

THE CENTRAL WATER AUTHORITY (AMENDMENT) ACT 2000

Act No. 27 of 2000

I assent

8th August 2000

CASSAM UTEEM
President of the Republic.

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Section 2 Of Principal Act amended
4. Section 20 of Principal Act amended
5. Section 21 of principal Act amended
6. Section 23 of Principal Act amended
7. Section 29 of principal Act amended
8. Section 46 of principal Act amended
9. Commencement

An Act

To amend the Central Water Authority Act

ENACTED by the Parliament of Mauritius, as follows-

1. Short title

This Act may be cited as the Central Water Authority(Amendment) Act 2000.

2. Interpretation

In this Act

"principal Act" means the Central Water Authority Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amendment by inserting the following new definitions in their appropriate alphabetical order -

"concession agreement" has the same meaning as in the Concession Projects Act 1997;

"Concession project" has the same meaning as in the Concession Projects Act 1997;

"concessionaire" has the same meaning as in the Concession Projects Act 1997;

"Grantor" has the same meaning as in the Concession Projects Act 1997;

"public sector institution" has the same meaning as in the Concession Projects Act 1997;

4. Section 20 of principal Act amended

Section 20 of the principal Act is amendment-

- (a) in subsection (1), by deleting the words "The Authority" and replacing them by the words "Subject to subsection (IA), the Authority";
- (b) by adding, immediately after subsection (1), the following new subsection -
 - (IA) Notwithstanding the other provisions of this Act or any other enactment, but subject to the Concession Projects Act 1997-
 - (a) the Grantor may, after consultation with the Authority, enter into a concession agreement for the supply of water for such purpose as the Grantor shall determine, in accordance with the Concession Projects Act 1997;
 - (b) the terms of a concession agreement may include any functions of the Authority under this Act;
 - (c) whenever any function of the Authority under this Act is included in the terms of a concession agreement, the Authority shall not exercise such function except in accordance with the terms of the concession agreement; and
 - (d) the terms of a concession agreement may also include provisions for the secondment or transfer of the staff of the Authority on terms and conditions which shall not be less favourable than those obtained prior to the secondment or transfer.

5. Section 21 of principal Act amended

Section 21 of the principal Act is amended by adding immediately after paragraph (k) the following new paragraph, the full stop at the end of paragraph (k) being replaced by a semi-colon accordingly-

- (1) enter into any agreement or make arrangements with any public sector institution or a concessionaire following the award of a Concession project for the supply of water under the Concession Projects Act 1997 and take such other measures as may be necessary for the implementation of the Concession project.

6. Section 23 of principal Act amended

Section 23 of the principal Act is amended by-

- (a) numbering the existing provision as subsection (1);
- (b) by adding the following new subsection -
 - (2) The Authority may also establish Concession Funds -

- (a) into which shall be paid all money received by the Authority for the purpose of a Concession project in accordance with the terms and conditions of a concession agreement; and
- (b) out of which all payment shall be effected in accordance with the terms and conditions of a concession agreement.

7. Section 29 of principal Act amended

Section 29 of the principal Act is amended by deleting the words "or in accordance with any general authority given by".

8. Section 46 of principal Act amended

Section 46 of the principal Act is amended -

- (a) in subsection (1), by deleting the word "No person" and replacing them by the words "Subject to subsection (4), no person";
- (b) by adding immediately after subsection (3), the following new subsection -
 - (4) This section shall not apply in relation to works constructed, in accordance with the terms of a concession agreement, by a concessionaire which has been awarded a Concession project for the supply of water under the Concession Projects Act 1997.

9. Commencement

- (1) This Act shall come into operation on a date to be fixed by Proclamation.
- (2) Different dates may be fixed for the coming into operation of different provisions of this Act.

Passed by the National Assembly on the first day of August two thousand.

ANDRT POMPON
Clerk of the National Assembly