

GOVERNMENT NOTICE No. 90 published on 26/04/2013

THE WATER SUPPLY AND SANITATION ACT
(CAP.272)

REGULATIONS

(Made under section 57)

THE WATER SUPPLY REGULATIONS, 2013

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Application.
3. Interpretation.
4. Establishment of Water Authority.
5. Establishment of National Water Schemes Authority.
6. Categorization of Water Authorities.
7. Procedure for appointing Board members.
8. Licensing.
9. Appointment of Administrator.
10. Appointment of Service Providers.
11. Area of operation.
12. Application for cancellation of a community organization licence.
13. Performance of water authority and contractual obligations.
14. Dissolution of the Board.
15. Remuneration of Members of the Board.
16. Appointment of the Managing Director.
17. Application for water supply services.
18. Agreement for water supply.
19. Price of water and terms and condition of supply.
20. Use of water.
21. Restriction non-domestic purposes.
22. Ceasing to use water of the water authority.

Water Supply Regulations

GN. No. 90 (contd.)

23. Public taps.
24. Services and connection of services.
25. Nature, quality fitting and repair services prevention of waste.
26. Liability for payment of rates and charges.
27. Recovery of overdue debts.
28. Power of water authority to lay pipes, etc on private lands.
29. Connection to a pipe of water authority.
30. Stop valve.
31. Bends in pipes.
32. Support for pipes.
33. Accessibility pipes.
34. Connection with other water.
35. Pipes not to be laid through drain.
36. Warning pipe.
37. Buried cisterns prohibited.
38. Cisterns supply to boilers.
39. Depth of pipes.
40. Removal of unused consumer service connection.
41. Cistern if required.
42. Compound rate for supply by compound in water supply area.
43. Service charges.
44. Fixing and repair of meters.
45. Position of meter.
46. Inaccurate meters.
47. Charges in case of inaccurate meters.
48. Inspection and removal of meters.
49. Meters may be tested.
50. No disturbance of meters.
51. Suspension of supply.
52. Disconnection of water supply on non payment of charge.
53. Power to supply of water outside the water authority area.
54. Prevention of misuse.
55. General offence.
56. Proof of liability.

Water Supply Regulations

GN. No. 90 (contd.)

- 57. Board's power to make instruments.
- 58. Revocation of Government Notices.

GN. No. 90 (contd.)

THE WATER SUPPLY AND SANITATION ACT
(CAP.272)

REGULATIONS

(Made under section 57)

THE WATER SUPPLY REGULATIONS, 2013

- Citation 1. These Regulations may be cited as the Water Supply Regulations, 2013.
- Application 2.-(1) These Regulations shall apply to any area designated and declared to be a Water Supply and Sanitation Authority, clustered water authority and any person providing water supply and sanitation services.
(2) Where the circumstances necessitate any provision to these Regulations to apply to a community owned water supply organization, any reference to any water authority shall be deemed to include community owned water supply organization.
- Interpretation 3. In these Regulations unless the context otherwise requires:
- Cap.272 “Act” means the 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” means the Board of Directors of a Water Authority;
 “Class I license” means a licence issued by EWURA to a licensee who has a financial, technical and managerial capability to operate a licensed facility

and recovers all 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 costs of operation except part of its investment cost;

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

“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;

“community organisation” means a community owned water supply organization established under section 31 of the Act;

“consumer’s service” means any service not being part of waterworks through which water flows or is intended to flow from a waterworks to any consumer or which is or may be used for the purpose of supplying water to any consumer from a waterworks and includes a consumer;

“Council” means;

- (a) a City council when used in relation to a city;
- (b) a Municipal council when used in relation to a municipality;
- (c) a District council when used in relation to a district;
- (d) a Town council when used in relation to a townships; and
- (e) a Village council when used in relation to a village.

Cap.414

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

GN. No. 90 (contd.)

Energy and Water Utilities Regulatory Authority Act;

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

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

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

Cap.272 “Managing Director” shall have the meaning ascribed to it under the Act;

“Memorandum of Understanding” means a document signed by an individual Water Authority and the Ministry responsible for water which includes management and investment issues;

“Minister” means the Minister responsible for water;

Cap.272 “misuse” in relation to water means any use of water in disobedience to the terms and notice given under these Regulations;

“Provisional licence” means a licence issued by EWURA pursuant to section 61 of the Act;

“Registrar” means the Registrar of community organization;

Cap.272 “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;

Cap.272 “Water Authority” for purposes of implementing these Regulations may includes a community organization or any officer or servant of the water authority or any person ordered by the Minister

GN. No. 90 (contd.)

under the Act to exercise and perform any of the powers, duties or functions of the water Authority in accordance with the provisions of the Act; and
“water service coverage” means the proportion of population with access to water supply expressed as a percentage;
“water works area” means an area of land or Water Authority delineated by the Minister connected with supply of any water works.

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 as a minimum be a township, district headquarter, regional headquarter or national water scheme.

(3) The notice for declaring a water authority, commercial water authority or clustered water authority shall be in the forms prescribed in the *First Schedule*.

(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*.

(5) A Water Authority or clustered water authority to be declared as a commercial Water Supply and Sanitation Authority shall be in category AA or A as provided under Regulation 5.

Establishment
of National
Water

5.-(1) The Minister, in exercising the powers under section 41(1) of the Act, may establish a National

GN. No. 90 (contd.)

Schemes authority water scheme to be a water authority and constitute a board of Directors.

(2) The Second Schedule shall have effect in respect to membership of national water scheme Board.

Categorization of water authorities

6.-(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 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 operation and maintenance costs;

(d) category C: Those with water service coverage of less than 65% and meet operation and maintenance costs except part of plant electricity costs as shall be determined in the Memorandum of Understanding.

(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 as specified in the Memorandum of Understanding.

Cap.272

(3) The annual performance analysis prepared by EWURA in accordance with section 28(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

7.-(1) Without prejudice to the provisions of the

GN. No. 90 (contd.)

appointing
Board
members

First Schedule to the Act, the procedures 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) The procedures for appointing the board members shall be as follows:

- (a) the representative of the ministry of water shall be appointed by the Minister;
- (b) subject to the provisions of regulation 7(3) the city, municipal or township director shall be a member by virtue of his office;
- (c) the representative of the regional administration shall be recommended by the office of the regional administrative secretary; 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 consumers of water, the names recommended shall be from large scale consumers of water accompanied with their average monthly consumption of water;
 - (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 consumers of water, the names shall be of women who are not councilors and be recommended by the full Council meeting; and
- (vi) for a representative of women groups, names of women shall be of women who are not councilors and be recommended by the full Council meeting.

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

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

(4) The recommendation for appointing the 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.

(5) The recommendation for each recommended person shall be accompanied with the *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.

Licensing

8.-(1) It shall be the obligation of a water authority or person to apply for a licence from EWURA.

(2) No water authority or person other than a community organization shall operate without a license from EWURA.

(3) A license issued by EWURA may either be class I, II or III.

(4) Notwithstanding the provisions of sub-regulation (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 to be 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.

GN. No. 90 (contd.)

Appointment
of
Administrator

9.-(1) Where a licence of water authority has been cancelled or suspended by EWURA and the Minister dissolve the Board in accordance with regulation 14(c), the Minister shall in consultation with EWURA appoint an administrator to manage the affairs of the water authority.

(2) The administrator appointed under sub-regulation (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 sub-regulation (1) shall remain in office for such period as it shall be determined by the Minister but not exceed six months.

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

Appointment
of Service
Providers

10.-(1) A Water Authority may in accordance with section 19 of the Act, arrange for the exercise and performance of all or any of its powers and functions under a licence by one or more agents to be known as service providers.

(2) Any agreement concluded between a Water Authority and service provider under sub-regulation (1) shall be subject to approval by EWURA.

Area of
operation

11.-(1) The area of operation 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 29

GN. No. 90 (contd.)

of the Act no person or community organization shall provide water supply and sanitation services within the area of operation of the water authority, except where the water authority has not extended the services to the area and such area is known and approved by the water authority.

(3) Where a water authority extends the water supply and sanitation services in an area serviced by the community organization or person within its area of operation, the water authority shall initiate a process of entering into arrangements with the community organization or the person with a view to agree on how the water authority assumes its responsibilities of providing services in the serviced area.

(4) The arrangements referred to under sub-regulation (3) shall be reduced into agreement and may include provisions on transfer of the assets to the water authority, buying off the assets, compensation, service provider relationship or any other means as the parties may deem fit.

(5) Where, pursuant to sub-regulations (3) and (4), there is disagreement between the water authority and the community organization or the person, either party may refer the matter to EWURA or the Council as the case may be which shall assist the parties to reach an agreement.

(6) 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.

Application
for
cancellation
of a
community

12. A water authority may in accordance with Regulations relating to registration of community organization operating within its area of service, apply to

GN. No. 90 (contd.)

organization licence the Registrar for cancellation of a certificate of registration of a community organization where the water authority has fully extended water supply services.

Performance of water authority and contractual obligations 13.-(1) A water authority shall exercise such powers and perform such functions as provided under the Act and these Regulations.

(2) In performing contractual obligations, a Water Authority shall have regard to the following instruments-

- (a) a license issued by EWURA;
- (b) memorandum of Understanding;
- (c) a Business Plan; and
- (d) any other relevant instrument in which the Water Authority is a party.

Dissolution of the Board 14. The Minister may dissolve the Board after consultation with the Minister responsible for local government under the following circumstances -

- (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 and the Memorandum of Understanding;

Cap.272 or Cap.414 (c) if the water authority's operating license has been cancelled by EWURA in accordance with the Act or EWURA Act.

Remuneration of Members of the Board 15.-(1) The members of the Board shall be paid such remuneration and allowances as shall be approved by the Minister.

(2) The Minister shall in approving the amount of remuneration and allowances to be paid to Board members, take into consideration the financial performance of a respective water authority.

GN. No. 90 (contd.)

Appointment
of the
Managing
Director

16.-(1) The Minister shall pursuant to section 17 of the Act and on recommendation of the Board, appoint a competent person to become 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 procedures stipulated in the Memorandum of Understanding.

(3) Where, immediately after establishment of a water authority there is no Board in place, the Permanent Secretary of the ministry responsible for water, may appoint a suitable person to become the Managing Director of such water authority pending the appointment pursuant to provisions of sub-regulations (1) and (2).

(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 his appointment and appoint another person to become the Managing Director.

Application
for water
supply
services

17.-(1) No consumer or any person on behalf of a consumer shall 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 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 *Third Schedule*.

Agreement for

18.-(1) Before the water authority supply water to

GN. No. 90 (contd.)

water supply 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) No water supply shall 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 has been signed by the consumer and the water authority to the satisfaction of the water authority.

Price of water and terms and condition of supply

19.-(1) The 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 a flat rate per month, irrespective of the amount of water consumed, and such rate shall be approved by EWURA.

Use of Water

20.-(1) The water supplied by the 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 Authority.

(2) The water so supplied by the Authority to any fire hydrant shall be used for the purpose of combating fire and are subject to charges payable by the user like

GN. No. 90 (contd.)

any other water supplied by the 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
non-domestic
purposes

21.-(1) The supply of water for purposes other than domestic purposes may be granted and continued supplied to any consumer if there is sufficient water for such 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 or through an advertisement in the *Gazette* or any 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 effected.

Ceasing to use
water of the

22.-(1) If and whenever any consumer ceases to

GN. No. 90 (contd.)

water
authority

occupy any 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 the 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 cease 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

23.-(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 thinks fit on the purposes for which the water shall be used, hours during which the water may be available and any limitation.

Services and
connection of
services

24.-(1) Every consumer's service, the 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) No consumer shall be entitled to a supply of water unless and until every such service and the place, fittings and arrangements for connecting any such service have been so approved as provided in these Regulations.

(3) No consumer or other person shall 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 sub-regulation (2).

(4) Every consumer requiring a connection or the 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 pay deposit estimated expenditure to the water authority 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 compare 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 and material;
- (f) Water authorities' charges equivalent to twenty per cent of the total cost of items (i) to (iv) or a fixed charge as determined by the authority and approved by EWURA.

GN. No. 90 (contd.)

Nature,
quality fitting
and repair
services
prevention of
waste

25.-(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 with these Regulations and at the expense of the consumer.

(2) No consumer's service shall at any time be in such defective condition or laid or fixed in such position in such manners as to cause damage or obstruction to any service or water or pollution of water supplied by the water authority.

(4) An authorized officer 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 with these Regulations and every consumer shall permit such authorized officer to enter in the premises to perform such duties.

(5) If in the opinion of an authorized officer any 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 or 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.

(6) 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 wasting or

GN. No. 90 (contd.)

polluting the water.

(7) Any notice given under this regulation shall be in the form prescribed in the *Fifth Schedule* to these Regulations or substantially to the like effect.

Liability for payment of rates and charges

26.-(1) The occupier of any premises in respect of which rates or charges is 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 sub-regulation (1).

(3) Where any contractor makes default 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 overdue debts

27.-(1) The water authority shall have power to cut off or withdraw the supply of water to any premises in respect of which any rate or charges in connection with the water supply are not fully paid within thirty days after notification by the water authority.

(2) If any person fails to pay any amount due by him under the Act or these Regulations within thirty days from the date of the notice of his liability, the water authority may sue for, or authorize any person on his behalf to sue for and recover such sum together with costs and the expenses of disconnecting the water supply.

(3) A water bill in respect of payment of rate or

GN. No. 90 (contd.)

charge issued by the water authority which bears the words “the bill is a notice” then such bill shall be deemed as a notice under this regulation.

Power of water authority to lay pipes, etc on private lands

28. Subject to the provisions of section 21(1)(b) and (2) 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 lands and may, at any time, upon giving such reasonable 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 a pipe of water authority

29. The connection of every consumer’s pipe with any pipe of the water authority shall be made by means of an approved clamp saddle or hard brass ferrule or stop ferrule with union and shall be made so as to have clear waterway of approved size.

Stop valve

30.-(1) Every consumer shall procure a stop valve with an area of waterway not less than of a 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 of the ground as 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

31. Bends in pipes shall not in any case diminish or alter the bore of the pipes

Support for

32. Every pipe used in connection with the water

GN. No. 90 (contd.)

pipes of the water authority shall be adequately supported and shall be fixed as far as possible so as to avoid air locks.

Accessibility pipes 33. Every pipe or fitting within a building shall so far as practicable be so placed as to be readily accessible for examination by a water authority.

Connection with other water 34. No pipe for the conveyance of or in connection with water supplied by the Authority shall communicate with any pipe, cistern, butt or other receptacle used or capable of being used for the conveyance or receptions of any water other than water supplied by the water authority.

Pipes not to be laid through drain 35.-(1) No pipe shall be laid so as to pass into or through any sewer or drain or any manhole connected therewith or into or through any septic tank, refuse pit or as pit.

(2) No pipe shall 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.

Warning pipe 36.-(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 warning pipe shall be placed in such a situation as may admit the discharge of water from such warning pipe outside the building being readily ascertained by an officer or the water authority.

(3) No overflow or waste pipe other than a warning pipe shall be attached to any storage cistern or flushing cistern supplied with water of the Authority and every such overflow or waste pipe not being a warning

GN. No. 90 (contd.)

pipe shall be removed or converted into a warning pipe.

Buried
cisterns
prohibited

37. No cistern buried or excavated in the ground shall 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 Authority.

Cisterns
supply to
boilers

38. No steam boiler or other hot water apparatus in which water supplied by the Authority is used shall be supplied otherwise than through a cistern and ball tap of approved pattern.

Depth of pipes

39. 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 or pavement or shall be protected to the satisfaction of the water authority.

Removal of
unused
consumer
service
connection

40. 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.

Cistern if
required

41. If so required by the water authority, any consumer using or intending to use water supplied by the Authority or other than domestic purposes shall install a cistern for the storage of water to be used for such purposes of such type, capacity and specification as may be approved by the Authority.

Compound
rate for supply
by compound

42.-(1) The water authority may erect public stand pipe in any part of a water supply area and may

GN. No. 90 (contd.)

in water supply area 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 pipe and in regard to the hours at which water may be supplied there from.

Service Charges

43.-(1) The consumer shall in addition to the charges for the water used by consumer pay service charge comprising of meter reading, bills processing, maintenance and repair of customer connection, bills delivery and meter service which shall be approved by EWURA.

(2) All meters shall be provided by the water authority.

Fixing and repair of meters

44.-(1) 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.

(2) The meter shall be maintained by the water authority in proper repair and good working order, but the cost of repairs thereto necessitated by damage caused by fire, negligence, or defect of any consumer's service shall be paid by the consumer.

Position of meter

45.-(1) Every meter shall be placed in such a positions as an authorized officer may determine in consultation with the owner of the premise and as close as possible to the 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

46. No meter shall be used or continue to be used for the measurement of water supplied by the Authority if

GN. No. 90 (contd.)

it is found on being inspected and tested by any authorized officer to be inaccurate and that a meter shall be deemed to be inaccurate if any error shown is more than five per centum either way. Provided that a meter so found in error shall be deemed to have acquired that error not more than three month from the date it was reported.

Charges in case of inaccurate meters

47. If 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 if 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

48. 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, or for the examination or repair, or substituting another meter or in case of the discontinuance of the supply of water.

Meters may be tested

49.-(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,

GN. No. 90 (contd.)

date and meter testing results.

(2) Any consumer may require a meter to be tested by the water authority at all reasonable time and if the meter is found to be accurate, the consumer shall pay the whole of the expense so incurred.

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

No disturbance of meters

50.-(1) No meter shall 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

51.-(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 the supply of water with notice either wholly or partly to any consumer in any of the following circumstances-

- (a) the consumer refused an authorized officer or workman to enter into his premises for purposes of inspecting, examining, testing or discharging any of their duties;
- (b) the consumer's service or connection with the waterworks does not conform with these Regulations or being so constructed and used does not effectively prevent waste, or pollution of water;
- (c) the consumer wastes, misuses or pollutes water supplied by the water authority;
- (d) where the water authority need to repair or readjust any water meter; and
- (e) the consumer is in breach of any of these the

GN. No. 90 (contd.)

provisions of Regulations.

(2) The notice referred to in sub-regulation (1) shall be in a form prescribed in the *Sixth Schedule*.

(3) 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 need to repair or readjust the waterworks.

Disconnection of water supply on non payment of charge

52.-(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 the water authority which bears the words "the bill is a notice" then the bill shall be deemed as a notice under this regulation.

Power to supply of water outside the water authority area

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

Prevention of misuse

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

- (a) to require consumers to conserve the water supplied by any measures of whatsoever kind therein directed to be taken; and
- (b) to prohibit or restrict the use of water supplied for all or any of the following purposes -

GN. No. 90 (contd.)

- (i) for watering a 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 sub-regulation (1) shall be in a form as prescribed in the *Seventh Schedule*.

(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.

General
offence

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

Proof of
liability

56. In any action for the recovery of any amount due under this Act a certificate under the hand of the prescribe 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 non-payment thereof and that the

GN. No. 90 (contd.)

defendant is the person liable for the payment thereof.

Board's
power to
make
instruments

57.-(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) Client 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 and whereas a Client Service Charter shall be submitted to EWURA for approval.

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

Revocation of
Government
Notices
GN No. 369
of 1997

GN No. 371
of 1997

58. The following Government Notices are hereby revoked:

- (a) the Waterworks (Water Supply) designated and declared areas) Rules;
- (b) the Waterworks Regulations.

—————
FIRST SCHEDULE
—————

(Regulation 5(3))
—————

FORM 1

THE WATER SUPPLY AND SANITATION ACT
(CAP.292)

DECLARATION OF WATER SUPPLY AND SANITATION
AUTHORITY

—————
NOTICE
—————

(Made under section 9)
—————

Water Supply Regulations

GN. No. 90 (contd.)

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

GN. No. 90 (contd.)

FORM 2

THE WATER SUPPLY AND SANITATION ACT
(CAP.292)

DECLARATION OF COMMERCIAL WATER SUPPLY AND
SANITATION AUTHORITY

—————
NOTICE
—————

(Made under section 9)
—————

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

GN. No. 90 (contd.)

THE WATER SUPPLY AND SANITATION ACT
(CAP.292)

DECLARATION OF A CLUSTERED WATER SUPPLY AND
SANITATION AUTHORITY

—————
NOTICE
—————

(Made under section 9)
—————

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 6(2)
—————

MEMBERS OF THE NATIONAL WATER SCHEME BOARD

1. Depending on the magnitude of a National Water Scheme, members of the Board of Directors of a National Water Scheme declared to be a water authority shall not be more than 10 and not less than seven appointed by the Minister as follows:-
 - (a) a chairman;
 - (b) a representative of:-
 - i) Regional administration of regions within the area of jurisdiction of the scheme;
 - ii) large water consumers;
 - iii) Local commercial sector;
 - iv) Women groups;
 - v) District Executive Directors of districts within the area of jurisdiction of the scheme who shall be elected by the respective District Executive Directors;
 - vi) Councillors of councils within the area of jurisdiction of the scheme;
 - vii) Ministry of water; and
 - viii) local water users or water users organization.
 - (a) the Managing Director who shall be the secretary.
2. The members under paragraphs (i), (ii), (iii), (iv), (v) and (vi) of item 2(b) shall be appointed on the principle of rotation among the respective regions, districts and councils.
3. The provisions of the first schedule to the Act shall have effect with regard to the procedures and meetings of the Board.

THIRD SCHEDULE

(Regulation 18(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.

N.B. – Cancel the words above which do not apply and give full particulars hereunder.

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 full particulars of any non-domestic purpose

Water Supply Regulations

GN. No. 90 (contd.)

Name of 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.....

Date of application

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.....

2. Fifth Schedule (certificate): Provision of evidence of ownership should be given i.e. title deed, offer or letter of occupancy.

GN. No. 90 (contd.)

FOURTH SCHEDULE

(Regulation 25(3))

APPLICATION FOR CONNECTION OR RENEWAL OF
CONNECTION TO PREMISES

To: The Water Authority
The pipes and fittings in the under 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 houses or descriptions of premises

Purpose for which water is required

Cistern No. Capacity

Water

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

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

Wash basin.....No.....

Urinal.....No.....

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

Water Supply Regulations

GN. No. 90 (contd.)

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

GN. No. 90 (contd.)

—————
FIFTH SCHEDULE
—————

(Regulation 26(7))
—————

NOTICE OF DEFECTIVE WATER SUPPLY SYSTEM

To:.....

Sir/Madame,

I hereby give you notice that the services at your premises situated at
has been inspected/tested and found that are in defective condition as has been so laid or
fixed as to involve:

- (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 specified herein withindays from
the date of this notice in order to rectify the said defects.

Measures to be taken-

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

Failure to comply with this notice amounts to a breach of the Act and the Water Supply
Regulations punishable by imprisonment and, or fine and suspension of the water supply.

—————
.....Water Authority

GN. No. 90 (contd.)

Notice by thewater supply and Sanitation Authority under regulation 9 of the water supply Regulations.

—————
SIXTH SCHEDULE
—————

(Made under Regulation 52(2))
—————

NOTICE OF DISCONTINUANCE OF WATER SUPPLY

To:

We hereby give you notice that we will cut off the water supply services at your premises due to the following circumstance
.....
.....

Signature

Address in full

Mobile number.....

Landline.....

E-mail.....

Entry in Water Supply Notice Register

Folio Entered by

GN. No. 90 (contd.)

—————
SEVENTH SCHEDULE
—————

(Made under Regulation 55(2))
—————

PREVENTION OF MISUSE OF WATER

The public and all consumers are required to conserve the water supply of the water Authority by observance of the following prohibition:-

The use of water supplied by the Water Authority is prohibited until further notice for all the following purposes:-

- (i) for watering a garden, recreation ground, road or pathway, unless such water has already been used for any other legitimate purpose;
- (ii) For washing motor vehicles or any kind of wheeled vehicle.

Dar es Salaam,
15th March, 2013

JUMANNE A. MAGHEMBE
Minister for Water