

L.N. 331 of 2008

**MALTA RESOURCES AUTHORITY ACT
(CAP. 423)**

Water Supply (Amendment) Regulations 2008

IN exercise of the powers conferred by sub-article (1) of article 28 of the Malta Resources Authority Act, the Minister for Infrastructure, Transport and Communications, after consultation with the Malta Resources Authority, had made the following regulations:-

1. (1) The title of these regulations is the Water Supply (Amendment) Regulations, 2008, and they shall be read and construed as one with the Water Supply Regulations, 1948, hereinafter referred to as “the principal regulations”. Title.
G.N. 133 of 1948.

(2) These regulations shall be deemed to have come into force on the 1st October 2008, so however, that, with regard to the bill which shall be issued according to the first reading of the meter taken after that day, such bill shall be worked out in such a way so that the consumption for that period shall be divided in proportion to the number of days out of such period which occur before that day and the number of days out of the same period which shall have occurred after such day, and the bill shall be worked out according to those rates which apply to each group of days respectively.

2. In regulation 2 of the principal regulations:

Amends regulation
2 of the principal
regulations.

(a) immediately after the definition “person residing in a tenement”, there shall be inserted the following:

““residential tenement” means premises used exclusively as a residence by a person or a group of persons on a permanent basis, as may be verified by means of such documents as the corporation may request;”;

(b) in the definition “domestic supply”, for the expression “domestic supply” there shall be substituted the expression “supply to a residential tenement”;

(c) the definition “period of four months” shall be deleted and in its stead there shall be inserted the following:

““period of one year” means a period of three hundred and sixty five consecutive days:

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

(d) immediately after the definition of “period of one year”, there shall be inserted the following:

““preferential tariff” means that tariff for a supply to a residential tenement which is less than the other;”;

(e) in the definition “tenement”, immediately after the word “separately” there shall be inserted the words “, and it may be either a residential tenement or a non-residential tenement”.

Amends regulation
5 of the principal
regulations.

3. Regulation 5 of the Principal regulations shall be amended as follows:

(a) in sub-regulation (2) thereof, for the words “when one communication is made for one tenement €163” and “when one communication is made for more than one tenement, for each tenement €81.50”, there shall be substituted the words “when a communication is made for a residential supply €345” and “when a communication is made for any other supply €760” respectively; and

(b) immediately after sub-regulation (3) thereof, there shall be inserted the following new sub-regulation:

“(4) Houses, apartments, flats, factories, hotels, commercial outlets, offices, and any other buildings which

are physically internally interconnected shall be provided with only one service unless otherwise authorised by the Chief Executive.”.

4. For regulation 12 of the principal regulations, there shall be substituted the following:

Substitutes
regulation 12 of the
principal
regulations.

12 (1) For the purposes of these regulations a Residential Premises Service shall be charged in accordance with the First Schedule to these regulations.

(2) For the purposes of these regulations a non-Residential Premises Service shall be charged in accordance with the Second Schedule to these regulations.

(3) Notwithstanding the provisions of any other law, the Chief Executive shall, at any time and in his discretion, having regard to the provisions of these regulations, determine whether a Service is to be deemed a Residential Premises Service or a non-Residential Premises Service for the purposes of these regulations.

(4) For the purposes of these regulations a consumer shall be entitled to submit an application requesting that a Service to an individual unit of residence, used solely and regularly as private dwellings, as may be confirmed by documentary evidence, be registered as a Residential Premises Service:

Provided that the Service to the common parts of a condominium consisting entirely of premises used exclusively for residential purposes may also be submitted for registration as a Residential Premises Service:

Provided further that, unless otherwise authorised by the Chief Executive, for good and sufficient cause, a consumer shall only be entitled to register as a Residential Premises Service, a Service to one Primary Residence, a Service to one Secondary Residence and a Service to one Garage which does not exceed 30 square meters in area and is used exclusively for private, non-commercial purposes:

Provided further that in the case of uninhabited premises intended for residential use, the Corporation may allow such

a service to be registered as a Residential Premises Service for a period of up to 12 months.

(5) For the purposes of these regulations, a Service which is not registered as a Residential Premises Service in terms of this regulation or a Service which has not been submitted for registration as a Residential Premises Service in terms of this regulation, shall be considered a non-Residential Premises Service, unless otherwise determined by the Chief Executive.”

Deletes regulation 13 of the principal regulations.

5. Regulation 13 of the principal regulations shall be deleted.

Amends regulation 14 of the principal regulations.

6. In sub regulation (2) of regulation 14 of the principal regulations, for the words “subsidy”, a “subsidy is given” and “a subsidy shall not be due”, there shall be substituted the words “preferential tariff”, “a preferential tariff is given” and “a preferential tariff shall not be due” respectively.

Amends regulation 15 of the principal regulations.

7. Immediately at the end of regulation 15 of the principal regulations, there shall be added the following proviso:

“Provided that this charge does not include the charge due for carrying and, or distributing such water.”.

Amends regulation 21 of the principal regulations.

8. In regulation 21 of the principal regulations, the words “for every period of four months” shall be deleted.

Amends regulation 35 of the principal regulations.

9. In regulation 35 of the principal regulations, for the words “regulation 34” there shall be substituted the words “regulation 30”.

Adds new regulations 39 to 42 to the principal regulations.

10. Immediately after regulation 38 of the principal regulations, there shall be added the following new regulations:

“Tampering etc. with communication.

39. Whenever it is found that any tampering with or damage to the communication has been made, the Corporation shall request the consumer to pay damages to it in an amount of not less than one thousand and five hundred euro (€1,500).

Application of preferential tariff.

40. The preferential tariff shall apply only where a bill is issued upon an actual reading taken either by the Corporation or by the consumer himself and submitted to the corporation.

Supply not to
be passed to
other
tenement.

41. A consumer who supplies, or allows the supply of, water passing through his meter to a tenement other than that for which the supply was intended, renders himself liable to have the supply to his tenement discontinued for such period as may be determined by the Chief Executive:

Provided that the provision of this regulation shall not apply when the first mentioned tenement consists of a private garage, and either –

(a) it is adjacent to the residential premises occupied by such consumer, whether it has direct access from such premises or not, or

(b) it is within the precincts or on the same grounds of the residential premises of such consumer,

and, moreover, the garage is made use of by the said consumer and no other person has a right, on payment, to make use of the same garage.

Supply
allowed in
certain cases.

42. The Chief Executive may, in special cases and for a specified period, on a request made by a consumer, allow the supply of water through such consumer's meter to one or more tenements other than that for which the supply may have been registered.”.

11. For the First Schedule and the Second Schedule annexed to the principal regulations, there shall be substituted the following two schedules:

Substitutes
schedules 1 and 2 to
the principal
regulations.

“FIRST SCHEDULE

Regulation 12(1)

**Residential Supplies – Tariff for Service Charge &
Water Consumption incorporating drainage
Contribution**

1. In every period of one year:

(a) the service charge in respect of every tenement, for every service installed in the tenement, shall be €59;

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

for any quantity not exceeding 33m³ per person residing in the tenement €1.40 per 1m³

for any quantity exceeding the said quantity of 33m³ per person residing in the tenement€5.15 per 1m³

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

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

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

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

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

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

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

3. If, in accordance with the provisions of these regulations, there is no person residing in the tenement as his principal residence, the following tariffs shall apply:

For every period of one year:

(a) the service charge in respect of every tenement, for every service installed in the tenement, shall be €59;

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

for any quantity not exceeding 33m³ €2 per 1m³;

for any quantity exceeding the said

quantity of 33m³€5.15 per 1m³.

SECOND SCHEDULE

Regulation 12(2)

Non-Residential Water Consumption Tariff for service charge and water consumption Incorporating drainage contribution

In every period of one year, the tariffs shall be as follows:

(a) the service charge for every tenement, for every service installed in the tenement, shall be €130;

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

for any quantity less than 168m³€1.75 per 1m³

for any quantity from 168m³ up to 40,000m³€2.15 per 1m³

for any quantity exceeding the said quantity of
40,000m³€1.40 per 1m³.”.