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THE WATER SUPPLY AND SANITATION ACT,
(Act No. 5 of 2019)

REGULATIONS

THE WATER SUPPLY REGULATIONS, 2019

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THE WATER SUPPLY AND SANITATION ACT,
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REGULATIONS

THE WATER SUPPLY REGULATIONS, 2019

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Water Supply Regulations, 2019.
- Application 2.-(1) These Regulations shall apply to an area designated and declared to be a Water authority and to any to other entity or person providing water supply and sanitation services.
(2)Where any provision to these Regulations apply to a community organization, legal entity or a person mandated to provide water supply and sanitation services, any reference to water authority shall be deemed to include community organization, the legal entity or such person.
- Interpretation 3. In these Regulations, unless the context otherwise requires:
“Act” means the Water Supply and Sanitation Act;
“authorized officer” means any officer, servant or agent of a water authority authorized by the water authority;
“Board” shall have the meaning ascribed to it under the Act;
“council” means-

- (a) city council when used in relation to a city;
- (b) municipal council when used in relation to a municipality;
- (c) district council when used in relation to a district;
- (d) town council when used in relation to a township; and
- (e) village council when used in relation to a village.

“Class I license” means a licence issued by EWURA to a licensee who has financial, technical and managerial capability to operate a licensed facility and recover all the costs of operation;

“Class II license” means a licence issued by EWURA to a licensee who has technical and managerial capability to operate a licensed facility and recovers all the costs of operation except part of its investment cost;

“Class III license” means a license issued by EWURA to a licensee who gets financial, managerial and technical support from the Government and partially recovers its operational costs;

“community organisation” means a community based water supply organization established under section 32 of the Act;

“consumer” includes any person or body of persons supplied, or applying to be supplied with, or using water from waterworks or receiving sanitation services, or who is liable for payment of any fees or other charges for the supply or use of water or sanitation services;

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“EWURA” means the Energy and Water Utilities Regulatory Authority established under the Energy and Water Utilities Regulatory Authority Act;

“licensee” means the holder of Class I, II or III and includes the holder of a provisional licence as the case may be;

“licensed activity” means an activity relating to and necessary to the fulfillment of the supplier’s obligations to provide services;

“licensed facility” includes water source infrastructures, buildings, water treatment plants, wastewater treatment plants, pipes, associated equipment and accessories and storage tanks from which a person conducts a licensed activity which is described in a licence;

“Managing Director” means the Managing Director of the Water Supply and Sanitation Authority appointed in accordance with section 17 of the Act;

“Minister” means the Minister responsible for water;

“misuse ” in relation to water means any use of water in disobedience to the terms and notice given under these Regulations;

“Registrar” means the Registrar of community organization;

“RUWASA” means Rural Water Supply and Sanitation Agency established under the Act;

“waste” in relation to water means the consumption of water due to any failure on the part of a consumer to comply with any provision of the Act or these Regulations which is applicable to consumer’s services;

“service area” means an area declared by the Minister for provision of water supply and sanitation services by a water authority;

“water authority” means a water supply and sanitation authority established under section 9 of the Act;

“water service coverage” means the proportion of population with access to water supply expressed as a percentage of the population in a service area;

“water works area” means any area of land or water delineated by the Minister as an area connected with supply of any water works.

PART II
ESTABLISHMENT AND MANAGEMENT OF WATER AUTHORITIES

- Establishment of water authority
- 4.-(1) Subject to section 9 of the Act, the Minister may, in consultation with the Minister responsible for local government authority and by notice in the *Gazette*:
- (a) declare an area specified in that notice as a water authority; and
 - (b) cluster water authorities.
- (2) An area to be declared a water authority or a clustered water authority shall at minimum be a township, district headquarter, regional headquarter, national water scheme or a cluster of community organizations.
- (3) The notice for declaring a water authority or clustered water authority shall be in the form prescribed in the First Schedule to these Regulations.
- (4) The Minister may declare any established water authority or clustered water authority to be a commercial water authority basing on the criteria prescribed in the Second Schedule to these Regulations.
- (5) A Water authority or clustered water authority declared as a commercial water supply and sanitation authority shall be in category AA or A as provided under regulation 5.
- Categorization of water authorities
- 5.-(1) A water authority or clustered water authority established in accordance with section 9 of the Act and these Regulations shall be in four categories as follows:
- (a) category AA: Those with water service coverage of more than 85% and meet all operation, maintenance costs, depreciation and return on investment;
 - (b) category A: Those with water service coverage of more than 75% and meet all operation,

maintenance costs and depreciation;

(c) category B: Those with water service coverage of more than 65% and meet all operational and maintenance costs;

(d) category C: Those with water service coverage of less than 65% and meet operational and maintenance costs except part of plant electricity costs as shall be determined by the Minister in the performance assessment instrument.

(2) The water authorities under category A, B and C shall be required to improve their performance in order to qualify to a higher category within the period specified in the performance assessment instrument.

(3) The annual performance analysis prepared by EWURA in accordance with section 29(2) of the Act shall include recommendation on the category which a Water authority may be promoted and a Class of licence which may be issued to such Water authority.

Procedure for
appointment
of board
members

6.-(1) Without prejudice to the provisions of the First Schedule to the Act, the procedure for appointing Board members of a water authority shall be in accordance with these Regulations and operational guidelines to be issued by the Minister.

(2) A water authority operating at district head quarter or township shall, upon being declared a water authority in category A or AA, its board members be constituted as a water authority operating at regional headquarter.

(3) The procedures for appointing the board members shall be as follows:

(a) a representative from the Ministry of Water shall recommended by the Permanent Secretary and approved by the Minister;

(b) subject to regulation 7(3), the city, municipal or township director shall be a member by virtue

of his office;

- (c) a representative from the regional administration shall be the regional administrative secretary or his representative; and
- (d) in case of the other members, three names shall be recommended for each position and the Minister shall appoint one among the recommended names to be a member for that position in the following manner -
 - (i) for the chairman, the names shall be recommended by the office of the regional administrative secretary and shall hold at least a university degree or equivalent;
 - (ii) for a representative of large scale water consumers, the names recommended by the Managing Director shall be from large scale water consumers accompanied with their average monthly water consumption;
 - (iii) for representative of the local commercial sector, the names shall be recommended by the association of businessmen such as Tanzania Chamber of Commerce Industry and Agriculture (TCCIA) and Chamber of Commerce and Trade (CCT);
 - (iv) for representative of councillors, the names shall be recommended by full Council meeting of the respective council;
 - (v) for representative of domestic water consumers, the names shall be recommended by the full Council meeting, and preference shall be given

to women;

(vi) for a representative of women groups, three names shall be recommended by the full Council meeting.

(4) In recommending and appointing the members, the responsible authority shall consider the person recommended or appointed has:

- (a) at least form four education level;
- (b) management experience or served as a board member;
- (c) a permanent resident within the area of operation of the water authority; and
- (d) good record of payment of water bills.

(5) The recommendation for appointing board members-

- (a) in case of water authority operating at regional headquarter, clustered water authority or national water project shall be channeled to the Minister through the regional administration; and
- (b) in case of water authority in the District and township level shall be channeled to the Minister responsible for local government through the District Executive Director.

(6) The recommendation for each recommended person shall be accompanied with a curriculum vitae which shall include information about his age, gender, place of residence, level of education, academic qualification or profession, occupation, records of payment of water bills and experience in management and board functions.

Competitive
appointment
of board
members of

7.-(1) Where the Minister intends to use competitive procedure in appointing members under paragraph 2(2) of the First Schedule, the following procedure shall be complied with-

- (a) relevant regional administration office or local

water
authorities

government authority, as the case may be, shall advertise the vacancy of a board member in the local newspaper of wide circulation, save for councilor's post whose advertisement shall be in a council's notice board;

- (b) submission of the applications to the relevant regional administration office or local government authority as the case may be;
- (c) shortlisting and recommendation of three names of the applicants to the Minister by the relevant regional administration office or local government authority as the case may be; and
- (d) appointment of the recommended member by the Minister from the list submitted by the relevant regional administration office or local government authority as the case may be.

Provided that the Minister shall apply competitive appointment in making appointment of board members of water authority in respect of category A or AA.

(2) For the post of Chairman, the Regional Administration Office or local government authority shall recommend three names of the applicants to the Minister.

(3) In case of a representative of the Councilor, the list of the applicants shall be submitted to the full council for selection through voting, the three selected names together with the curriculum vitae based on ranking shall be submitted to Regional Administrative Secretary for onward recommendation to the Minister.

(4) For the representative of the local commercial sector, the applicant shall be the member of the private sector organizations such as Tanzania Chamber of Commerce, Industry and Agriculture, Confederation of Tanzania Industries, Tanzania Private Sector Foundation or Tanzania Banker's Association residing in the service area of the water authority.

(5) For the representative of large scale water consumers, the relevant water authority shall submit at least five names of the large scale water consumers to Regional Administrative Secretary who will recommend three names together with their curriculum vitae to the Minister for appointment.

(6) Where the service area of a water authority transeends in more than one regional administrative boundaries, the vacancies shall be advertised and the applications shall be submitted to the regional administration where the headquarter of the water authority is situated.

(7) The relevant water authority shall bear the costs involved in the recruitment process under this regulations.

Competitive
appointment
of board
members of
RUWASA

8.-(1) Where the Minister intends to use competitive procedure in appointing RUWASA Board member as prescribed under paragraph 1(5) of the Third Schedule to the Act, the following procedure shall be complied with-

- (a) advertising the post of board member in the local newspaper of wide circulation, relevant notice boards and websites;
- (b) the applicant shall be a Tanzanian citizen and shall submit his application to the Minister;
- (c) For the post of chairman, the Minister shall shortlist three names together with their curricula vitae and recommend to the President for appointment; and
- (d) For the post of a member representing non-public sector, the Minister shall appoint a member from the shortlisted names.

(2) RUWASA shall bear the costs involved in the recruitment process of RUWASA Board members.

Filling

9. Where a member ceases to be a member for any

- vacancy in Board reason prior to the expiration of his tenure, the appointing authority may appoint another person in his place and the person so appointed shall hold the post for the remaining term of his predecessor.
- Licensing 10.-(1) It shall be the obligation of a water authority or person to apply for a licence from EWURA.
(2) A water authority or person other than a community organization shall not operate without a license from EWURA.
(3) A license issued by EWURA may either be of class I, II or III.
(4) Notwithstanding the provisions of subregulation (3), a declared water authority which has not qualified for class I, II or III license shall be issued with a provisional licence for a period of not more than twenty four months.
(5) Any person other than a Water authority or Community Organization shall only operate under class I license.
(6) The licenses issued may permit the licensee to provide any or combination of the following:
(a) water supply and sanitation services;
(b) bulk water supply;
(c) water supply;
(d) sanitation services; and
(e) any other relevant service related to the provision of water supply and sanitation services.
- Assignment of addittional responsibility 11.-(1) The Minister may, in writing and for a specified period of time, assign additional responsibility to a water authority at regional headquarter of providing management or technical support to water authority operating at district headquarter or township with a view of improving service delivery.
(2) The Minister may assign RUWASA additional

responsibility of providing management or technical support to a water authority or community organisation with a view of improving service delivery.

(3) The responsibility to be assigned under this regulation may be in the area of project preparation and construction or service delivery.

(4) Where the assignment is on project preparation and construction, the Minister shall cause to be executed a memorandum of understanding between the Ministry and the relevant water authority detailing the obligations of each party and the costs of carrying out the assignment shall be defrayed from the project costs.

(5) Where the assignment is on service delivery-

(a) the responsibility of providing service shall vest to the Board of a water authority at regional headquarter or RUWASA as the case may be; and

(b) the Board of the water authority operating at district headquarters or township will be dissolved to allow the Board of a water authority at regional headquarters or RUWASA to have full control of operations.

(6) In undertaking the assignment under subregulation (5) a water authority at a regional headquarter or RUWASA shall build the capacity of the water authority at district headquarters or township in areas of financial and operational management.

(7) Upon expiry of the period specified pursuant to subregulation (1), the Minister may-

(a) extend the period as he may deem fit to enable attainment of service improvement;

(b) reappoint the Board of the water authority at district head quarters or township area and direct the water authority at regional headquarters to hand over the operations to the reappointed Board; or

(c) cluster the water authorities into one water authority.

Appointment of Administrator 12.-(1) Where the Minister dissolves a Board in accordance with these Regulations, he may appoint an administrator to manage the affairs of the water authority.

(2) The administrator appointed under subregulation (1) may be a body corporate or a committee and shall have all such powers as may be exercised by the Board.

(3) The administrator appointed under subregulation (1) shall remain in office for such period as it may be determined by the Minister.

(4) The Minister shall take all reasonable steps to ensure that management of a water authority which has been placed under the administrator pursuant to subregulation (1) is handed over to a new Board .

Service area 13.-(1) The service area of a Water authority shall be as provided in the Act and as defined in the instrument establishing the Water authority.

(2) Subject to the provisions of sections 13 and 30 of the Act, a person, community organisation or any other legal entity shall not provide water supply and sanitation services within the service area of the water authority, except where the water authority has not extended the services to the particular area and such area is approved by the water authority.

Cessation of community organization 14.-(1) Where a water authority extends water supply and sanitation services in an area serviced by the community organization or person within its service area, such community organization or person shall cease to operate.

(2) Where a water authority extends water supply and sanitation services in an area serviced by the

community organization or person whose water supply and sanitation infrastructure are not publicly owned in terms of section 33(2) of the Act, a water authority shall initiate a process of entering into arrangements with such community organization or the person with a view to agree on how the water authority assumes its responsibilities of providing services in the area.

(3) The arrangements referred to under subregulation (2) shall be reduced into agreement and may include provisions on transfer of the assets to the water authority, buying off the assets, compensation or any other means as the parties may deem fit. Provided that the value of the asset or compensation, if any, shall be established by an authorized valuer.

(4) Where, pursuant to subregulations (2) and (3), there is disagreement between the water authority and the community organization or the person, either party may refer the matter to Minister for resolution.

(5) Nothing in these Regulations shall be construed as authorizing or vesting rights to a community organization or person to continue providing water supply and sanitation services within the area of operation of the water authority.

Performance tools of water authority 15.-(1) A water authority shall exercise such powers and perform such functions as provided for under the Act and these Regulations, and in doing so it shall take into account the following;

- (a) license issued by EWURA
- (b) performance contract;
- (c) Business Plan; and
- (d) any other relevant instrument.

Board dissolution 16. The Minister may dissolve the Board after consultation with the Minister responsible for local government under the following circumstances -

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- (a) where the Board obtain an adverse opinion on audited accounts for two consecutive years;
 - (b) board's failure to substantially comply with its obligations and functions as stipulated in the Act, regulations and the performance contract;
 - (c) where the water authority's operating license has been cancelled by EWURA in accordance with the Act or EWURA Act; and
 - (d) where water authorities have been clustered.

Remuneration Board member

17. The members of the Board shall be paid such remuneration and allowances as shall be approved by the relevant authority by taking into account the financial performance of a respective water authority.

Appointment of Managing Director

18.-(1) The Minister shall, pursuant to section 17 of the Act and on recommendation of the Board, appoint a Managing Director.

(2) In recommending or appointing a person to become a Managing Director, the Board and the Minister shall have due regard to the procedure stipulated in the operational guidelines of the water authorities.

(3) Where, immediately after establishment of a water authority, there is no Board in place, the Minister may appoint a suitable person to act as Managing Director of such water authority.

(4) The Managing Director shall be under a probation period for six months during which his performance shall be evaluated and if not satisfactory the appointing authority may revoke the appointment and appoint another person to become the Managing Director.

- Application for water supply services
- 19.-(1) A consumer or any person on behalf of a consumer shall not commence to lay, alter, remove or extend any consumer's service unless the consumer or the person on behalf of the consumer has applied for and obtained a permission in writing to do so from the water authority.
- (2) The water authority may, in granting the permission to lay, alter, remove, or extend the said service approve the place, fittings and arrangements for laying, removing, altering or extending the said service.
- (3) The application for water supply under this regulation shall be made in the form contained in the Second Schedule to these Regulations.

PART III
WATER SUPPLY SERVICES

- Water Quality Standards
20. A water authority, community organisation or any person having the responsibility to provide water supply services, shall ensure that the water supplied to consumers meet the prescribed quality standards issued by the Tanzania Bureau of Standards and any other relevant authority.

- Agreement for water supply
- 21.-(1) Before a water authority supplies water to a consumer, the latter shall make an application to the water authority in accordance with these Regulations and subject to the prescribed terms and conditions, including payment of such charges as may be applicable in respect of the purpose for which the water is required.
- (2) Water supply shall not be taken from the waterworks of the water authority unless an agreement to supply the same requires the performance of the terms, conditions thereof and any matters required by these Regulations have been

signed by the consumer and the water authority to the satisfaction of the water authority.

Use of water 22.-(1) The water supplied by the water authority to any consumer shall be used only for the purposes specified in the application and the agreement for water supply and in the case of public fountains, for the purposes specified by the water authority.
(2) The water so supplied by the water authority to any fire hydrant shall be used for the purpose of combating fire and shall be subject to charges payable by the user like any other water supplied by the water authority,
Provided that the water authority may permit the water from the fire hydrant to be used for any other purpose as it may determine.

Restriction for non-domestic purposes 23.-(1) The supply of water for other than domestic purposes may be granted to any consumer if there is sufficient water supply and upon such conditions as may be prescribed by the water authority.
(2) Wherever the water authority, having regard to the state of the water supply and other water resources in the area and the existing demands or likely demands of water supply for domestic purposes, may, with or without notice to any consumer of water for non domestic purposes discontinue or otherwise reduce or restrict the supply or the use or taking of such water and in doing so the water authority shall not be held responsible for any loss, inconvenience or injury to such consumer or any person.
(3) It shall be the duty of every person to comply with the terms of any notice which may be given by the Authority under this Regulation and any disobedience to the terms of the notice shall constitute a violation of these Regulations.
(4) A notice given under this regulation may be served

to the consumer personally, through an advertisement in the *Gazette* a local newspaper or by any other means as the water authority may deem sufficient to bring the information to the knowledge of the consumer likely to be affected.

Ceasing to use Water of water authority

24.-(1) Where a consumer ceases to occupy a premises supplied with water or cease to use the water supplied by the water authority, such consumer shall give a prior notice of not less than three days in writing to the water authority and upon receipt of such notice, the water authority shall disconnect water supply at the expense of the consumer.

(2) The owner, occupier or consumer of any premises liable for the payment of any water rate and who has given notice of his intention to vacate the premises or ceases to use the water supplied by the water authority shall pay the rates up to the end of the calendar month in which such removal or discontinuance takes place.

Public Taps

25.-(1) The water authority may supply water to public taps wherever it thinks fit in any water supply area and it shall be entitled to charge for the water so supplied at prices approved by EWURA.

(2) Where the water supplied is from public fountain, the water authority shall notify the public in any manner it deems fit on the purposes for which the water shall be used, hours during which water may be available and any limitation.

Services and connection of services

26.-(1) Every consumer's service, place, fitting and arrangements for connection of any such service with the waterworks shall be approved in writing by the water authority as being in conformity with these Regulations.

(2) A consumer shall not be entitled to supply of water

unless and until every such service and the place, fittings and arrangements for connecting any such service have been approved as provided in these Regulations.

(3) A consumer or other person shall not connect or cause to be connected any consumer's service to the waterworks without having obtained the approval in writing of the water authority as provided under subregulation (2).

(4) Every consumer requiring connection or renewal of any connection with the waterworks shall make application thereof to the Authority in the form contained in the Fourth Schedule to these Regulations and shall deposit to the water authority amount of money equivalent to the estimated costs of doing the work at least two days before the commencement of any work.

(5) The deposit shall be equivalent to the estimated recoverable expenditure made by the water authority.

(6) The water authority shall be entitled to recover from the consumer any excess to the deposit compared with the actual expenditure and similarly, in case of overestimation, the consumer shall be entitled to the balance between the deposit and the actual expenditure.

(7) For the purposes of this regulation, recoverable expenditure shall include-

- (a) providing and fixing a ferrule or its equivalent on the water authority's mains;
 - (b) providing and fixing a stop valve;
 - (c) cost of excavation and all material required to connect, renew or replace a consumer's service;
 - (d) maintaining surface and permanent reinstatement;
 - (e) providing any additional labour or material;
- and

(f) Water authorities' charges equivalent to twenty per cent of the total cost of paragraphs (a) to (d) or a fixed charge as determined by the authority and approved by EWURA.

Price of services offered by water authority

27.-(1) Water supplied by the water authority and any service provided by the water authority shall be supplied at a price as may be proposed by the water authority and approved by EWURA.

(2) Except where it is otherwise provided, the quantity of water registered by a water meter regarding the water supplied to any consumer shall be deemed to be the quantity supplied.

(3) Where any consumer is supplied with water without a water meter such consumer shall be charged at a flat rate per month and such rate shall be approved by EWURA.

Nature, quality fitting and repair services and prevention of waste

28.-(1) Every consumer's service shall be of such nature, quality, size and pattern and shall:

(a) comply with any specification contained in these Regulations and be approved by the water authority; and

(b) be laid, installed, maintained, repaired, renewed or removed so as to conform to these Regulations and at the expense of the consumer.

(2) A consumer's service shall not at any time be in such defective condition or laid or fixed in such position in such manner as to cause damage, obstruction to any service, water or pollution of water supplied by the water authority.

(3) An authorized officer shall have the right of access to a consumer's premises for purposes of inspecting and testing in order to ascertain whether the nature, quality, fitting or repair services conform to these

Regulations and a consumer shall permit such authorized officer to enter in the premises to perform such duties.

(4) Where an authorized officer is of the opinion that a consumer's service is in such defective condition or is laid or fixed in such position or manner so as to involve damage or obstruction to any service, waste or pollution as aforesaid, he may by notice in writing require such consumer to take such measures as specified in the said notice in order to prevent such damage, obstruction, waste or pollution.

(5) It shall be the duty of any consumer to comply with such notice to the satisfaction of the water authority and any consumer who fails or neglects to do so, breaches this regulation and shall be guilty of an offence.

(6) Any notice given under this regulation shall be substantially in the form prescribed in the Fifth Schedule to these Regulations.

Liability for payment of rates and charges

29.-(1) The occupier of any premises in respect of which rates or charges are payable, shall be liable for payment thereof.

(2) When any premises are occupied by two or more persons, each person shall be jointly and severally liable for the payments of the rates or charges payable under subregulation (1).

(3) Where any contractor defaults in payment of water supplied to him as contractor, the person on whose behalf the work has been done or is to be done by the contractor shall be liable for such payment, and if that person pays the same or the same is recovered from him, that person shall be deemed to have paid it on behalf of the contractor and may recover it from the contractor accordingly.

Recovery of

30. Where a person fails to pay any amount due to him

overdue debts	under the Act or these Regulations within thirty days from the date of the notice, the water authority may sue for, or authorize any person on its behalf to sue for and recover such sum together with costs and the expenses for disconnecting the water supply.
Power of water authority to lay pipes on private lands	31. Subject to sections 21(b) and 22 of the Act, a water authority may, after giving reasonable notice in writing to the owner or occupier, carry any water pipe through, across or under any land and may, at any time, upon giving such notice or in case of serious emergency without notice, enter into any such land for the purposes of repairing, maintaining, renewing, removing, altering, inspecting, attending to or testing any such water pipe thereon, without paying any compensation but making good or at his option paying for damage done or occasioned through the operations under this regulation.
Connection to pipes of water authority	32. The connection of every consumer's pipe with any pipe of the water authority may be made by means of an approved clamp saddle, hard brass ferrule, stop ferrule or any specified connector with union and shall be made so as to have clear waterway of approved size.
Stop valve	33.-(1) A consumer shall procure a stop valve with an area of waterway not less than one and half centimeters pipe and not greater than that of the pipe of the water authority. (2) The stop valves shall be fitted below the surface and close to the boundary walls outside the premises owned or occupied by consumer and protected by an approved surface box at the consumer's expenses.
Bends in pipes	34. Bends in pipes shall not in any case diminish or alter the bore of the pipes.

Support for pipes	35. Every pipe used by the water authority in respect to water connection shall be adequately supported and shall be fixed as far as possible in order to avoid air locks.
Accessibility to pipes	36. Every pipe or fitting within a building shall, so far as practicable, be placed as to be readily accessible for examination by a water authority.
Connection with other water	37. A pipe for the conveyance of or in connection with water supplied by the water authority shall not be connected with any pipe, cistern, butt or other receptacle used or capable of being used for the conveyance or reception of any water other than water supplied by the water authority.
Pipes not to be laid through drain	38.-(1) A pipe shall not be laid so as to pass into or through any sewer or any manhole connected therewith or into or through any septic tank, refuse pit or pit. (2) A pipe shall not be laid or allowed to remain in contact with any foul soil or with any injurious material. Provided that if the laying of such pipe through foul soil cannot be avoided such pipe may be so laid if it is sufficiently protected from contact with soil either by being carried through an exterior tube of approved material or by some other approved suitable means.
Alert pipe	39.-(1) Every storage cistern or flushing cistern shall be provided with an overflow or waste pipe so arranged as to act as a warning pipe. (2) Every alert pipe shall be placed in such a position as may admit the discharge of water from such alert pipe outside the building being readily accessible by an officer or the water authority.

(3) Overflow or waste pipe other than a warning pipe shall not be attached to any storage cistern or flushing cistern supplied with water of the water authority and every such overflow or waste pipe not being a alert pipe shall be removed or converted into alert pipe.

Buried
cisterns
prohibited

40. A cistern buried or excavated in the ground shall not be used for the reception or storage of water supplied by the Authority unless the use of such cistern for the said purpose has been previously approved in writing by the water authority.

Cisterns
supply to
boilers

41. A steam boiler or other hot water apparatus in which water supplied by the water authority is used shall not be supplied otherwise than through a cistern and ball tap of an approved pattern.

Depth of
pipes

42. Every pipe laid in connection with water supplied by the water authority when not beneath a building shall be laid at a depth of not less than sixty centimetres below the surface of the ground and in the case of any pipe laid under any road, street or pavement or in any other situation where is exposed to the risk of damage shall be laid not at less than ninety centimetres below the surface of such road, street, pavement or shall be protected to the satisfaction of the water authority.

Removal of
unused
consumer
service
connection

43. Every consumer whose connection service is out of use shall cause the same to be sealed off by the water authority at the consumer's expenses.

Requirement
of cistern

44. Where so required by the water authority, a consumer using or intending to use water supplied by the water authority or other than domestic purposes

shall install a cistern for the storage of water to be used for such purposes, capacity and specification as may be approved by the water authority.

Public stand pipe 45.-(1) The water authority may erect public stand pipe in any part of a water supply area and may supply water through such pipe.
(2)The water authority may from time to time make such arrangements as it shall deem fit for control and management of public stand pipes and with regard to the hours at which water may be supplied there from.

Fixing and repair of meters 46.-(1) All meters shall be provided by the water authority.
(2) The cost of fixing and connecting any meter with the water works, including the requisite valves and other apparatus, shall be paid by the consumer.
(3) The meter shall be maintained by the water authority in proper repair and good working order, but the cost of repairs to damage thereto caused by fire, negligence, or defect of any consumer's service shall be paid by the consumer.

Position of meter 47.-(1) Every meter shall be placed in such a position as an authorized officer may determine in consultation with the owner of the premise and as close as possible to the outside boundary of the premise.
(2) Every meter shall be place in a position easier for inspection by an authorized officer, who shall be entitled to have free access thereto for any purpose provided for in the Act or under these Regulations.

Inaccurate meters 48.-(1) A meter shall not be used or continue to be used for measurement of water supply by the water authority where it found on inspection by any

authorized officer to be inaccurate.

(2) A meter shall be deemed to be inaccurate where any error shown exceeds the margin of five per centum either way.

Provided that a meter so found in error shall be deemed to have acquired such error not more than three months from the reporting date.

(3) Where a customer requests measurement of meter by a person other than the water authority, such a customer shall bear the costs of such measurement.

Charges in case of inaccurate meters

49. Where in any case any meter ceases to indicate correctly the quantity of water passing through it, the water authority shall estimate the correct registration in any of the following ways:

- (a) by comparison with the quantity of water supplied under similar conditions during some other period;
- (b) by comparison with the quantity of water supplied after the meter has been restored to proper order;
- (c) by comparison with the registration of a substitute meter used temporarily in place of the defective meter;
- (d) by applying a correction factor where the meter is found to have a consistent error of registration; or
- (e) by any other reasonable basis which is considered equitable by the water authority, having regard to the circumstances of the case.

Inspection and removal of meters

50. The water authority may from time to time, through an authorized officer inspect any meter and may remove the same for the purposes of testing the accuracy thereof, for the examination, repair,

substituting for it another meter or suspending water supply.

Testing
meters

51.-(1) The water authority shall test a customer meter at least once in every five years and shall keep record thereof indicating meter make, number and size, date and meter testing results.

(2) A consumer may require a meter to be tested by the water authority at all times and where the meter is found to be accurate, the consumer shall pay the whole of the expenses so incurred.

(3) A meter shall be deemed to be accurate if any error shown is less than five per centum either way.

Tempering
with meters

52.-(1) A meter shall not be moved, disconnected, or in any way altered or interfered with, except by the water authority.

(2) When any alteration is necessary or repair is required, notice to that effect shall be given to the water authority.

Suspension
of supply

53.-(1) Without prejudice to the generality of the powers of a water authority stipulated in the Act or under these Regulations, a water authority may suspend supply of water on notice to the customer upon occurrence of any of the following circumstances-

(a) the consumer has refused an authorized officer or workman to enter into his premises for the purposes of inspecting, examining, testing or discharging any of their duties;

(b) the consumer's service or connection with the waterworks does not conform to these Regulations or being so constructed and used does not effectively prevent waste, or water pollution;

(c) the consumer wastes, misuses or pollutes

- water supplied by the water authority;
- (d) where the water authority needs to repair or readjust any water meter; and
- (e) consumer is in breach of any of the provisions of Regulations.

(2) The water authority may, after giving a public notice, suspend the supply of water either wholly or partly in any of the following circumstances:

- (a) where there is no sufficient supply of water; and
- (b) where the water authority needs to repair or readjust the waterworks.

Disconnection of water supply on non-payment of charges

54.-(1) The water authority may cut off or withdraw the supply of water to any premises in respect of which any rates or charges in connection with the supply are not fully paid within thirty days after notification by the prescribed authority.

(2) A water bill in respect of payment of any rate or charge issued by a water authority and which bears the words "the bill is a notice" shall be deemed as a notice under this regulation.

(3) The notice referred to in subregulation (1) shall be in a form prescribed in the Sixth Schedule to these Regulations.

Power to supply water outside water authority area

55. The Minister may authorize a water authority to supply water outside its area of jurisdiction where the circumstances necessitate doing so.

Prevention of misuse

56.-(1) It shall be lawful for a water authority at any time, when it deems it necessary and expedient to do so, by notice in the *Gazette* and also in three consecutive issues of a local newspaper to -

- (a) require consumers to conserve water supplied by any means of whatsoever kind therein

directed, to be taken; and

- (b) prohibit or restrict the use of water supplied for all or any of the following purposes -
 - (i) for watering garden, recreation ground, road or pathway, unless such water has already been reasonably used for any other legitimate purpose;
 - (ii) for washing motor vehicles or any kind of wheeled vehicle;
 - (iii) for washing any other implement, article or thing specified in the said notice;
 - (iv) for any other use other than domestic purposes.

(2) The notice referred to in subregulation (1) shall be in the form prescribed in the Seventh Schedule to these Regulations.

(3) On the publication of such notice and until the same has been cancelled it shall be the duty of every person to comply with the terms thereof and any person who fail to conserve the water, and so use or permit to be used any water in any way contrary to the prohibition or restriction specified or otherwise disobey the terms of the said notice commits an offence against these Regulations and shall be guilty of misusing the water.

PART IV GENERAL PROVISIONS

General offence 57. Any person who commits an offence under these Regulations, for which no punishment is specially provided for under the Act, shall, upon conviction be sentenced to pay a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

Proof of 58. In any action for the recovery of any amount due

liability under the Act, a certificate under the hand of the prescribed authority or of any person authorized by the prescribed authority on that behalf that such amount is due and that the defendant is the person liable to pay the amount due, shall, in the event of non-payment prove that the defendant is the person liable for the payment thereof.

Board's power to make instruments 59.-(1) In performing its administrative and financial duties, the Board shall cause to be prepared the following instruments:-

- (a) Financial Regulations;
- (b) Stores and Purchase Regulations;
- (c) Staff Regulations;
- (d) Scheme of Service;
- (e) Business Plan;
- (f) Asset Management Plan;
- (g) Clients Service Charter; and
- (h) any other instrument as the Board may deem necessary.

(2) The Business Plan and the Asset Management Plan shall be submitted to EWURA for review whereas Clients Service Charter shall be submitted to EWURA for approval.

(3) The Regulations made under subregulation (1) may not be published in the *Gazette* but the Board shall bring the notice of such Regulations to all persons or institutions likely to be affected by the Regulations so made.

Revocation GN No. 90 of 2013 60. The Water Supply Regulations, 2013 are hereby revoked.

FIRST SCHEDULE

(Made under section 9 and regulation 4(a))

FORM 1

THE WATER SUPPLY AND SANITATION ACT
(Act No. 5 of 2019)

DECLARATION OF WATER SUPPLY AND SANITATION AUTHORITY

NOTICE

(Made under section 9 and rule 4)

IN EXERCISE of the powers conferred upon me by section 9 of the Water Supply and Sanitation Act, I..... Minister responsible for water do hereby declare to be a Water Supply and Sanitation Authority in category effective fromday of20.....

Its area of operation is as appended hereto.

Made this day of 20....

.....
Dar es Salaam, Minister for Water

FORM 2

THE WATER SUPPLY AND SANITATION ACT
(Act No. 5 of 2019)

DECLARATION OF COMMERCIAL WATER SUPPLY AND SANITATION AUTHORITY

NOTICE

(Made under section 9 and rule 4)

IN EXERCISE of the powers conferred upon me by section 9 of the Water Supply and Sanitation Act, I..... Minister responsible for Water do hereby declare to be a commercial Water Supply and Sanitation Authority in Category effective fromday of20.....

Its area of operation is as appended hereto.

Made this day of 20....

.....
Dar es Salaam, Minister for Water

FORM 3

THE WATER SUPPLY AND SANITATION ACT
(Act No. 5 of 2019)

DECLARATION OF A CLUSTERED WATER SUPPLY AND SANITATION AUTHORITY

NOTICE

(Made under section 9 and rule 4)

IN EXERCISE of the powers conferred upon me by section 9 of the Water Supply and Sanitation Act, I..... Minister responsible for water do hereby declare to be a Clustered Water authority in Category effective fromday of20.....

The clustered water authorities are as follows

- (a).....Water Supply and Sanitation Authority
- (b).....Water Supply and Sanitation Authority
- (c).....Water Supply and Sanitation Authority

Its area of operation is as appended hereto.

Made this day of 20....

.....

Dar es Salaam, Minister for Water

SECOND SCHEDULE

(Regulation 19(3))

APPLICATION FOR WATER SUPPLY

To: The Water authority

(1) I/we Make application for a supply for water to the under mentioned premises subject to the Water supply Regulations and at the charges imposed and fixed by the Water authority and applicable to the purpose for the purpose for which the supply is required and I/we agree to pay for the charges.

(2) I/we apply for permission to lay/remove/alter/extend the services in relation to the water supply at my/our premises.

A. Premises

Address of premises (street, plot (block no, area and District).....

Description of premises (Residential, institution, commercial or industrial)

.....

No. of water closets

No. of urinals

No. of baths

No. of stand-pipe.....

No. of wash basins.....

No. of size and other draw-off.....

B. Service:

Nature of service in respect of which application is made

Purpose for which water required, stating the full particulars in case of non-domestic purposes

Name of a plumber or contractor employed to fix pipes, taps and other apparatus.

I undertake not to have the work begun before the consent of the Water authority is received and to have the work carried out in accordance with the water supply Regulations to the satisfaction of the Water authority. I further undertake to notify the water authority as soon as the work is complete and to give facilities for its inspection by the Water authority whose proper charges in connection with the work undertake to pay in advance.

Signature of Applicant

Address in full

Mobile number.....

Landline.....

E-mail.....

Application date

Entry in Water Supply Application Register

FolioEntered by.....

Signature of the owner

Address in full

Mobile number.....

Landline.....

E-mail.....

C. CERTIFICATE

(The Certificate must be signed by the owner of the premises concerned and shall attach evidence of ownership).

Passport
size
photograph
of the owner

I certify that I am the owner of the premises referred to in the application and I agree that the premises be supplied with water from the waterworks as from

Signature of the owner
Address in full
Mobile number.....
Landline.....
e-mail.....

THIRD SCHEDULE

(Regulation 26(4))

APPLICATION FOR WATER CONNECTION OR RENEWAL OF WATER
CONNECTION TO PREMISES

To: The Water authority
The pipes and fittings in the under the
mentioned premises are now ready for inspection and I
request to have the necessary connection made with the waterworks.

Street and No.

Belonging to

Occupied by

No. of the houses or descriptions of the premises

Purpose for which water is required

Cistern No. Capacity

Water

Standpipes.....No.....

Baths.....No.....

Wash basins.....No.....

Urinals.....No.....

Heating apparatus.....No.....

Washing apparatus.....No.....

Diameter and type of pipe.....

Description of cooks (maker' name or trademark).....

Description of Taps (makers name and trade mark).....

Signature

Address in full

Mobile number.....

Landline.....

e-mail.....

Examined on the Day of

And found to be in compliance with the Regulations

Signed..... water supply inspector

Entry in Water supply Notice Register

Folio Entered by

FOURTH SCHEDULE

(Regulation 28(4))

NOTICE OF DEFECTIVE WATER SUPPLY SYSTEM

To:.....

Sir/Madame,

You are hereby notified that the services at your premises situated at
have been inspected and found to be in a defective condition, thus causing:

- (1) damage or obstruction to pipes, fittings, etc.
- (2) waste of water.
- (3) pollution of water.

Particulars of the defects:

- 1.....
- 2.....

By this notice you are required to take measures directed herein withindays from
the date of this notice in order to rectify the said defects.

Measures to be taken-

- 1.....
- 2.....

.....Water authority

FIFTH SCHEDULE

(Made under regulation 54(3))

NOTICE OF DISCONNECTION OF WATER SUPPLY

To:

You are hereby notified that, water supply services at your premise(s) will be cut off due to the reason(s) specified hereunder

.....
.....

Signature

Address in full

Mobile number.....

Landline.....

E-mail.....

Entry in Water Supply Notice Register

Folio Entered by

—————
SIXTH SCHEDULE

—————
(Made under regulation 56(2))
—————

PREVENTION OF MISUSE OF WATER

The general public is put on notice to conserve water supplied by water authority, by strictly complying with the following prohibition:

The use of water supplied by the Water authority is prohibited, until further notice, to be used for any of the following purposes:-

- (i) for watering a garden, recreation grounds, roads or pathways, save where such water has already been used for any other use permitted by the authority.
- (ii) for washing motor vehicles or any other kind of wheeled vehicle.

Dodoma,
24th October, 2019
Water

MAKAME M. MBARAWA
Minister for