

REGULATIONS

THE SONGWE RIVER WATER USERS' ASSOCIATION REGULATIONS

(Section 41(f))

G.N. No. 175 of 1983

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

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

(2) The Association, including its committees, 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 originally be the Mbeya Cement Company Limited and the Mbeya Textile Mill Limited and shall later include such other persons, companies, committees and authorities as may be admitted by vote at a General or Extra-Ordinary Meeting of Members.

3. The objects of the Association shall be—

- (a) to operate water rights issued from time to time under the provisions of the Water Utilisation (Control and Regulation) Act *(1), and to ensure that there is continuous adequate supply of water to the members of the association;
- (b) to operate and maintain the water intake and the pumping station at Songwe River and the water reservoir;
- (c) to operate and maintain effluent treatment systems;
- (d) to liaise with the Central and Local Government Authorities for the better operation of the Water Right;
- (e) in collaboration with other related bodies, to plan for and undertake any modifications and expansion of water works or such other works as may from time to time be necessary for the better operation of the Water Right.

4. Subject to the availability of water at the Water Reservoir, Mbeya Textile Mill Limited and Mbeya Cement Company Limited shall be entitled to supply of 4,500 cubic metres and 1,500 cubic metres per day respectively, provided however, that in the case of the available water from the Water Reservoir being insufficient for purpose of meeting the said quota the available water shall be supplied to the said Mbeya Textile Mill Limited and Mbeya Cement Company

Limited in the ratio of 3:1 respectively.

5. The members shall be responsible for the drawing of water from the reservoir, and the pumping of the same to their respective factories and the Association shall, by means of appropriate devices under its exclusive control, meter and control quantities of water drawn by the members.

6. The Association shall be responsible for the treatment of effluent and sewage from the factories owned by the members in compliance with the standards specified under the Water Right.

7. (1) There shall be an Annual General Meeting of the members to be held once in every year and not more than fifteen months following the previous Annual General Meeting. An Extraordinary General Meeting of the Association may be called by fifty *per centum* of members giving two weeks' notice to the Secretary in writing.

(2) Two members represented by persons appointed in writing shall constitute the quorum, provided that if the total number of members increases above two, then the quorum shall be half the number of members plus one.

(3) All decisions of the Annual or Extraordinary General Meeting shall be made by a majority of votes.

(4) The Annual General Meeting shall have the following powers–

- (a) to consider and approve the annual budget of the Association;
- (b) to appoint bankers and auditors for the Association;
- (c) to consider annual report of the Management Committee;
- (d) to consider application for membership in the Association;
- (e) from time to time to review appointment to the Management Committee and make any necessary changes in the composition of the said Committee; and
- (f) generally to lay down policies for the efficient management of the affairs of the Association.

8. The Management of the Association shall rest in the management Committee constituted by the Chief Executives of the member companies, two other top officials from each of the member companies and *ex officio* members who shall be the Regional Development Director – Mbeya, Regional Water Engineer-Mbeya, Regional Lands Officer – Mbeya or their representatives and one member from the Ministry of Industries.

(2) The Regional Development Director shall be the Chairman and a Secretary shall be appointed by the Committee members.

(3) The Management Committee shall–

- (a) appoint and employ such employees as may be necessary to fulfil the purpose of the association;**
- (b) fix the appropriate water rates to be levied on the users;**
- (c) through its authorised officers, collect and receive any moneys due to the association and pay moneys owing by the Association from time to time and open and maintain a bank account through its authorised officers and submit annual audited accounts to the Annual General Meeting;**
- (d) the Committee shall meet at least once in each quarter of the year and the quorum at the meeting shall be half the number of the total number of the members provided that there is a representative from each of the member companies.**

9. The Association shall finance its operations out of the funds to be raised from the rates on the users.

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