



ANGUILLA

A BILL FOR

DEPARTMENT OF WATER SERVICES (AMENDMENT) ACT, 2026

Published by Authority

TABLE OF CONTENTS

SECTION

1. Interpretation
2. Amendment of new section 1
3. General amendment
4. Insertion of new section 4A
5. Insertion of new section 16A
6. Validation
7. Citation

I Assent

Julia Crouch, OBE
Governor

Date

ANGUILLA

No. /2026

A BILL FOR

DEPARTMENT OF WATER SERVICES (AMENDMENT) ACT, 2026

[Gazette Dated: , 2026] [Commencement: Assent under section 57 of the Constitution]

An Act to amend the Department of Water Services Act, 2024.

ENACTED by the Legislature of Anguilla

Interpretation

1. In this Act—

“the principal Act” means the Department of Water Services Act, 2024 (Act No. 10/2024).

Amendment of section 1

2. The principal Act is amended by inserting the following definitions in the correct alphabetical order—

““consequential losses” includes loss of business or service disruption costs of alternative water supply, mitigation expenses, and any other reasonably foreseeable losses directly resulting from damage to the waterworks of the Department;

“damage” includes acts of tampering, disconnection, bypassing, removal, destruction, obstruction, or any act or omission that adversely affects the integrity or operation of the waterworks of the Department;”.

General amendment

3. The principal Act is amended by deleting “Chief Water Engineer” wherever it occurs and substituting it with the “Director of Water Services”.

Insertion of new section 4A

4. The principal Act is amended by inserting the following new section 4A directly after section 4—

“Director of Water Services

4A. (1) Under the direction of the Ministry, the Department shall be administered by a Director of Water Services.

(2) In addition to the administration of the Department, Director of Water Services is responsible for providing technical advice and guidance to the Ministry on matters of policy.”.

Insertion of new section 16A

5. The principal Act is amended by inserting the following new section 16A directly after section 16—

“Civil claims for damages or loss

16A. (1) Where any person, whether through wilful misconduct, negligent act or omission, recklessness, or any other cause whatsoever, damages, interferes with, tampers with, destroys, or otherwise adversely affects any waterworks or any other property connected with the waterworks that is owned, controlled, or operated by the Department, the Department may claim and recover from that person all losses arising from such damage, including but not limited to—

- (a) the full or partial cost of repairing, reinstating, or replacing the damaged property, including materials, equipment, and contractor services;
- (b) the monetary value of any water lost, wasted, or rendered unusable as a direct or indirect result of the damage;
- (c) all administrative, operational, technical, investigative, enforcement, and legal costs incurred by the Department in responding to, assessing, repairing, or pursuing remedies for the damage, including reasonable expenses relating to labour, inspection, expert services, and legal representation;
- (d) compensation for any interruption, reduction, degradation, or disruption of water service to other customers or users, including consequential losses reasonably attributable to the damage;
- (e) any additional costs or expenses incurred to mitigate further loss, restore integrity of the waterworks, safeguard public health, or maintain continuity of service arising from the damage; and
- (f) any other losses or damages that the Department may lawfully recover under this Act or under any other applicable law.

(2) For the purpose of subsection (1)(b), the Department may determine the monetary value of any water lost, wasted or rendered unusable by reference to—

- (a) the current tariffs or rates charged for water supply by the Department pursuant to section 17;
- (b) historical consumption data;
- (c) the costs of treating, purifying or otherwise making the water suitable for supply; or
- (d) any other reasonable method of valuation approved by the Department for calculating compensation.

(3) All amounts recoverable by the Department under subsection (1) shall constitute a debt due and payable to the Department. The debt may be recovered in any court of competent jurisdiction as a civil claim, and the Department may take all lawful steps to enforce payment.

(4) Without prejudice to any other rights or remedies under this Act or at common law, the Department may commence civil proceedings against any person liable under subsection (1) to recover the full amount of damages, costs, and compensation.

(5) In addition to recovery of the amounts under subsection (1), the court may award interest on any unpaid sum at such rate and for such period as the court deems appropriate, as well as any penalties for wilful or negligent conduct causing the damage.

(6) The Department shall be entitled to recover its reasonable legal costs and expenses incurred in bringing or defending any proceedings related to the damage.”.

Validation

6. All acts, decisions, or proceedings undertaken or made by the Director of Water Services, after the commencement of the Department of Water Services Act, 2024 are hereby confirmed, validated, and deemed to have always been valid and effective in law.

Citation

7. This Act shall be cited as the Department of Water Services (Amendment) Act, 2026.

Tara K. Carter
Speaker

Passed by the House of Assembly this day of , 2026.

Lenox J. Proctor
Clerk of the House of Assembly

OBJECTS AND REASONS
(The objects and reasons do not form part of the Bill)

This Bill amends the Department of Water Services Act, 2024.

Clause 1 sets out the interpretation provisions of the Bill.

Clause 2 inserts new definitions.

Clause 3 replaces all references replaces all references to “Chief Engineer” with “Director of Water Services” to reflect the Department’s current leadership structure.

Clause 4 introduces additional provisions establishing civil liability for damage to water infrastructure and for the loss of water.

Clause 5 provides that the Director of Water Services is responsible for the administration of the Department of Water Services.

Clause 6 validates any actions or decisions taken by the Director of Water Services following the commencement of the Department of Water Services Act, 2024.

Clause 7 provides for the citation of the Bill.