

# THE WATER UTILISATION (GENERAL) REGULATIONS

(Section 41(2))

G.N. No. 370 of 1997

## PART I PRELIMINARY PROVISIONS (regs 1-2)

### 1. Citation

These Regulations may be cited as the Water Utilisation (General) Regulations.

### 2. Interpretation

In these Regulations, unless the context otherwise requires—

"Act" means the Water Utilisation (Control and Regulation) Act \*(1);

"basin" means an area of land confined or delineated by a water divide where all water including rainfall flows to a specific direction thereby contributing to that basin;

"Board" means either of the Board established by Section 5, or under Section 7 of the Act;

"Chairperson" means the Chairperson of the Board and includes a person elected to preside at a meeting of the Board;

"hearing" means a sitting of the Board for the purpose of taking evidence or receiving submissions or representations relating to a matter referred to it;

"member" means a member of the Board and includes the Chairperson;

"Water Officer" means the person whose appointment has been the person whose appointment has been gazetted in pursuance of section 4(2) and includes the Principal Water Officer and the Basin water Officer;

"water source" means all water in a spring, stream, swamp, natural lake, river, dam, charco shallow well and borehole in a basin or catchment.

## PART II APPLICATIONS (regs 3-9)

### 3. Control Regulation and Licensing of groundwater

Where an application is made for abstraction and use of groundwater in accordance with section 11 of the Act, the Water Officer shall prepare a notice setting particulars of application as hereunder:

- (a) The applicant shall submit data and information collected during the ground water exploration and drilling activities;
- (b) the quantity and quality of the water abstracted;
- (c) the area of activities in the basin;
- (d) the purpose for which the water will be used domestic/commercial/industrial/any other use.

#### **4. Notification of appointment under section 15**

(1) Where an application is made in accordance with Section 15 of the Act, the water Officer shall prepare a notice setting particulars of the application and cause it to be—

- (a) published in the *Gazette*;
- (b) served upon all persons named in the application as being likely to be affected by the grant of the right for which the application is made, and upon such other persons as he may think fit; and
- (c) displayed at the District Commissioner's office in which the right for which the application is made will, if granted, be exercised.

#### **Power to create easement**

(2) Where any person who is the holder of a water right or who has applied for the grant of water right is unable fully to enjoy the benefit of that right without an easement, and has failed to secure an easement by agreement with the owner or occupier of the land over which the assessment is required, he may apply to the appropriate Water Officer for the creation of such easement as shown in form C of the First Schedule.

(3) Upon receipt of any such application, Water Officer shall serve notice of the application on the owner or occupier of the land over which an easement is sought and on any other persons known to be interested that land.

(4) Any interested person may notify the Water Officer that he objects to the creation of an easement under this regulations or that he desires to be heard on the subject of compensation.

#### **5. Notification of appointment under section 17(3)**

Where in consequence of any transfer, lease or partition of land under section 17(3) of the Act and the person who becomes entitled to the possession of part of the land to which a water right or existing right has been declared appurtenant applies to the Water Officer to determine the proportion of the water which he may abstract and use, the Water Officer shall cause a copy of the application to be served upon every person who is entitled to possession of the remainder of the land to which the water right, of which the applicant seeks an apportioned part,

is appurtenant.

#### **6. Time within which to tender objections**

(1) A Water Officer may refuse to consider any objection to an application for a water right, the apportionment of water right, an easement if the objection reaches him forty days after the relevant date.

(2) In this regulation the expression "relevant date" means—

- (a) in the case of an objector served with a notice under regulation 3 or copy of an application under regulation 4, the date on which such notice or copy was served upon him;
- (b) in the case of an objector who is not entitled under regulation 3 to have notice of an application served upon him, the date on which particulars of the application were first published in the *Gazette*;
- (c) in the case of an objector to an application for an easement, the date upon which notice was served on him under section 30(2) of the Act;
- (d) in the case of an object or to an application for consent to discharge, the date upon which notice was served on him under section 16(2) of the Act.

#### **7. Service of objections upon application**

The Water Officer shall cause to be served upon every applicant for a water right, the apportionment of a water right, an easement or consent to discharge, or in the case of an application which is referred to the Board, a copy of every objection received by him within the period specified in regulation 5 together with a copy of any other objection which he proposes to take into consideration.

#### **8. Protection of water sources**

For the purposes of this regulation, no human activities shall be conducted within 200 metres of a river bank or within 500 metres of the shoreline of a natural lake (inland lake), dam or reservoir (water intake).

#### **9. Formation of local water user association in terms of section 38(f)**

The Minister may make regulations providing for the formation, functions and conduct of local associations of water users.

### **PART III REFERENCE TO BOARDS (regs 10-11)**

#### **10. Service of objection upon application**

(1) Where a Water Officer refers any applications to the Board, he shall send to the Chairperson of the Board—

- (a) a copy of the application;
- (b) a copy of every objection received within the period specified in as he thinks fit; and
- (c) such other information relevant to the application as the Water Officer deems necessary for the Board to give full consideration to the application and the objections thereto,

and the Chairperson shall lay the same before the Board.

(2) Notwithstanding subparagraph (1), the Water Officer may grant a provisional water right for domestic use.

#### **11. Documents to be sent to the Board in other cases**

(1) Where a Water Officer refers to the Board any matter, other than a matter referred to in paragraph (2), concerning—

- (a) the determination, revision, diminution or modification of a water right; or
- (b) the specification of a quantity of water under section 24 of the Act,

he shall inform the Chairperson of the Board whether or not the holder of any water right liable to be effected by such determination, revision, diminution, modification or specification has been notified that the right is being referred to the Board, and, if such holder has been notified, inform the Chairperson of any representations the holder has made.

(2) Where a Water Officer refers to the Board any matter concerning the determination, or modification of a water right under section 27 of the Act, he shall send to the Chairperson of the Board a copy of the notice served by him under subsection (1) and a copy of any statement made by the holder of the water right under subsection (3) of that section.

### **PART IV WATER BOARDS (regs 12-22)**

#### **12. Appointment of Chairperson and members of the Board**

(1) The President shall appoint the Chairperson of the Central Water Board and the Minister shall in the order published in the *Gazette* appoint not less than ten other members to the Board who shall be drawn from Public, Private, NGO and Women organisations.

(2) In case of the Basin Water Board, the Minister shall appoint not more than ten persons to be members of that Basin Water Board:

Provided that the composition of members of the Board shall not be more than seven for

smaller basins and not more than ten for bigger basins to be drawn from Public, Private, NGOs and Women organisations.

### **13. Cessation of membership, etc.**

(1) The Board shall ordinarily meet for the transaction of its business at the times and at the places determined by it but shall meet at least two times in a year.

(2) The quorum at any meeting of the Board shall be half of the members in office, one of them being the Secretary.

(3) The Principal Water Officer shall be Secretary to the Central Water Board, and every Basin Water Officer shall be the Secretary to the Basin Board, to which he is the Basin Water Officer.

(4) The Chairperson shall preside at all meetings of the Board at which he is present.

(5) The Chairperson or in his absence, the Vice-Chairperson, shall preside at every meeting of the Board and in the absence of both Chairperson and the Vice-Chairperson the members present shall appoint one of their number to preside over at the meeting.

(6) Where the Chairperson receives a requisition signed by two members or by a Water Officer calling upon him to convene a meeting he shall do so within twenty-one days of the receipt of the requisition.

(7) The Chairperson or, in his absence, the Vice-Chairperson, may invite any resourceful person who is not a member to participate in the deliberations at any meeting of the Board, but a person so invited shall not be entitled to vote.

(8) Unless a member is terminated by the appointing authority or he otherwise ceases to be a member, shall hold office for a term of three years from the date of his appointment, and shall be eligible for re-appointment.

(9) Any member of the Board or his representative as the case may be who absents himself from three consecutive meetings without prior approval of the Chairperson shall cease to become a member of that Board.

### **14. Conduct of business by and decisions of the board**

(1) Subject to subparagraphs (2) and (3), the Board may conduct its business either at meetings or by circulation of papers.

(2) A decision of the Board at a meeting shall be by a majority of votes of the members present and voting a decision of the Board on a circulation of papers shall be by the concurrence of the majority of the members.

(3) Where any business is conducted by circulation of papers any member may require

much business to be referred to a meeting of the Board.

(4) In the event of a equality of votes at a meeting of the Board, the person presiding at the meeting shall have, in addition to his deliberative vote, a casting vote.

#### **15. Notification of meetings of the Board**

Where the Board proposes to meet to consider any application or other matter referred to it, the Chairperson shall give reasonable notice of the time and place at which the Board is to meet to—

- (a) every person who has made an objection to the application within the prescribed time and given notice that he wishes to be heard;
- (b) any other person whom the Board considers fit to be given an opportunity of appearing; and
- (c) the applicant or the objector to whose application is given notice.

#### **16. Persons entitled to appear and be heard**

(1) Whenever the Board meets to consider any application or other matter referred to it—

- (a) every person who has made an objection to an application;
- (b) every person to whom the Board has given notice in accordance with paragraph (b) of regulation 12; and
- (c) the applicant or the objector to whose application appears, shall be entitled to appear at the meeting and be heard, as the case may be, in support of his objection, or on the application or other matter to which the notice relates, or in support of his application.

(2) Any person who is entitled under this regulation to appear may appear in person or by advocate and be heard and shall have the right to give evidence, or call witnesses to give evidence, cross-examine witnesses, and to make submissions to the Board.

#### **17. Summoning of witnesses, administration of oaths, etc.**

The Board shall have, as regards the attendances, swearing and examination of witnesses, the production and inspection of documents, and other matters necessary or proper for the due performance of its functions, all such power, rights and privileges as are vested in a superior court of record and, without limiting the generality of the foregoing, may—

- (a) on its own motion or on the application of a person entitled to be heard, by notice signed by the Chairperson, require any person to appear at the time and place mentioned therein to testify to all matters within his knowledge relative to a subject matter before the Board, and to bring with him and produce any documents, book paper which is in his possession or under his control relative to the subject matter of

the hearing;

- (b) administer oaths and examine any person upon oath, affirmation or otherwise; and
- (c) during the hearing receive such additional information as it may consider credible or trustworthy and necessary for dealing with the matter before it.

#### **18. Written representations**

The Board may, on its own motion or on application of a written person entitled to be heard, permit any person appearing or required to appear as a witness before the Board to give evidence by tendering, any verifying by oath, a written statement.

#### **19. Admissibility of evidence**

The Board may receive in evidence any statement, document, information, or matter that may, in its opinion, assist it to deal effectually with the matter before it, whether or not the same would be admissible in a court of law.

#### **20. Procedure on hearings**

(1) Subject to subparagraph (2), the Board shall regulate its own proceeding.

(2) At any proceedings, the Board shall observe the rules of natural justice, and shall hear all evidence tendered and representations made by or on behalf of the persons entitled to appear and be heard which it considers relevant to the subject matter or the hearing, save that at any time during the hearing the Board may, if it thinks fit, decide not to receive further evidence or representations.

#### **21. Expenses for witnesses**

A person required to appear and give evidence before the Board shall be paid such appropriate subsistence allowance as are paid to government officers travelling on duty and shall be reimbursed any monies spent on transport, food and accommodation on production of evidence as to how such monies was spent.

#### **22. Record of minutes of meetings and evidence at hearings**

(1) The Board shall cause to be kept and maintained a book in which there shall be recorded minutes of each meeting and proceedings at each hearing showing adequate details of—

- (a) the business conducted or transacted;
- (b) all evidence received;
- (c) all arguments heard; and
- (d) all finding made by the Board concerning any act, matter or thing authorised or

required to be done or decided by the Board.

**PART V**  
**APPEALS (regs 23-26)**

**23. Notice of intention to appeal**

(1) Any person wishing to appeal under section 35 of the Act shall give to the Water Officer and to the appellate authority notice of his intention to appeal within thirty days of the notification to him of the decision of the Water Officer or the service upon him of the certificate or the grant in respect of which the appeal is to be made or, if he is not a person upon whom the Water Officer is required by the Act or by these Regulations to serve notice of such decision, within thirty days of the decision.

(2) Notwithstanding paragraph (1), the appellate authority may, for good cause, extend the period within which notice of appeal may be given.

**24. Preparation of case**

Upon receipt of a notice of intention to appeal and within twenty one days of the receipt of the notice, the Water Officer shall cause to be prepared and transmitted to the appropriate appellate authority:

- (a) In the case of an appeal against a decision given in respect of any application, three copies of—
  - (i) a written statement showing the name and address of the applicant and every objector to the application, and the decision appealed against;
  - (ii) the application in respect of which the decision appealed against was given;
  - (iii) the relevant portion of the minutes showing the advice of the Board if any was given;
  - (iv) any objection which was referred to the Board;
  - (v) all other documents which were considered by the Water Officer in arriving at the decision appealed against; and
  - (vi) a written statement signed by the Water Officer indicating concisely the grounds of the decision appealed against and any conclusion of fact arrived at by him.
- (b) In every other case, three copies of the documents specified in subparagraphs (iii), (v) and (vi) of paragraph (a), together with any notice relevant to the matter service by the Water Officer on the appellant and any representation or statement made by him to the Water Officer.



## **25. Memorandum of appeal**

The appellant shall, within twenty-one days after giving notice of appeal transmit to the appellate authority and the Water Officer three copies of his memorandum of appeal setting out concisely and under distinct and consecutively numbered heads the grounds of his objection to the decision of the Water Officer.

## **26. Deciding on the appeal**

(1) Subject to subparagraph (2), upon receipt of the memorandum of appeal, the appellate authority shall proceed to consider and determine the appeal.

(2) The appellate authority may, if it thinks it desirable, give an opportunity to the appellant to be heard in support of his memorandum of appeal.

(3) When the appellate authority decides to hear the appellant in support of his memorandum of appeal, it shall also give an opportunity to be heard to the Water Officer, and if the appeal is against the decision of the Water Officer on an application—

- (a) all objectors to the application if the appellant was the original applicant; or
- (b) if the original applicant is the appellant was an objector to the application.

(4) In deciding on the appeal the appellate authority shall not confine its considerations to the grounds of appeal set out in the memorandum of appeal.

## **PART VI GENERAL PROVISIONS (regs 27-32)**

## **27. Notification of decisions of Water Officer**

(1) The Water Officer shall, in addition to each case where he is required by the Act to give notice, give notice of every decision from which an appeal lies under section 9 of the Act to—

- (a) the person whose application has been determined by such decision or whose water right, casement, consent to discharge or works have been so affected;
- (b) all persons who have objected to the application where an application may be objected to; and
- (c) all persons on whom the Water Officer is required to serve notice of the making of an application.

(2) Notwithstanding subparagraph (1), the Water Officer may not give notice under this regulation to any person on whom, as a result of the decision, he has already served a certificate or grant under the Act.

## **28. Power of Water Officer in calling for information**

(1) The Water Officer may call upon any person whom he has reason to believe as being in possession of information relevant to any application or matter before the Boards.

(2) Where information is to be given orally a notice signed by the Water Officer shall be sent to the person required to attend, requiring him to attend and give that information.

(3) Where a person is required to attend and give information to a Water Officer he shall be treated in all respects as is provided for persons summoned as witnesses before a Water Board.

## **29. Forms, copies and annexures**

(1) The forms set out in the First Schedule to these Regulations shall be used in all matters to which they refer with such adaptation and modifications as the circumstances require and in such number of copies as may be specified therein.

(2) Whenever it is provided in a form that there be annexed thereto any document, the form shall be deemed to be not properly completed if the document specified therein is not annexed thereto.

## **30. Fees**

(1) The fees set out in the Second Schedule to these Regulations shall be due and payable to the water Officer in respect to the matters specified in that Schedule.

(2) Where an appellate authority allows an appeal it may, if it deems it fit, direct the Water Officer to refund any fee or any part thereof paid in respect of the appeal and the Water Officer shall give effect to the direction.

## **31. Offences and sentence**

(1) Any person, having been given notice, as prescribed, to appear and give evidence before a Board or, as the case may be, to give information to a Water Officer, without reasonable excuse—

- (a) fails to attend as required by the notice; or
- (b) fails or refuses to appear and report himself from day to day until excused or released from further attendance,

shall be guilty of an offence and is liable on conviction to a fine not exceeding twenty thousand shillings.

(2) If a person appearing as required before a Board and without reasonable excuse—

- (a) refuses or fails to be sworn or make an affirmation;
- (b) refuses or fails to answer a question that he is required to answer by or with the concurrence of the Chairperson; or
- (c) refuses or fails to produce a document that he was required to produce by a notice under these Regulation served on him as prescribed,

he shall be guilty of an offence and is liable on conviction to a fine not exceeding twenty thousand shillings.

**32. Revocation**

[Revokes Government Notice No. 233 of 1975.]

**FIRST SCHEDULE  
FORMS**

**FORM A  
APPLICATION FOR WATER RIGHT**

MINISTRY OF WATER

THE WATER UTILISATION (CONTROL AND REGULATION) ACT (CAP. 331)

(Section 15)

(To be completed in quintuplicate)

To: The Water Officer

P.O. Box .....

.....

.....

1. Name of applicant.

2. Postal Address.

3. Particulars of land in respect of which application is made—

(a) District ..... Region .....

(b) Location or Village .....

(c) Name .....

- (d) Land Office No. ....
- (e) Hectarage .....
- (f) 1(2) Freehold, leasehold right of Occupancy for ..... year  
(other interest): .....
- (g) Title of applicant: .....
- (h) Name and address of owner of reversion, if any, other than the President (if none, state none): .....
- (i) Details of other sources of water used on the land:

4. Particulars of Water Right for which application is made—

- (1) 2(3) Body of Water.
- (2) Whether application made to divert/dam/store/abstract 3(4)
- (3) Purpose.

<i>Type of Use Details</i>	<i>4(5) Amount of Water to be abstracted/returned</i>
5(6), 6(7) (a) Domestic	No. of Persons. .
(b) Stock:	No. of Stock.
(c) Irrigation:	No. of hectares and crops.
(d) Fish Farming:	
(e) Industrial:	Hectarage of Ponds.
(f) Mechanical:	Fall available: ..... Metres Height water to be lifted ..... Metres
(g) Power:	Fall available ..... Metres Horsepower to be developed. Type of power plant proposed.

- (h) Mining: Description of plant in use.  
Type of ore to be crushed or treated.

- (i) Public Supply:

7(8) Total quantities of water:

- (4) Point of Intake.  
(5) Point of Return.
5. (a) Particulars of possible pollution.  
(b) Measures to be taken to avoid pollution.
6. Particulars of works.  
(a) Constructed.  
(b) To be constructed.
7. (a) Is application made for the grant to be made appurtenant to the land specified in paragraph 3?  
(b) If the applicant is not the owner of the land, has the owner been informed that application is made for such declaration?
8. The name and address of other users who may be affected by the grant of the water right for which application is made.

9. Fees Paid T.Shs. .... ERV. No. .... Date .....

Date: ..... *Name/Signature of Applicant*

If the applicant does not own the whole interest in the land, attached to this application the consent of the owner to the application that the grant be made appurtenant to the land.

Use space below for a SKETCH MAP which must contain the following particulars:

- (a) the plan of the property and the adjoining properties.  
(b) the body of water referred to.

- (c) the point on the body of water where it is desired to abstract water or construct works and the line of furrow; and
- (d) the true North.

If possible use a tracing from the plan attached to your title deeds.

**NOTE:** The applicant is requested to give the distance in metric units and simple description of the road to the property from the turn-off on at main road, or any well-known landmark, to facilitate inspection.

**FORM B**  
**DESCRIPTION AND PLANT OF WORKS CONSTRUCTED AND/OR PROPOSED**  
 MINISTRY OF WATER  
 THE WATER UTILISATION (CONTROL AND REGULATION ACT (CAP. 331)  
 (Section 16(4))

For Official Use Only

No. ....

Zone. ....

Region. ....

**NOTICE OF APPORTIONMENT OF WATER RIGHT ON SUBDIVISION OF LAND**

To: The Water Officer  
 P.O. Box .....  
 .....

1. Name of person acquiring right .....
2. Address .....
3. Particulars of land subdivided and the owners thereof before subdivision .....  
 .....  
 .....  
 .....

4. Particulars of subdivision and the owner of the parcels

.....  
.....  
.....

5. Particulars of Water Right .....

.....

6. Particulars of declaration of appurtenance of water right specified in paragraph 5 to land specified in paragraph 3 .....

.....

7. Particulars of apportionment of water right .....

.....

8. Particulars of works in respect of apportionment .....

.....

9. Fees paid ..... ERV No. .... Date .....

Date: .....

.....  
*Name/Signature of Grantor*

.....  
*Name/Signature of Grantee*

This form must be completed in duplicate and accompanied by a plan showing full details of the subdivision, apportionment and works.

**FORM C**  
**APPLICATION FOR AN EASEMENT**

MINISTRY OF WATER

THE WATER UTILISATION (CONTROL AND REGULATION) ACT (CAP. 331)

(Section 30)

(To be completed in quintuplicate)

To: The Water Officer

P.O. Box .....  
.....

1. Name of applicant .....
2. Postal Address .....
3. Particulars of Water Right .....
4. Particulars of land in respect of which right was granted .....  
.....
5. Is the water right appurtenant to the land? .....
6. Particulars of land over which easement is sought, and of all person having an interest therein .....  
.....
7. Particulars of easement sought .....  
.....
8. Particulars of existing and proposed works .....  
.....
9. Particulars of compensation proposed .....  
.....
10. Particulars of attempts to obtain an easement by agreement .....  
.....
11. Fees paid ..... ERV No. .... Date .....

Date: .....

.....  
*Name/Signature of Applicant*

(This form must be accompanied by a plan showing full details of the easement sought.)

**FORM D**  
**CERTIFICATE OF THE CREATION OF AN EASEMENT**  
 MINISTRY OF WATER  
 THE WATER UTILISATION (CONTROL AND REGULATION) ACT (CAP. 331)  
 (Section 30(4))



No.: .....

I hereby certify that in exercise of the powers vested in me by section 27 of the Water Utilisation (Control and Regulation) Act, 1974 I have this day created the following easement:

Particulars of Easement: .....  
.....

Particulars of dominant tenement and owner: .....  
.....

Particulars of Water Right: .....  
.....

Particulars of Servient tenement: .....  
.....

On the following terms and conditions: .....  
.....  
.....

This easement is appurtenant to the said dominant tenement .....

Date .....

.....  
*Water Officer*

Signed and delivered by the said .....  
(Water Officer) who is known to me personally, in my presence this .....  
day of ..... 20.....

(Signature) .....

(Postal Address) .....  
.....

(Qualification) .....

(To be completed by an authorised witness under r. 11 of the Land Registration Rules.)

**FORM E**  
**PROVISIONAL/FINAL GRANT OF WATER RIGHT 1(9)**

MINISTRY OF WATER

THE WATER UTILISATION (CONTROL AND REGULATION) ACT (CAP. 331)

(Section 15)

No.:

Zone:

Region:

District:

1. Name of Holder: .....
2. Address: .....
3. Particulars of Water Right: .....  
.....
4. This right 2(10) is/is not appurtenant to: .....
5. Works: 3 (11).....
6. Whether grant subject to construction of works specified in paragraph 5 and date by which works to be completed: 4(12) .....
7. This water right is granted subject to the provisions of the Water Utilisation (Control and Regulation) Act, 1974 and the special terms and conditions specified overleaf.

Date .....

.....  
*Water Officer*

**FORM F**

**NOTICE REQUIRING ATTENDANCE/PRODUCTION OF DOCUMENTS**

MINISTRY OF WATER

THE WATER UTILISATION (CONTROL AND REGULATION) ACT (CAP. 331)

(Regulations 17 and 30)

For Official Use Only .....

Reference No.: .....

In the matter of .....  
Notice is hereby given by the Water Officer/Water Board of .....  
that ..... are required 1

(13) to produce to the Water Officer .....  
Water Board ..... at .....  
power to the ..... day of ..... 20..... the following:

.....  
to attend before that Water Officer/Water Board at .....  
on the ..... day of ..... 20..... at the hour of .....  
and to bring with you: .....

.....  
You are further requested to sign on the reverse of the copy hereof an acknowledgement  
of  
service of this notice and to return the copy to me on or before the ..... day of  
..... 20.....

Date this ..... day of ..... 20.....

.....  
*Water Officer/Chairperson, Water Board*

**NOTE:**

The penalty for non-compliance with this notice under regulation 30 of the Water Utilisation (General) Regulations, 1974 is a fine not exceeding Shs. 20,000/-. If the person whose attendance is required is not resident within the district in which he is required to attend, this notice shall be accompanied by tender of expenses of attendance in accordance with regulations 15 and 27.

(Back of Form F)

To.: The Water Officer/Chairperson ..... Water Board.

I ..... hereby acknowledge  
service of notice 2 (14) to attend before the Water Officer/

.....  
Water Board/to produce to the Water Officer/ .....  
Water Board the documents specified in .....

Dated this ..... day of ..... 20.....

*Signature* .....

**FORM G  
NOTICE OF INTENTION TO APPEAL**

THE WATER UTILISATION (CONTROL AND REGULATION) ACT (CAP. 331)  
(Regulation 23)

For Official Use Only

Reference: .....

To: The Water Officer

I/We .....  
of ..... wish to appeal against  
the decision of the Water Officer which notified to .....  
by notice No. .... dated the .....

Signed .....

Date .....

- DATE (1) A copy of this notice must be sent to the Minister responsible for water.  
(2) The fee of Shs. 70,000/- must accompany this notice.

**FORM H  
APPLICATION FOR A GRANT OF CONSENT TO DISCHARGE WATER OR EFFLUENT INTO  
RECEIVING WATER**

THE WATER UTILISATION (CONTROL AND REGULATION) ACT (CAP. 331)

MINISTRY OF WATER

(Section 16(2))

To: The Water Officer  
P.O. Box .....

1. Name of Applicant .....
2. Address .....

- 3. Particulars of Water Right .....
  - 4. Source of water where the effluent is to be discharged .....
  - 5. Possible persons to be affected downstream .....
  - 6. The quantity of effluents to be discharged .....
  - 7. Methods of controlling pollution in details .....
- Date ..... Name .....
- Signature* .....

**FORM I**  
**WATER OFFICER'S CONSENT TO DISCHARGE WASTE OR EFFLUENT INTO RECEIVING WATER**

MINISTRY OF WATER

THE WATER UTILISATION (CONTROL AND REGULATION) ACT (CAP. 331)

To.: Water Officer  
P.O. Box .....

- 1. Name of Applicant .....
- 2. Address .....
- 3. Consent No. ....
- 4. Particulars of Water Right .....

..... is hereby authorised to discharge water or effluent into ..... for a period of ..... with effect from the ..... day of ..... 20..... at a rate not exceeding ..... litres per day or ..... litres per hour and at the rent of Shs. .... per day ..... paid in advance by the ..... day of ..... 20.....

This consent is granted subject to the conditions stated hereunder.

.....  
*Signature of Water Officer*

**CONDITIONS**

1. ....
2. ....
3. ....

**SECOND SCHEDULE  
FEES**

<i>Item</i>	<i>Matter</i>	<i>Fees T.Shs.</i>
1.	Water Right Application for Domestic Livestock Small Scale Irrigation/Fish Farming .....	40,000/=
2.	Water Right application for Large Scale Irrigation Power Generation/Industrial Commercial/ Mining Transportation/Discharge Permit .....	150,000/=
3.	All others .....	40,000/=
4.	On every appeal to the Minister .....	70,000/=
5.	Economic Water User Fees .....	
	(a) Domestic/Livestock/Fish Farming/District Centres/Rural:	
	(i) All abstractions less than 37 l/s: Flat rate .....	35,000/=
	(ii) all abstractions equal or above 37 l/s: for every 100 m <sup>3</sup> .....	35/=
	(b) Irrigation:	
	Small Scale irrigation:	
	(i) All abstractions less than 37 l/s: Flat rate .....	35,000/=

(ii)	all abstractions equal or above 37 l/s: for every 1,000m <sup>3</sup> .....	35/=
Large Scale irrigation:		
(i)	All abstractions less than 18.5 l/s: Flat rate .....	35,000/=
(ii)	all abstractions equal or above 18.5 l/s: for every 1,000m <sup>3</sup> .....	70,000/=
	Business (Flower Export): for every 1,000m <sup>3</sup>	1,000/=
(c)	TANESCO - Power Royalty	165.5 Mil
(d)	Power Royalty Fee per 1 MW installed capacity	300,000/=
(e)	Industrial:	
(i)	All abstractions less than 1.11 l/s: Flat rate .....	35,000/=
(ii)	all abstractions equal or above 1.11 l/s: for every 1,00m <sup>3</sup> .....	35/=
(f)	Institutional/Regional Centres:	
(i)	All abstractions less than 1.4 l/s: Flat rate .....	35,000/=
(ii)	all abstractions equal or above 1.4 l/s	35/=
Urban Water and Sewerage Authorities:		
(i)	Category A: for every 100m <sup>3</sup> .....	120/=
(ii)	Category B: for every 100m <sup>3</sup> .....	100/=
(iii)	Category C for every 100m <sup>3</sup> .....	90/=
(g)	Commercial:	
(i)	All abstractions less than 0.94 l/s: Flat rate ....	35,000/=
(ii)	all abstractions equal or above 0.94 l/s: for every 100m <sup>3</sup> .....	150/=

(h)	Mining for every 100m <sup>3</sup> .....	170/=
(i)	Transportation in Inland Fresh Water Bodies:	
	Vessels of gross weight less than 5 tons flat rate	10,000/=
	Vessels of gross weight equal or above 5:	
	For every Ton .....	2,200/=

**THIRD SCHEDULE**  
**WATER USERS' ASSOCIATION REGULATIONS**

THE WATER UTILISATION (CONTROL AND REGULATION) ACT (CAP. 331)

(Section 38(f))

THE ..... WATER USERS' ASSOCIATION REGULATIONS, 1997

1. These Regulations may be cited as ..... Water Users' Association Regulations.

2. (1) There is hereby formed an association which shall be known as ..... Water Users' Association.

(2) The Association, including its committee, shall have status of a legal person and in that capacity it shall be capable of suing and being sued.

(3) The liability of any venture of the Association shall be limited.

(4) The members of the Association shall be villagers, institutions, companies, committees, and authorities it may be admitted by vote at a General or Extra-ordinary meeting of members.

3. The objects (if the Association shall be the operation and conservation of the water catchment area, the ..... River including its tributaries and conditions as provided in the water right.

4. (a) An Annual General meeting shall be held at least once in each year not more than fifteen months following the previous annual general meeting. An Extra-ordinary General Meeting of the Association may be called by five *per centum* of members giving two weeks' notice to the Secretary in writing.

(b) One third of the full number of Members containing no fewer than four from each of the lower areas or each village present in person shall constitute a quorum.

(c) Voting can be exercised by a member or proxy in favour of another Member provided the



proxy form is in the hands of the Secretary prior to the meeting.

(d) A majority of votes at the Annual General meeting shall decide the principles governing conservation, maintenance of works in the river in question and shall decide the assessments to be levied thereof and for expenses of the association.

5. (a) A Management Committee shall be elected at the Annual General meeting of the Association and shall consist of six elected members.

(b) The Committee so elected may sue and be sued in the name of the Association for assessments and otherwise, and shall have the powers to bind the Association by contract. The Committee shall collect and receive any monies due to the Association and pay monies owing by the Association from time to time and open and maintain a Bank account through its authorised officers and submit such annual audited accounts to the Association as may be required by the Association.

(c) The Management Committee shall meet not less than once in each quarter of the year and all elected members must be present.

(d) The Management Committee shall decide by a two thirds majority the method and manner in which every task or works shall be done. The Management Committee shall also decide the extent manner and time of levying the assessments laid down by the Annual General meeting of the Association.

(e) The Management Committee shall appoint and employ such employees as may be necessary to fulfil the purposes of the Association.

6. Any member of the Association making default in payment of any assessment after receiving notice from the committee shall, if such amount be correct, be personally liable to the Association and may be sued for any such sum.

7. The Association shall not be liable for any indebtedness other than that contracted by its committee duly authorised in writing.

8. Each member hereby undertakes with other members and each of them as follows:

(a) to pay entrance fees on being elected to the Association the amount set by general meeting;

(b) to pay all assessments levied against him by the association.