authority to execute in such premises any drainage works which may be necessary for conveying liquid refuse to the street sewer. It shall not be lawful for any person other than the Drainage Authority or those acting under its orders and supervision to execute drainage works.

### **Water carriage**

7. The owner of any premises occupied as dwellings shall be bound to have the same provided with the necessary appliances for water carriage. No other means of removal of human excreta shall be allowed where a sewer has been laid within a distance of one hundred feet of such premises; saving always as provided for in section 13 of this Ordinance.

### **Water-closet**

8. No water-closet apparatus shall be used until it has been approved of by the Drainage Authority.

### **House drains**

9. All premises shall be provided with a good and sufficient house drain or drains whenever possible in the form of open channels of masonry, brickwork, concrete or other impervious material. And the said house drain shall be so arranged as to discharge into the side channels of the adjacent street, or into such other channel or place other than the street sewer, or sewerage system, that the Drainage Authority may direct.

### **Exclusion of rain and surface water**

10. Rain and surface water shall be excluded from the house sewers, and from the sewerage system to the utmost extent possible. All gully traps or other inlets fixed in the open air shall be provided with a raised rim to exclude rain or surface water.

### **Conditions under which a limited amount of rain and surface water may be permitted**

11. It shall be lawful for the Drainage Authority to permit in certain cases the admission of a limited amount of rain or surface water to a house sewer, namely, when the area on which it falls is thoroughly paved, concreted or covered with some impervious coating and when in the opinion of the Drainage Authority the nature of the dry weather washings of the area in question are likely to be of the nature of sewage; and the inlets shall be so arranged as to reduce the quantity of rain or surface water gaining admission to the house sewer and the sewerage system to a minimum. In each such case the Drainage Authority shall give special permission in writing. By granting permission in any one case no precedent shall be created for any other case. The decision of the Drainage Authority in each case shall be final and binding. Nothing in this section shall be held to absolve the owner of the premises in question from the construction of a house drain as hereinafter prescribed.

### **House sewers**

12. It shall be lawful for the Drainage Authority to order that any tenement within the prescribed area or any part thereof shall be forthwith provided with a house sewer including all necessary water-closets, sinks, flushing-tanks and other appliances to the satisfaction of the Drainage Authority, and constructed and arranged in the manner that they may direct.

### **Conditions under which water-closets may be omitted**

13. If the owner of any premises possesses or intends to construct a latrine on the pail, dry earth or other system, and if, in the opinion of the Drainage Authority, the proposed latrine is open to no sanitary objection and is likely to be so maintained as to give rise to no nuisance or produce no danger to health, the Governor may permit the said latrine to be retained or constructed. In such cases the house sewer shall be so constructed that a water-closet or closets may be constructed at any future date and connected to the house sewer with the smallest possible alteration to the same:

Provided always that at any future date the Governor may cause the said latrine to be removed, and obliterated, and a water-closet substituted at the cost of the owner of the premises in question.

**Cost of drainage works**

**14. (1)** The cost of any drainage works executed by the Drainage Authority upon any premises, hereinafter called the principal, shall be repaid to the Consolidated Fund by the owner at such times and on such conditions together with such interest as are set forth in the Schedule to this Ordinance.

**(2)** The cost of any drainage works executed under section 3(4) of this Ordinance shall be repaid by the owner of the premises for the benefit of which they were executed as if they had been executed on his premises; and such person shall be deemed to be included in the term “owner” as used in the next ensuing subsection and in the Schedule to this Ordinance.

**(3)** In default of payment of the principal or of any instalment thereof or any interest due thereon at the time prescribed by the Schedule, a summons may issue against the owner for the amount due, and on failure to comply with any Order made by a court of summary jurisdiction on such summons, a warrant of distress may be issued at any time for the amount of the judgment and the necessary costs attending the same, the overplus (if any), after deducting the charges and costs incurred in the execution thereof, being paid to the person whose goods shall have been distrained and sold; and in the event of insufficient distress the Court may make an order directing that any rent reserved to the owner in respect of the said premises shall be paid to the Consolidated Fund until such time as the amount so paid shall equal the principal and interest outstanding at the time the order was made together with any subsequent instalment of principal and interest thereon, whereupon the Court shall cancel the order except in so far as concerns anything lawfully done in pursuance thereof up to the date of such cancellation.

**Cost of drainage works privileged over other claims**

**15.** The cost of any drainage works executed in any premises shall be a first charge on such premises, having priority over all other privileges and mortgages, and shall bind any person to whom the premises may be transferred, and such cost shall be paid to the Drainage Authority or other person appointed by the Governor, and all such moneys received shall be paid to the Consolidated Fund.

**Books kept by Drainage Authority to be accepted in proof**

**16.** In the case of claims made on behalf of Government for the cost of any drainage or other works executed for private persons being disputed by the owner of such premises, the books kept by the Drainage Authority, in which shall be set forth in detail all moneys so expended, and duly certified by it, shall be accepted in proof of such claim.

**Dry refuse**

**17.** Dry refuse shall be removed from premises by other means than water carriage. It shall not be lawful for any person to throw or suffer to be thrown or to pass into any water-closet, sewer, drain or trap any dry refuse or any matter or substance by which the free flow of the sewerage may be interfered with or by which any drainage work may be injured.

### Sub-soil drains

**18.** It shall not be lawful for any person to lay any pipe for conveying sub-soil drainage in such manner or in such position as to communicate directly or indirectly with any sewer or drain used for the conveyance of liquid refuse.

### Regulations

**19.** It shall be lawful for the Governor in Council, from time to time, to make, repeal or amend regulations—

- (a) prescribing what drainage works are necessary for any description of premises, and prescribing any other drainage works;
- (b) as to the manner of making applications for water carriage;
- (c) as to the manner of laying sewers;
- (d) as to the quality and patterns of drains, pipes, water-closets, traps or fittings to be used for draining premises;
- (e) as to the price to be paid by owners of premises for drainage works;
- (f) in respect of all such other matters as herein mentioned as may conduce to the better and more effective carrying out of this Ordinance.

### PART III

### Obstruction

**20.<sup>3</sup>** Any person wilfully interfering with or obstructing the progress of any drainage work or removing or injuring any part of any drainage work or in any way impeding the Drainage Authority in the execution of drainage work, or contravening any of the provisions of this Ordinance or of the regulations made under this Ordinance, shall be liable on summary conviction to a penalty not exceeding £5 for a first offence, and for a second offence to a fine of not less than ten £10 and not exceeding £50. In case of three or more offences such person shall be liable to imprisonment for a period not exceeding one year:

Provided that in case of any injury to the drainage works the person so convicted shall be liable to the Government for the cost of repairing and replacing the drainage works so injured, or to be imprisoned for a term of three months or until the costs aforementioned shall be paid.

### Prosecution of complaints made under this Ordinance

**21.** Complaints for contraventions of any provisions of this Ordinance may be made by the Drainage Authority or by any owner or occupier of any premises in which any drainage works exist, without prejudice to the power of a police officer or constable to institute any such complaint.

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<sup>3</sup> Section 20 amended by Ord. 7 of 2003



**SCHEDULE**

An instalment of not less than one-fifteenth of the principal, together with interest at the rate of two and one-half per centum per annum on such portion of the principal as shall remain outstanding at the end of the year, shall be paid within each period of one year from the date on which the Drainage Authority shall notify to the owner in writing that the work of laying the drainage service to his premises has been completed, until the whole of the principal has been paid:

Provided that—

- (a) after the expiration of six years from the date of the notification by the Drainage Authority, the interest paid shall be at the rate of three and one-half instead of two and one-half per centum per annum; and
  - (b) if the whole of the principal be paid within one year from the date of notification by the Drainage Authority no interest shall be payable.
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