

REPUBLIC OF KIRIBATI
(No. 3 of 1983)

I assent,

U. Tabai
Beretitenti.

19th May 1983.

AN ACT TO AMEND THE PUBLIC UTILITIES
ORDINANCE (Chapter 83)

Commencement:

19th May 1983.

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title.

1. This Act may be cited as the Public Utilities (Amendment Act 1983).

Amends Cap. 83.

2. This Act amends the Public Utilities Ordinance (Cap. 83) ('The Principal Ordinance').

Amends S.2 of The Principal Ordinance.

3. Section 2 of the Principal Ordinance is amended by:

- i. in the definition of 'Public Utilities' inserting between 'water' and 'and' the words 'disposing of sewerage'.
- ii. In the definition of 'Public Utilities', repealing the word 'either' and replacing that thereby deleted word with the word 'any'.
- iii. In the definition on 'works' in the fourth line thereof, by repealing the words 'sewers and drains and any other works' and replacing such words thereby deleted with the following words 'sewerage drains, other drains, and any other works'.

Amends S.7 of the Principal Ordinance.

4. Section 7 of the Principal Ordinance is amended by:

- i. Adding to the marginal note thereto the words 'and to dispose of sewerage'.

- ii. Adding a new Section 7(4) to read as follows:

"7(4). The Board shall have the exclusive right to perform functions under this Ordinance relating to disposal of sewerage and supply and provision of sewerage and services incidental thereto, and to charge consumers for such performances, disposal, supply, provision, services and otherwise."

Amends S.8 of
the Principal
Ordinance.

5. Section 8 of the Principal Ordinance is amended by:

i. Repealing the word 'sewers' in Section 8(2)(c) and replacing it with the word ('sewerage').

ii. Repealing the word 'sewer' in Section 8(2)(e) and replacing it with the word 'sewerage'.

iii. Repealing the words 'sewage system' in section 8(2)(i) and replacing them with the word 'sewerage'.

Amends S.9 of
the Principal
Ordinance.

6. Section 9 of the Principal Ordinance is amended by:

i. By repealing the word 'sewers' in Section 9(1)(a) whenever it occurs and replacing wherever so repealed with the word 'sewerage'.

ii. By inserting in the last line of Section 9(1)(a) immediately after the word 'paragraph (b)' the words 'whichever the Board in its discretion may determine'.

Amends S.11 of
the Principal
Ordinance.

7. Section 11 of the Principal Ordinance is amended by: repealing the words 'sewers' in section 11(a) and replacing it with the word 'sewerage'.

Amends S.24 of
the Principal
Ordinance.

8. Section 24 of the Principal Ordinance is amended by adding at the end thereof the words 'or services incidental or related thereto'.

Amends S.29(1)
of the
Principal
Ordinance.

9. Section 29(1) of the Principal Ordinance is amended by inserting after the words '24 hours previous written notice' the words 'excluding weekends and public holidays'.

Amends S.34 of the Principal Ordinance.

10. Section 34 of the Principal Ordinance is amended by adding a new Section 34(3) which reads as follows:

"S.34(3) No liability shall be incurred by the Board for any damage whatsoever by reason of a failure of the disposal of sewage or other waste which may be due to unavoidable accident or cause or to any defect or blockage in the sewerage system or by reason of stopping off the flow in the sewerage for the purpose of repairs, cleaning, extension or alteration of the sewerage or for any other acts done in execution of this Ordinance".

Amends Schedule 1 of the Principal Ordinance.

11. Schedule 1 of the Principal Ordinance is amended by amending Paragraph 8 (Protection of Commissioners) by repealing Paragraph 8(2) thereof.

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 26th April 1983, and is found by me to be a true and correctly printed copy of the said Bill.

[Signature]
.....
Clerk to the Maneaba ni Maungatabu.

I certify that the above Act was on the 26th April 1983 passed by the Maneaba ni Maungatabu on a certificate of urgency under Section 68(3)(a) of the Constitution.

[Signature]
.....
Speaker.

Published by exhibition -

(a) at the Public Office of the Beretitenti on 19th May 1983.

[Signature]
.....
Secretary to the Cabinet.

(b) at the Maneaba ni Maungatabu on 19th May 1983.

[Signature]
.....
for Clerk to the Maneaba ni Maungatabu.

PUBLIC UTILITIES (AMENDMENT) ACT 1983

EXPLANATORY MEMORANDUM

This is a straightforward Bill amending Chapter 83 and containing several relatively minor amendments. No useful purpose will be served by referring to each one, as many are a matter of definition only, i.e. changing 'sewer' or 'sewers' to 'sewerage'.

One important amending provision is in Section 4 of this Act. Previously there was some doubt whether Cap. 83 gave power to charge for provision of sewerage services, but this Act now rectifies the situation and makes it clear that consumers may be charged accordingly, just as they may for electricity and water. This clarifies what was clearly the intention in Chapter 83.

R.L. Davey
Attorney General

LEGAL REPORT

I hereby certify my opinion that none of the provisions of the above Act conflict with the provisions of the Constitution and that the Beretitenti may properly assent to the Act.

R.L. Davey
Attorney General