

L.N. 36 of 2010

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

Water Supply (Amendment) Regulations, 2010

IN exercise of the powers conferred by sub-article (1) of article 28 of the Malta Resources Authority Act, the Minister for Resources and Rural Affairs, and with the approval of the Malta Resources Authority, had made the following regulations: -

1. (1) The title of these regulations is the Water Supply (Amendment) Regulations, 2010 and they shall be read and construed as one with the Water Supply Regulations, 1948, hereinafter referred to as “the principal regulations”.

Citation and
commencement.
G.N. 133 of 1948.

(2) These regulations shall be deemed to have come into effect on the 1st January, 2010.

2. In regulation 2 of the principal regulations:

Amends regulation
2 of the principal
regulations.

(a) the definition “communication” shall be substituted the following;

“ “communication” or “service” means the pipes and other fittings from which the main pipe lead to and up to the meter and shall include any apparatus intended for the registration of consumption of water enabling the transfer of data through a network, primarily for monitoring and billing purposes;”;

(b) the definition “residential tenement” shall be substituted the following:

“ “residential or domestic tenement” shall have the same meaning in accordance with regulation 12;”;

(c) in the definition “supply to a residential tenement”, for the words “residential tenement” there shall be substituted the words “residential or domestic premises”;

(d) in the definition “tenement”, immediately after the word “residential” there shall be inserted the words “or “domestic”.

Amends regulation
5 of the principal
regulations.

3. Regulation 5 of the principal regulations shall be amended as follows;

(a) in sub-regulation (1) for the words “having regard to the requirements of the applicant concerned” there shall be substituted the words “in accordance with those policies established by it”;

(b) immediately after sub-regulation (4) thereof, there shall be added the following sub-regulation:

“(5) Whenever works to be carried out by the Corporation, whether for the installation of a service, or whether so requested by any person, necessitate the deviation of the main pipe, the person requesting such works shall bear all the costs in relation to such works:

Provided that no work shall be commenced before the Corporation shall have received half of the estimated amount due to it for such works.”.

Amends regulation
12 of the principal
regulations.

4. Regulation 12 of the principal regulations shall be amended as follows:

(a) immediately after sub-regulation (2) thereof, there shall be added the following sub-regulation:

“(3) For the purposes of these regulations a Domestic Premises Service shall be charged for in accordance with the Third Schedule.”;

(b) sub-regulation (3) thereof shall be re-numbered as sub-regulation (4) and immediately after the words “non-Residential Premises Service” there shall be added the words “or a Domestic Premises Service”;

(c) sub-regulation (4) thereof shall be re-numbered as sub-regulation (5) and for the words “Residential Premises Service” there shall be substituted the words “Domestic Premises Service”;

(d) immediately after sub-regulation (5) as re-numbered, there shall be added the following new sub-regulation:

“(6) For the purposes of these regulations the consumer may request the Chief Executive to register individuals resident in Malta, on a Domestic Premises Service and if the Chief Executive accepts such a request, the Service shall be considered, until at least one individual is registered on the Service, as a Residential Premises Service:

Provided that no one individual shall be registered on more than one Service at the same time and that no individual will be registered on a garage or on the common parts of a condominium.”;

(e) sub-regulation (5) thereof shall be re-numbered as sub-regulation (7) and for the words “Residential Premises Service” there shall be substituted the words “Domestic Premises Service or a Residential Premises Service”.

5. Regulation 19 of the principal regulations shall be amended as follows:

Amends regulation 19 of the principal regulations.

(a) for the words “Meters shall be provided” there shall be substituted the words “Without prejudice to regulation 5, meters shall be provided”; and

(b) for the words “payment on application.” There shall be substituted the words “payment on application:” and immediately thereafter there shall be added the following provisos:

“Provided that the Corporation may, whenever it so requires, install a single main meter on the outside of a multiple tenanted premises, and install individual and separate meters to the respective tenements situated thereat:

Provided further that in such cases the Corporation shall not be responsible for the communication between the main meter and the individual meters, nor for any damages arising between the two meters or further than the main meter, and it shall have the right to request payment for any unaccounted difference in water consumption registered between the main and individual meters by billing the difference to the individual meters.”.

Substitutes regulation 39 to the principal regulations.

6. Regulation 39 of the principal regulations shall be substituted with the following:

“39. Whenever it is found that any tampering with or damage to the communication has been made, or that a person is availing of unmetered water from any pipe or fitting belonging to the Corporation, the Corporation shall request the consumer, owner or occupier of the premises as the case may be, to pay damages to it in an amount of not less than one thousand and five hundred euro (€1,500).”.

Adds new regulations 43, 44 and 45 to the principal regulations.

7. Immediately after regulation 42 of the principal regulations, there shall be added the following new regulations:

43. (1) Subject to the provisions of regulation 44, consumers shall at all reasonable times allow access to their premises to officials of the Corporation, and to any person engaged on its behalf, for the purposes of –

“Access to premises.

(a) reading, testing, removing or replacing the meter or any apparatus installed thereupon; or

(b) inspecting, removing, altering or replacing any other portion of the service,

(c) installing, inspecting, testing, replacing, removing or doing any other work as may be deemed necessary by the Corporation on any apparatus intended for the registration of consumption of water or enabling two-way transfer of data through a network, primarily for monitoring and billing purposes, or any related works.

(2) Any person who, without reasonable excuse –

(a) refuses to admit into any premises occupied by him an official of the Corporation who seeks admission thereto for the purpose of doing anything which he is authorized or required to do under these regulations; or

(b) hinders or obstructs any official of the Corporation in the performance of his duties,

shall be guilty of an offence against these regulations.

Notification
of
appointments
to install etc.
apparatus.

44. (1) Prior to installing or doing any other work relating to the apparatus mentioned in regulation 43(1)(c) on the premises of a consumer, the Corporation shall notify in writing the consumer of the date of the appointment when such work shall be undertaken by the Corporation at the premises of the consumer:

Provided that in notifying an appointment, the Corporation shall endeavour to provide the consumer with an approximate indication of the time of the appointment.

(2) A notification of an appointment shall be communicated to the consumer at least four working days prior to the date proposed for the undertaking of the said works and shall clearly state the purpose of the appointment providing the consumer with contact details to communicate with a Corporation representative in case of queries.

(3) The consumer may request the Corporation to reschedule any such appointment:

Provided that such a rescheduled appointment shall be held within a period of fifteen working days from the date of the appointment originally notified by the Corporation to the consumer:

Provided further that the consumer shall, under pain of nullity, communicate his request for a rescheduling at least two working days before the scheduled day for the appointment communicated to him by the Corporation.

(4) The consumer may request a rescheduling of the appointment beyond the period of fifteen working days if he provides the Corporation with written documentation which demonstrates that the consumer shall not be able to be present within such a period due to any of the following reasons:

(a) his ill-health conditions or those relating to a close family member;

(b) the death of a close family member;

- (c) travel reasons;
- (d) jury service;
- (e) at the discretion of the Chief Executive:

Provided that in no instance may the consumer request a rescheduling beyond the period of sixty working days from the date of the original appointment.

(5) Where the consumer requests the Corporation to reschedule an appointment in any of the following instances:

(a) between 8.00 a.m. and 4.00 p.m. on any day from Monday to Friday, not being a public holiday, and not beyond the period of fifteen working days of the first scheduled visit, the Corporation shall not issue any charges;

(b) between 4.00 pm and 8.00 pm on any day from Monday to Friday not being a public holiday, or between 8.00 am and 4.00 pm on a Saturday, as long as the appointment is not beyond the period of fifteen working days of the first scheduled visit, the Corporation may issue a charge equivalent to an after hours fee of €10; and, or

(c) between 8.00 a.m. to 4.00 pm on a Sunday or a public holiday, or beyond the period of fifteen working days of the first notified visit, the Corporation may issue a charge equivalent to an after hours fee of €25.

(6) The consumer shall be refunded any after hours fee paid to the Corporation for an appointment held in accordance with this regulation if the consumer requested rescheduling because of any of the following:

- (a) performance of jury service;
- (b) a court summons;
- (c) travel abroad;

(d) a previously scheduled medical appointment, whether of the consumer or of a close family member who needs to be accompanied by the consumer;

(e) where the consumer is undergoing medical treatment or a close family member is undergoing medical treatment which necessitates the presence of the consumer; or

(f) at the discretion of the Chief Executive:

Provided that in any of the instances listed in this subregulation, the Corporation may require the consumer to furnish proof as it may reasonably require to substantiate the reason why the consumer is requesting a rescheduling of the appointment.

(7) Without prejudice to the provisions of this regulation, an appointment scheduled in accordance with this regulation which is not honored by the consumer shall, for the purposes of these regulations, be considered to be an unsuccessful scheduled visit.

Suspension of supply.

45. The water supply may be suspended if access to any premises for the purposes stated in regulation 43 and 44 or if access is refused or rendered difficult or impossible or if a consumer does not comply with the requirements of regulation 5 to be compliant to that regulation:

Provided that for the purposes of this regulation, access shall be deemed to have been refused, if the Corporation, or its representatives, for any reason whatsoever, are not afforded access to premises in terms of regulations 44 and 45, notwithstanding their reasonable efforts to notify the consumer or the occupant of the premises of their requirement to enter the premises.”.

8. In the First Schedule to the principal regulations, in subparagraph (b) of paragraph 1, for the words “€1.40 per 1 m³” and “€5.15 per 1 m³” there shall be substituted the words “€1.47 per 1 m³” and “€5.41 per 1 m³” respectively, and paragraph 3 thereof shall be deleted.

Amends the First Schedule to the principal regulations.

Amends the Second
Schedule to the
principal regulations.

9. In the Second Schedule to the principal regulations, in paragraph (b), for the words “€1.75 per 1 m³”, “€2.15 per 1 m³” and “€1.40 per 1 m³” there shall be substituted the words “€2.10 per 1 m³”, “€2.50 per 1 m³” and “€1.75 per 1 m³” respectively.

Adds new Third
Schedule to the
principal regulations.

10. Immediately after the Second Schedule there shall be added a new Third Schedule to the principal regulations as follows:

“ THIRD SCHEDULE

[Regulation 12(3)]

Domestic Supplies

Tariff for service charge and water consumption
incorporating drainage contribution

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

(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:

(i) for any quantity not exceeding
33m³€2.30 per 1m³.

(ii) for any quantity exceeding
the said quantity of 33m³€5.41 per 1m³ ”.

