

THE URBAN, WATER SUPPLY ACT, 1981

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THE UNITED REPUBLIC OF TANZANIA



No. 7 OF 1981

Julius K. Nyerere
 President

22nd MAY, 1991

An Act to establish the National Urban Water Authority and to provide for the functions and powers of the authority; to make provision for the regulation and supply of water in urban areas; to repeal and amend certain written laws and to provide for other matters connected with water supply in urban areas

[.....]

1. This Act may be cited as the Water Urban Supply Act, 1981.

PART I

PRELIMINARY

1. This Act may be cited as the Urban Water Supply Act, 1981.

Short title
L
Commence-
ment

2.-(1) Parts 1, 11 and IV of this Act shall come into operation on the date on which this Act is published in the *Gazette*.

(2) The other Parts of this Act shall come into operation in relation to any urban area on the date with effect from which the Minister declares it to be a specified town for the purposes of this Act

3. In this Act, unless the context requires otherwise-

Interpreta-
tion

"the Authority" means the National Urban Water Authority established by section 4;

"the Board" means the Board of Directors of the Authority established by section 6:

"catchment area" means any area of land or of water delimited by the Minister, the water from which, contributes to, the supply of any waterworks;

"Chairman" means the Chairman of the Board. and includes the Vice-Chairman and any person presiding at any meeting of the Board:

"chargeable water" means-

- (a) in the case of any premises entitled to free allowance of water.
any consumption in excess of that free allowance;
- (b) in the case of any premises not entitled to a free allowance of water, the total consumption;
- "the Committee" means the Branch Advisory Committee established under section 1.3 in relation to a, branch of the Authority;
- "connection to the main" includes the stop cock and length of piping between that stop cock and the main;
- "consumer" includes any person or body of persons supplied, or applying to be supplied with, or using, water from the waterworks or who is liable for payment of any fees or other charges for the supply or use water;
- "consumption" means any quantity of water ascertained as having been used;
- "contractor" means any person employed under a contract to erect a building or perform other constructional work on any premises;
- "contravention" includes failure to comply, and "contravene" shall be construed accordingly;
- "corporation sole" means a water supply corporation sole established under the Corporation Soles (Establishment) Act, 1974.
- "cut-off" the relation to a supply of water, means to stop the supply whether by operating a tap, by disconnecting pipes or in any other way;
- "Director-General" means the Director-General of the Authority appointed under section 28;
- "domestic supply" means in regard to any premises such supply of water as is ordinarily necessary for the health and reasonable domestic comfort of any person residing upon or resorting to the premises during the period of that residence or resorting, and includes all pipes and fitting beyond the connection to the main;
- "non-domestic supply" includes the supply of any water from the waterworks, for the purpose of, or in carrying on, any trade, business or manufacture, or for watering fields or gardens cultivated or occupied as a means of pecuniary profit, or for watering cat" horses, donkeys, mules, sheep, goats, pigs or other animals, kept for pecuniary profit, or for private fountains or for any ornamental purpose, or for the supply of ponds or tanks, or for laundries, vessels, ships, boats, or machinery; and includes the supply of water for use by any person resident in or occupying any premises where a non-domestic supply is given;
- "fire service" includes any pipes and fittings used for the sole purpose of supplying water to premises to combat fire;
- "fittings" includes all taps, stop cocks, ball cocks, cold water cisterns, hot water apparatus, flushing apparatus, or any other apparatus or appliances other than meters, used on an internal supply in connection with the supply of water from the waterworks;
- "house" means a dwelling house, whether private or not, and includes any part of the building if that part is occupied as a separate dwelling house;

- "internal supply" means the supply of water by service to any premises;
- "main" includes any pipe owned and maintained by the Authority or, as the case may be, the Water Authority, including connections to the main;
- "member" in relation to the Board, means a member of the Board and includes the Chairman and the Vice-Chairman;
- "meter" means an appliance, apparatus or device used to measure, ascertain or regulate the amount of water taken or used from the Waterworks, and includes any meter box, meter box cover and indicator marking the position and size of the meter;
- "Minister" means the Minister for the time being responsible for water;
- "occupier" means any person in occupation of the premises in connection with which that term is used;
- "owner" in relation to any premises, means the person for the time being receiving the rent in respect of the premises in question, whether on his own account or as agent or trustee for any other person, or who would so receive it if the premises were let at a rent;
- "premises" means any structure, building or part of a building, and includes any land with or without buildings which is held or occupied as a distinct or separate holding or tenancy, and any pier, sea-wall or wharf;
- "Principal Water Officer" means the Principal Water Officer appointed under section 4 (1) of the Water Utilization (Control and Regulation) Act, 1974, and includes any Water Officer appointed as such, for the purposes of that Act;
- "public fountain" means any fountain, stand pipe, tap, through, valve or other appliance or structure erected, provided or maintained by or on behalf of the Authority for the purpose of supplying water to the public from the water-works;
- "service" means pipes, cisterns, cocks, fittings and other appliances or structures, other than meters, through which water flows or is intended to be used for the purpose of supplying any premises from the waterworks;
- "street" includes highway, road, lane foot way, square, court, alley of passage, whether or not a thoroughfare;
- "town" means the area of jurisdiction of a City Council, a Municipal Council, a Town Council, and includes any urban area other than a village, village settlement or a minor settlement;
- "Water Authority" in relation to any water supply area means the person or body of persons or other authority which is or, before the commencement of this Act in relation to that area, was responsible in that area for the management or supervision of the water-works and the supply of water from them;

"waterworks" includes all gathering grounds, reservoirs, dams, weirs, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, mains pipes, meters, fountains, sluices, valves, hydrants, pumps, prime movers and all other structures appliances used or constructed for tile storage, conveyance, supply, measurement or regulation of water, which are used or have been constructed by or on behalf of the Authority-

PART II

THE NATIONAL URBAN WATER AUTHORITY

Establish-
ment of the
Authority

4.-(1) there is hereby established an authority to be known as the National Urban Water Authority.

(2) The Authority shall be a body corporate and shall-

- (a) have perpetual succession and an official seal;
- (b) in its corporate name be capable of suing and being sued;
- (c) subject to this Act, be capable of holding, purchasing or otherwise acquiring and of disposing of, any , or immovable property for the purposes of carrying out the functions conferred upon by or under this Act.

Functions
of the
Authority

5. Subject to the following provisions of this Act, the functions of the Authority shall be-

- (a) to secure the continued supply of water in towns for all lawful purposes;
- (b) to develop and maintain waterworks in towns, of waterworks connected with the supply of water to towns;
- (c) to promote the conservation and proper use of water resources in towns;
- (d) to advise the Government m the formulation of policies relating to the development and conservation of water and potable water standards in relation to towns;
- (e) to plan and execute new projects for the supply of water to towns;
- (f) to educate and provide information to persons residing in towns oil public health aspects of water supply, water conservation and similar issues;
- (g) to liaise with town authorities on matters relating to water disposal and the preparation and execution of Plans relating to the expansion of water supply;
- (h) to collect tees for water supplied to consumers by the Authority;
- (i) to provide amenities or facilities which the Authority considers necessary or desirable for persons making use of the services or the facilities provide by the Authority;
- (j) to do anything or enter into any transaction which' in the opinion of the Board, is calculated to facilitate the proper exercise of the functions of the Authority under this Act.

Board of
Directors

6.-(1) -There shall be established a Board of Directors of the Authority which shall, subject to this Act, be responsible for carrying out the functions and managing the business and affairs of the Authority.

(2) The provisions of the First Schedule to this Act shall have effect as to the constitution and the procedure of the Board, and to other matters in relation to it.

(3) Except for the provisions relating to the appointment of the Chairman, the Minister may, by order published in the *Gazette*, amend, vary or replace any of the provisions of the First Schedule to this Act.

7. Subject to any directions which may be given to it by the Minister the Board may-

Power of
the Board

- (a) approve any individual capital work, for the purposes of the Authority, not included within any programme of works approved by the Minister of which the estimated cost does not exceed such amount as the Minister may determine from time to time;
- (b) establish committees from among its members for the purposes of the Authority, and delegate functions to any of those committees;
- (c) consider legislative proposals relating to water and water supply and recommend their enactment to the Minister;
- (d) subject to section 27, provide services or facilities relating to water supply requested by the Government, any town authorities or authorities in areas bordering towns; and
- (e) give directions to the Director-General.

8. The Minister shall be responsible for the general direction and control of the Authority and may for that purpose-

Minister
may give
directions
to the Board

- (a) give to the Board, directions of a general or Specific nature relating to the exercise by the Board of the functions of the Authority and the management of the business and affairs of the Authority;
- (b) approve any major alterations in water tariffs and other charges made for the services provided by the Authority;
- (c) approve any individual capital work, for the purposes of the Authority, for which provision was not previously made in the annual budget or the supplementary budget of the Authority as the case may be;
- (d) give particular directions to the Board concerning any matter involving agreement with, or the interest of, any area outside any town in relation to which the Authority is a Water Authority.
- (e) establish, either as a subsidiary or an organ of the Authority a body corporate or a committee in relation to any town and delegate to that body corporate or committee all or any of the Authority's functions under this Act which that body corporate or committee may exercise in respect of the town for which it is established, but subject to the delegation made by the Minister the provisions of this Act shall apply in relation, to that town as if references in this Act to the Authority were references to that body corporate or committee.

- Orders and
- 9.**-(1) When any order is made or any directions are given by the Authority under this Act, the Board shall convey or cause to be conveyed the contents or the order or directions to the person or body of persons concerned in such manner as the Board may from time to time determine-, but all persons shall be deemed to have notice of the contents of every order and of all directions published in the *Gazette*.
- (2) Any person who contravenes or fails to comply with any order or direction made, or given by the Authority shall be guilty of an offence-

PART III

POWERS AND OPERATIONS OF THE AUTHORITY

(a) *Preliminary Provisions*

- Construc-
tion
- 10.** For the purposes of this Act "specified town" means a town or other water supply area in relation to which the Authority is declared to be the Water Authority under section 11.
- Vesting of
water
supplier
provi-
sions relating
to assets and
liabilities
- 11.**-(1) The Minister may, from time to time, after consultation with the Board, by order published in the *Gazette*, declare any town or other water supply area or areas to have specified town for the purposes of this Act, and the Authority shall then be the Water Authority in relation to that specified town.
- (2) Where any town or other water supply area is declared to be a specified town under subsection (1)-
- (a) every person or body of persons who or which, immediately before the commencement of the order, was the Water Authority in relation to the specified town shall cease to exercise the functions of a Water Authority in relation to that specified town;
 - (b) where prior to the commencement of the order there exist two or more water supply areas within the area of the specified town, the provisions of paragraph (a) shall apply to all persons or body of persons who are Water Authorities in relation to those water supply areas;
 - (c) all 'And and other property of every kind, including things in action, vested or deemed to be vested, immediately before the commencement of the order, in-
 - (i) a corporation sole;
 - (ii) a public corporation;
 - (iii) a statutory corporation;
 - (iv) any other person or body of persons, which was the Water Authority in relation to the specified town or any water supply area of the specified town shall, by virtue of this paragraph and without any further assurance, vest in the Authority;
 - (d) all public pumps, cisterns, fountains, wells, reservoirs, conduits and other works used for the gratuitous or other supply of water to the inhabitants of any part of the specified town shall, upon the commencement of the order, by virtue of this paragraph and without any further assurance, vest in the Authority-

- (e) all the rights, privileges and advantages, and all the liabilities and obligations, other than revenue due but not collected for water consumed or outstanding payments for supply and services received, which, immediately before the commencement of the order, the corporation sole, the public corporation, the statutory corporation or that other person or body of persons, in relation to the matter referred to in paragraph (c), was entitled or subject to, as the case may be, shall, upon the commencement of the order, by virtue of this paragraph and without any further assurance, be transferred to, and be vested in the Authority for the purposes of this Act;
- (f) any reference in any deed, contract, bond or security or other instrument, to the corporation sole, public corporation, statutory corporation or other person or body of persons which, immediately before the commencement of the order, was the Water Authority in its capacity as that Water Authority shall, upon the commencement of the order, be construed as reference to the Authority, and the Authority shall, subject to paragraph (e)-
- (i) be substituted for the previous Water Authority as a party to the instrument;
 - (ii) be entitled to receive, and enforce payment, of, any money payable under the instrument;
 - (iii) be entitled to obtain transfer, conveyance or assignment of, and enforce possession of, any property which was or is to be transferred conveyed or assigned under the instrument;
 - (iv) be liable to make payment of any money payable under the instrument;
 - (v) be liable to transfer, convey or assign any property which was or is to be transferred, conveyed or assigned under the instrument as the case may be:
- (g) any legal proceedings pending before any court or other tribunal which were commenced before the commencement of the order and to which the previous Water Authority is a party may, in so far as they relate to any property, right, liability or obligation vested or deemed to have been vested in the Authority by, this Act or to any deed, bond, agreement, award or other instrument or document to, which the Authority is deemed to be a party, be continued by or against the Authority, subject to paragraph (h);
- (h) where any proceedings were instituted by or against the previous Water Authority before the commencement of the order, in respect of any right, liability or obligation vested in the previous Water Authority as a Water Authority, the Authority and every other party to those proceedings shall enjoy and exercise all the right, and discharge all obligations, which might have been enjoyed or discharged in proceedings by or against the previous Water Authority.

Establish-
ment of
Branches and
Sub-
Branches

12.-(1) For the proper performance of its functions in relation to any specified town, the Board may, on the advice and recommendation of the Director-General establish a Branch or Sub-branch of the Authority in the specified town in question.

(2) The Authority shall be granted a right of occupancy the land over which a branch or Sub-branch of the Authority is established upon such terms and conditions as the President may approve, subject to subsections (3) and (4).

(3) Until a right of occupancy is granted it shall be lawful for the Authority to exercise in relation to the land over which a Branch or Sub-Branch of the Authority is established all the rights necessary for the performance of its functions which the owner of a right of occupancy may lawfully exercise over land comprised. in a right of occupancy has been granted to the Authority shall not affect the validity of anything done or omitted *bona fide* by any person in the execution or purported execution of his duties under this Act.

(4) No fee or duty shall be charged or payable respect of the issue to the Authority of a certificate in respect of a right of occupancy granted in accordance with this section.

"Branch
Advisory
commit-
tees

13.-(1) There shall be established a Branch Advisory Committee for each Branch or Sub-branch of the Authority established under section 12.

(2) The provisions of the Second Schedule to this Act shall have effect as to the constitution and the procedure of each Committee and to other matters in relation to it.

(3) The Minister may, by order published in the *Gazette*, amend, add to, vary or replace any of the provisions of the Second Schedule to this Act.

Functions
of the
commit-
tees

14.-(1) Each Branch Advisory Committee shall' subject to the general or specific directions of the, Board in that behalf, be responsible for ensuring the proper carrying out of the functions and the efficient management of the business and affairs of the Authority in the Branch concerned.

(2) For the purposes of the proper carrying out of its function in the Branch, the committee shall have power-

- (a) to advise the Branch on the measures necessary or desirable for facilitating the efficient provision and maintenance of a safe and continuous water supply in the Branch-,
- (b) to advise on Branch policies relating to investment tariffs and technical standards for Potable water supplies;
- (c) to consider and advise on Branch medium term investment programmes, financial plans and annual capital and recurrent bu.-dgets;
- (d) to consider an advise on the maintenance of accounts and other performance records and reports of the Branch,

15.-(1) The Principal Water Officer may, on the application of the Authority grant to it such rights to take water from any national or regional water supply or any other source as he may specify.

Acquisition
of water
rights

(2) Notwithstanding the provisions of subsection (i), in respect of any specified town, the Authority shall be deemed to have applied for and been granted all the water rights vested in the person or body of persons which was the Water Authority in relation to that specified town immediately before the coming into operation of this Part.

(3) Save where it is expressly provided otherwise in this Act, nothing in this Act shall exempt the Authority in the exercise of its functions in relation to the supply of water in towns, from any of the provisions of the Water Utilization (Control and Regulation) Act, 1974.

Acts 1974
No. 42
Power of
Authority in
relation to
specified
town
Cap. 281

16. The Authority shall have and exercise in relation to any specified town all the powers which a Water Authority has in relation to a water supply area under the provisions of the Waterworks Ordinance, and, subject to the provisions of this Act, shall exercise those powers to the same extent as the previous Water Authority would have exercised them had the Ordinance been in operation in relation to that specified town.

(b) *Conservation and Protection of Water*

17.-(1) The provisions of this section shall apply to all specified towns and to any other area or areas in which the function of supplying water is conferred upon the Authority.

Control of
obstruction
and preven-
tion of waste
Acts, 1974
No. 42

(2) Upon the commencement of the order made under section II in relation to any town or other water supply area, every person who is the owner of a water right in the specified town or other water supply area, granted to him under the provision of the Water Utilization (Control and Regulation) Act, 1974, shall as soon as practicable after the commencement of the order, register his right with the Authority.

(3) Where a person is granted a water right in any area within the jurisdiction of a specified town or of any area in relation to which the Authority is the Water Authority, he shall not begin to-

(a) construct any well, borehole, or other work for the purpose of extracting underground water; or

(b) extend any existing, well, borehole or other work for the purpose of abstracting additional quantities of underground water, unless his water right or rights have been registered by the Authority.

(4) No person shall abstract underground water from any well, borehole or other work constructed or extended in contravention of subsection (3).

(5) Notwithstanding the provisions of sections 35 and 43 of the Mining Act, 1979, before any person begins to construct any new boring for the purpose of searching for or extracting minerals, he shall give notice of his intention in the prescribed form to the Authority, and shall take such measures as may be required by the Authority or conserving water, being measures which in the opinion of the Minister will not interfere with the mining of minerals.

Acts, 1979
No. 17

Agreements
as to
drainage, etc.,
of land

18. The Authority may enter into agreement with the owner or owners and occupiers of any land with respect to the execution and maintenance by any party to the agreement of such works as the Authority considers necessary for the purpose of draining that land, or for more effectually collecting, conveying, or preserving the purity of, water which the Authority is for the time being authorized to take.

Power to
restrict,
suspend,
etc., the
supply of
water

19. The Authority may restrict, diminish, withhold or suspend, stop, turn off or divert the supply of water through or by means of any main internal supply or public stand pipe, either wholly or in part, whenever the Authority thinks fit, and without prejudice to any water rate, meter rent or other sums due, and without compensation for any damage or loss which may result-

- (a) whenever the available supply of water from the waterworks is in the opinion of the Authority insufficient;
- (b) whenever it is expedient or necessary for the purpose of extending, altering, testing or repairing the waterworks or for the purpose of the connection of internal supply or fire service;
- (c) whenever any public fountain is damaged or its water are polluted or wasted;
- (d) in case of an outbreak of fire; or
- (e) in case of a breakdown in the waterworks.

Rules relat.
ing to water
hygiene

20.-(1) Where it appears to the Authority that it is necessary that any water which it is authorized to take and whether it is on the surface or underground, be protected against pollution, the Authority may, with the consent of the Minister, make rules-

- (a) defining the area within which it is necessary to exercise control:
and
- (b) Prohibiting or regulating the doing within that area of any act or acts specified in these rules,

but those rules may contain different provisions for different parts of the area or areas defined by the rules.

(2) Where an area has been defined by rules made under sub-section (1), the Authority may by notice in writing require either the owner or occupier of any premises within that area to execute and keep in good repair such . s as it considers necessary for preventing pollution of its water and, if without good reason, he fails or refuses to comply with the requirement, that owner or occupier shall be guilty of an offence and shall be liable on conviction to the same penalty as if he had committed an act prohibited by the rules.

(3) Any owner or occupier who considers that a requirement made on him under sub-section (2) is unreasonable, may, within thirty days after service on him of the requirement, appeal to the Minister, and if the Minister decides that the requirement is unreasonable, he may modify or disallow it, and the Minister's decision on the appeal shall be final and binding on all parties concerned, and shall not be subject to appeal to or review by any court.

(4) Where any person fails or refuses to comply with a requirement made on him under sub-section (2) and either-

- (a) does not appeal to the Minister against that requirement and the time for appealing expires;
- (b) his appeal is dismissed or the requirement is modified on his appeal, and he fails or refuses to comply with the requirement as modified,

the Authority may, without prejudice to its rights to take proceedings for a fine in respect of that failure or refusal, execute and keep in good repair the works as originally specified in the requirement or, as the case may be, as modified on appeal, and may recover the expenses reasonably incurred by the Authority in so doing from the person in default summarily as a civil debt.

(c) Provisions regarding Water Supply

21. Subject to the provisions of this Act, and to any directions given by the Minister, the Authority shall have the custody and administration of the waterworks in every specified town, and the water in those water works, and the management of its supply and distribution.

Custody and
administra-
tion of
waterworks

22.-(1) The Authority may, on the application or request of any person to whom it supplies or proposes to supply water, supply to him, by way either, of sale or hire, any such water fittings or appliances as are required or allowed by rules or regulations made under this Act or by any other written law, and may on such application or request, install, repair or alter any such water fittings or appliances whether supplied by them or not, as the case may be, and may provide any materials and do any work required in connection with such installation, repair or alteration of water fittings or appliances, as the case may be.

Powers to
supply water
fittings
etc.

(2) The Authority may make such charges as may be agreed or, in default of agreement, as may be reasonable for any fittings or appliance supplies, or any materials provided or work done, under subsection (1) and may recover those charges summarily as a civil debt.

- (3) Any fittings or appliances let for hire by the Authority shall-
 - (a) notwithstanding that they are fixed to some part of the premises in which they are situated or are laid in the soil under the premises, continue to be the property of, and removable by, the Authority; and
 - (b) not be subject to distress or to the landlord's remedy for rent, or be liable to be taken in execution under any process of any court or in any proceedings in bankruptcy against the persons in whose possession they may be,

so however that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

(4) If any person willfully or negligently damages, any water fitting or appliance belonging to the Authority, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand

shillings, and the Authority may do all such work as may be necessary for repairing any damage done and may recover the expenses reasonably incurred by them in so doing from the offender summarily as a civil debt.

Power to lay pipes, etc., on private lands

23. The Authority may, after giving reasonable notice in writing to the owner or occupier, carry any water pipe through, across or Under any lands of any kind and may, at any time, upon giving such reasonable notice as circumstances permit, or in case of serious emergency without giving notice, enter upon any such lands' for the purpose of repairing, maintaining renewing, removing, altering, inspecting, attending to or testing any such water pipe on the land, without paying any compensation but making good or, at the option of the owner or occupier, paying for any damage done or occasioned through the operations under this section.

Provision of domestic Supply

24.-(1) With effect from the commencement of this Part in relation to any specified town, the Authority shall take over and continue the Supply of water for domestic purposes to all premises to which water was supplied by the previous Water Authority immediately before the commencement of this Act.

(2) Where an owner of land within a specified town proposes to erect on it buildings for which a supply of water for domestic purposes will be needed he shall make an application to the Authority in the prescribed form, requesting it to construct any necessary service reservoirs, to lay the necessary mains to such point or points as will enable the internal supply system of those buildings to be connected to the mains at a reasonable cost and to bring water to that point or these points, and the Authority may, subject to the provisions of this Act, accede to that request.

cap. 336

(3) For the purposes of this section, the "internal supply system means a system of water, drainage and sewerage main laid or required to be laid or complied with in connection with a building or building area in accordance with any requirements pursuant to section 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18 and 19 of the public Health (Sewerage and Drainage) Ordinance.

(4) Any question arising under sub-section (2), as to the points to which mains must be taken in order to enable buildings to be connected to the mains at a reasonable cost shall in default of agreement, be determined by the Minister.

Power of entry into premises

25.-(1) Any authorized officer may, at any reasonable time, or in the case of urgency at any time, enter into and upon any Premises into or upon which any internal supply is being or has been laid for the supply of water from the waterworks, for the purposes of-

- (a) inspecting any internal supply and to ascertain whether there is any waste, leakage, obstruction, alteration, interference or damage to any internal Supply or meter "a it and anything in connection with it.

- (b) regulating or repairing any internal supply or water;
- (c) ascertaining the consumption; or
- (d) disconnecting the internal supply to any premises or to diminish. withhold or suspend, stop, turn off or divert the supply of water to any premises through or by means of any internal supply either wholly or in part.

(2) For the purposes of this section "authorized officer" includes a police officer and any officer of the Authority or other person authorized in writing by the Authority for the purpose of exercising the power of entry conferred by this section.

26.-(1) The Authority shall be the principal instrument for the implementation, in specified towns of the policy of the government in relation to water, water supply and water resources conservation and for that purpose the Authority shall, subject to this Act, have and exercise such functions, Powers and duties as are conferred upon it by this Act, and by any other written law.

General Power of the Authority in relation to water, etc

(2) In the performance of its functions and duties, and in the exercise of its powers, the Authority may, subject to this Act, do all lawful things that may be necessary or expedient to secure the proper and advantageous execution of the purposes of this Act.

27.-(1) Subject to sub-section (2), the Authority shall not be required to make any profit out of the services it provides to the public, but the Board shall nevertheless ensure, that taking one year with another the revenues of the Authority are sufficient to meet its outgoing, including any debt service charges.

Authority not to provide services for profit, etc.

(2) The Authority shall not provide to any person or body of persons any water, fittings, appliances, facilities or services ancillary to them. either gratuitously or at a rate or charge which is insufficient to meet the cost involved in the provisions of the water, fittings, appliances. facilities or services ancillary to them by the Authority unless the person or body of persons concerned undertakes to make good the amounts of the loss incurred by reason of the provision of the water or these fittings, appliances, facilities or services.

PART IV

ADMINISTRATIVE AND FINANCIAL PROVISIONS

28.-(1) The President shall appoint, Upon Such terms and conditions as be may specify, a Director-General of the Authority who shall be the chief executive officer of the Authority.

Appointment of employees

(2) The Board shall, upon the advice of, and recommendation made by, the Director-General, appoint suitable persons each to be the Branch Manager of the Branch or Sub-branch specified in the instrument of his appointment.

(3) Every person appointed to be a Branch Manager shall, in respect of the Branch or Sub-branch for which he is appointed, be the chief administrative officer of that Branch or Sub-branch and shall, for that purpose, be answerable to the Board through the Director-General.

(4) The Board may, from time to time, appoint such number of other professional and non-professional employees of the Authority as it may deem necessary for the proper and efficient conduct of the business and activities of the Authority.

(5) Subject to the general or specific directions given by the Board in that behalf, the Branch Manager may appoint such number of non-professional supporting staff as in his opinion are necessary for the proper performance of the functions of the Authority by the Branch or Sub-branch for which he is the Branch Manager.

Transfer of
employees to
the Authority

29. (1) Every person who, immediately before the commencement of this Part, was employed by the previous Water Authority in connection with the administration and provision of water supply in any town in relation to which the Authority becomes the Water Authority, shall, upon the commencement of this Part in relation to that town, be employed, and as from that date shall be deemed to have become employed, by the Authority.

(2) After a person becomes an employee of the Authority by virtue of subsection (1), the terms and conditions of service applicable to him in his employment with the Authority shall, except where the President directs otherwise, be not less favourable than those which were applicable to him immediately before his transfer to the service of the Authority and he shall be deemed to have been appointed to the service of the Authority in such office as the Board shall determine, and for the purposes of determining any right to gratuity or other superannuation benefit, his service with the Authority shall be regarded as continuous with his service immediately before the commencement of this Part in relation to the specified town concerned.

Cap. 487

(3), After a person becomes an employee of the Authority by virtue of subsection (1), his employment immediately before his employment by the Authority shall be deemed to be continuous employment by one employer within the meaning of section 8A of the Severance Allowance Act, 1962, and that Act shall apply to the parties in the same manner as it applies to the case set out in subsection (1) of that section.

Power of
Board to
delegate

30.-(1) Subject to subsection (4), the Board may, from time to time, by instrument in writing under the seal of the Authority, delegate to any of its committees or to any employee of the Authority any of its functions or powers under this Act and the delegated functions or powers may be exercised by the delegate in accordance with the terms of the instrument of delegation.

(2) A delegation under this section may be made to the holder of an office under the Authority specifying the office but without the holder, and in that case each successive holder of the office in question, and each person who occupies or performs the duties of that office, may, without any further authority, exercise the delegated function or power in accordance with the delegation made.

(3) The Board may, at any time, revoke a delegation made under this section, and no delegation so made shall prevent the Board from itself exercising the function or power delegated,

(4) The Board shall not delegate-

(a) its power of delegation; or

(b) the power to approve the annual budget, the annual balance sheet or any statement of accounts.

31.-(1) Subject to subsection (2), the members shall be entitled such remuneration, fees or allowances for expenses as the Minister may, upon the recommendation of the Board, prescribe from time to time.

Remuneration of members of the Board

(2) No remuneration, fees or allowances, except such allowances for expenses as may be expressly authorized by the Minister, shall be paid to any member who is a public officer.

32. Subject to the provisions of any written law for the time being in force relating to pensions, the Board may-

Superannuation benefits

(a) grant gratuities or other retirement allowances or benefits to the employees of the Authority;

(b) establish and contribute to a superannuation fund or a medical benefits fund for the employees of the Authority;

(c) require any employee of the Authority to contribute to the superannuation fund or medical fund and fix the amounts and method of payment of the contribution.

33.-(1) The Authority may charge rates, fees or other charges for water supplied and other services rendered or facilities availed to consumers as the Board may, from time to time, with the consent of the Minister, by notice published in the *Gazette*, determine.

Power to charge fees, etc., for services rendered

(2) The occupier of any premises in respect of which rates, meter rent or charges are payable under this Act shall be liable for payment of those rates, rents or other charges.

(3) When any premises are occupied by two or more persons, each person shall be jointly and severally liable for the payments referred to in this section.

(4) The payments referred to in this section shall be paid to such officer or at such office as the Authority may, from time to time, notify in the *Gazette*.

34. The funds and resources of the Authority shall consist of-

Funds of the Authority

(a) such sums as may be provided by Parliament for the purposes of the Authority;

(b) such sums or property which may vest in the Authority under this Act or any other written law or which may vest in the Authority in any other manner in the performance of its functions.

- (c) any sums which the Authority may receive as fees, rates or charges for water supplied or any services rendered by it;
- (d) such donations, grants, bequests and loans as the Board may, from time to time, receive from any person or body of persons.

Power to raise and guarantee loans

35.-(1) With the prior approval of the Minister and with the consent of the Minister for the time being responsible for finance, the Board may, from time to time, obtain loans and other credit facilities from any person for the purposes of the Authority, upon, such terms and conditions relating to the repayment of the principal and the payment of interest as, subject to any directions given by, the Minister, it may deem fit.

(2) The Board may, if it is of the opinion that the public interest so requires, and subject to the approval of the Minister, guarantee the repayment of interest on a loan made to any person or body of persons engaged in the development, conservation or extraction of water in any specified town or other water supply area.

(3) A person giving a loan or other credit facility to the Authority or, as the case may be, giving a loan to any person or body of persons the repayment of which is guaranteed by the Authority shall not be bound to enquire whether the Board has obtained the approval of the Minister for the purposes of that loan or other credit facility or the guarantee.

Investment

36. With the prior approval of the Minister, the Board may from time to time invest any part of the moneys available, or any fund of the Authority and which is not for the time being required for the purposes of the business of the Authority in such investments as are authorized investments in relation to investment of funds by a trustee under the Trustees Investments Act, 1967.

Acts, 1967
No. 33

Annual and supplementary budget

37.-(1) Subject to subsection (2), "financial year" in this Act means any period not exceeding twelve consecutive months designated by the Board as the accounting period of the Authority.

(2) The first financial year of the Authority shall commence on the effective date and may be of a period longer or shorter than twelve months.

(3) Not less than two months before the beginning of every financial year (other than the first financial year) the Board shall, at a meeting, pass a detailed budget (in this Act called the "annual budget") of the amounts respectively-

- (a) expected to be received; and
- (b) expected to be disbursed,

by the Authority during that financial year, and whenever circumstances so require, the Board may pass a supplementary budget in any financial year.

(4) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may approve.

(5) Upon passing any annual budget or any supplementary budget, the Board shall forthwith submit to the Minister for his approval the annual budget or, as the case may be, the supplementary budget.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove it or may approve it subject to such amendment as he may consider fit.

(7) Where the Minister approves any annual or supplementary budget, with or without amendment, the budget, as approved by him, shall be binding on the Board which, subject to, subsection (8), shall confine the disbursement of the Authority within the items and amounts contained in the applicable estimates as approved by the Minister.

(8) The Board may-

- (a) with the sanction in writing of, the Minister, make a disbursement notwithstanding that disbursement is not provided for in any budget;
- (b) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a, supplementary budget to the Minister within two months of the alteration of expenditure limits becoming necessary.

38.-(1) The Board shall cause to be provided and kept proper books of accounts and records with respect to-

- (a) the receipt and expenditure of moneys by, and other financial transactions of, the Authority;
- (b) the assets and liabilities of the Authority, and shall cause to be made out for every financial year a balance sheet showing the details of the income and expenditure of the Authority and all its assets and liabilities.

(2) Within six months of the close of every financial year the accounts including the balance sheet of the Authority in respect of that financial year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

(3) Every audited balance sheet shall be placed before a meeting of the Board and, if adopted by the Board, shall be endorsed with a certificate indicating that it has been so adopted.

(4) As soon as the accounts of the Authority have been audited, and in any case not later than six months after the close of the financial year, the Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report on that statement made by the auditors.

39.-(1) The Authority shall cause to be prepared and submitted to the Minister within six months after the close of each financial year an annual report dealing generally with the activities and operations of the Authority during that year. The report shall be accompanied by-

Accounts
and audit

Acts, 1968
No. 1

Annual
report

- (a) a copy of the audited accounts of the Authority, together with the auditors' report on the accounts;
- (b) a statement of all directions given by the Minister to the Authority under this Act during that year;
- (c) such other information as the Minister may direct.

(2) The Authority shall also submit to the Minister such other reports on its financial affairs as the Minister may by writing reasonably request from time to time.

(3) The Minister shall, as soon as practicable after receiving them, lay before the National Assembly the audited accounts of the Authority together with the auditors' report, if any, on the accounts and the annual report of the Authority.

PART V

OFFENCES AND PENALTIES

- Damage to or alteration of water works or internal supply
- 40.** Any person who in any specified town, willfully or negligently damages the waterworks, or unlawfully draws off, diverts or takes water from the waterworks or from any stream or waters by which the waterworks are supplied, or alters or causes or permits any internal supply to be altered without the approval of the Authority, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifteen thousand shillings.
- Misuse or waste of water
- 41.** Any person who, in any specified town, willfully or negligently misuses or wastes, or causes or allows to be misused or wasted any water passing into, through or upon or near any premises from the waterworks shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings.
- Fraudulent measurement
- 42.** Any person who alters or causes or permits to be altered any service with intent to avoid the accurate measurement or register of water by means of any meter or to obtain a greater supply of water than he is entitled to, or to avoid payment for the supply of water or who willfully or negligently interferes with or damages any meter, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings, and any service so altered or meter damaged or interfered with shall be replaced or repaired by the Authority at the expense of any person convicted under this section and the cost incurred by the Authority may be recovered from that person summarily as a civil debt.
- Using water other than for purposes supplied
- 43.** Any person who uses for purposes other than those for which the water is supplied any water supplied to him by the Authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three hundred shillings, without prejudice to the right of the Authority to recover the value of the water improperly used.
- Bathing, washing in waterworks
- 44.** Any person who-
- (a) washes his person or bathes in any part of the waterworks or catchment area or in any vessel used by the Authority for supplying water from any public fountain;

- (b) washes, throws or causes or permits to enter into any part of the waterworks or catchment area or into any vessel used by the Authority for supplying water from any public fountain, any animal, clothing, material or thing;
- (c) wrongfully opens or closes any lock, cock, valve, sluice or man-hole belonging to the waterworks,

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

45.-(1) Any person who deposits or allows or causes to, be deposited any earth material or liquid in such manner or place that it may be washed, fall or be carried into the waterworks shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings, and if that earth, material or liquid is allowed to remain so deposited after notice in writing from the Authority requiring it to be removed has been given to that person, he shall be liable to a further fine of one hundred shillings for each day during which the offence continues.

Pollution

(2) Any person who erects or inhabits or allows to be erected or inhabited any structure, whether of a permanent or temporary nature, on any part of the waterworks, except under a right of occupancy, or who inhabits any cave, cavity, depression or hole in any part of the waterworks, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings, and if that structure is allowed to remain or that habitation to continue, after notice in writing from the Authority requiring the structure to be removed or habitation terminated has been given to that person, that person shall be liable to a further fine of one hundred shillings for each day during which the offence continues.

46. When any act or omission punishable under this Act or any rules made under it is also punishable under any other law for the time being in force the offender shall be prosecuted and punished either under the Act or under that other law, but shall not be liable to be punished twice for the same offence.

Offences under other laws

47. Every breach of this Act for which no penalty is by this Act otherwise expressly provided shall be punishable by a fine not exceeding five hundred shillings.

General penalty

PART VI

GENERAL PROVISIONS

48. Without prejudice to the provisions of section 284A of the Penal Code, the provisions of the Specified Officers (Recovery of Debts) Act, 1970, or of the Parastatal Employees (Recovery of Debts) Act, 1974, no act or thing done by any member or by any employee of the Authority shall, if done or omitted *bona fide* in the execution or purported execution of his duties as a member or as an employee of the Authority, subject him to any action, liability or demand of any kind.

Protection of members etc, Cap. 16 Acts, 1970 No. 7 Acts, 1974 No. 37

Liability of employer or principal

49. Where an offence under this Act or any subsidiary legislation made under it is committed by a person as an agent or employee then, as well as the agent or employee, the principal or employer shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge, of the commission of the offence.

Recovery of expenses, etc.

50. (1) All moneys, other than penalties or fines, payable or recoverable under this Act, shall be recoverable together with interest on them at such rate as the Board may, with the consent of the Minister, determine.

(2) Notwithstanding the preceding provisions of this section, no sum shall be recovered in accordance with the provisions of this section which was due and owing for more than two calendar months before demand was made.

Proof of liability

51. In any action for the recovery of any amount due under this Act a certificate under the hand of the Director-General or a Branch Manager that amount is due and that the defendant is the Person liable to pay the money, shall in the absence of evidence to the contrary be conclusive evidence of the amount and of its nonpayment, and that the defendant is the person liable for the payment of the amount of money in question.

Regulations

52.(1) The Minister may, from time to time, make regulations providing for-

- (a) the forms of all notices required to be given or sent under this Act and the issuing and service of those notices;
- (b) the time and place for the payment of all moneys due or to become due under the Act;
- (c) deposits to be made by consumers,
- (d) fees and the payment of fees;
- (e) the prices of water;
- (f) free allowances of water to approved hospitals, institutions and other premises;
- (g) the fixing of meters, the amount of meter rents and the ascertaining of the consumption at any premises;
- (h) the notification of restriction or suspension of the water supply;
- (i) the disconnection of the water supply from a consumer;
- (j) the standards required for pipes and fittings to be used on internal supply and fire services;
- (k) the construction, alteration and maintenance of internal supply and fire services including the keeping of those services in hygienic condition;

- (l) notification to consumers that any internal supply or fire service is defective;
- (m) the prevention of waste of water;
- (n) the taking of water from public fountains, the restriction of the persons resorting or designing to resort to them, the apportionment or rationing or restriction of the supplies which may be taken from them and the giving of powers to police officers and other persons with a view to such regulation, apportionment, rationing and restriction;
- (o) the use of water from the waterworks for flushing water closets, latrines and urinals;
- (p) the use of water from waterworks for air conditioning plants and swimming pools;
- (q) (lie planting and harvesting or taking of fish in reservoirs;
- (r) any thing which is required or permitted to be provided for by of under this Act;
- (s) anything which in the opinion of the Minister is necessary for the better carrying into effect of the purposes and objects of this Act.

(2) Any regulations made under this Act may provide that contraventions of any of their provisions shall constitute an offence and may prescribe penalties not exceeding one thousand shillings for those contraventions.

PART VII

REPEAL AND CONSEQUENTIAL PROVISIONS

53. Where the Minister makes an order under section 11 (1) declaring any town or other water supply area to be a specified town for the purposes of this Act, and the provisions of Parts III, V, VI and VII of this Act come into operation in relation to that town or that other water supply area, then-

- (a) if the town or other water supply area or part of it, was formerly declared under section 3 of the Waterworks Ordinance to be a water supply area under and for the purposes of that Ordinance. that town or that other water supply area, or that part of it, shall cease to be a water supply area under and for the purposes of that Ordinance; Repeal
- (b) where the area of a specified town covers only a part of the area formerly declared under section, 3 of the Waterworks ordinance to be a water supply area under and for the purposes of that Ordinance the area of that former water supply area which is not within the area of the specified town shall be and continue to be a water supply area declared under section 3 of the Waterworks Ordinance and no provision of this Act shall apply in relation to it; and Cap. 281

Amend-
ments
Cap. 281
Acts 1974
No. 42
Transitional
and
savings
provisions

(c) in relation to a town or other water supply area, or part of it which is declared to be a specified town for the purposes of this Act, the Waterworks Ordinance shall be deemed to have been repealed and its provisions shall cease to have effect in respect of the supply of water in that specified town.

54. The Waterworks Ordinance, and the Water Utilization (Control and Regulation) Act, 1974, are hereby amended in the manner set out in the third column of the Second Schedule to this Act.

55.-(1) Notwithstanding the Waterworks Ordinance ceasing to have effect in relation to a specified town-

(a) all subsidiary legislation made under it in relation to water supply, and all agreements made between the former Water Authority and any consumer within the specified town, and which are in force on or after the commencement of the order made under section 11 (1) of this Act shall be deemed to have been made under this Act, and shall remain in force until revoked by subsidiary legislation made under this Act or, in the case of agreements, until they expire or new agreements are made between the Authority and the consumers in question;

(b) all officers appointed under the Waterworks Ordinance to perform functions in relation to water supply in the specified town shall continue to perform those functions in so far as this Act relates to them, unless or until their appointments are revoked, or they are reappointed.

(2) The Minister may, by notice in the *Gazette*, at any time before the expiry of twelve months from the publication of this Act in the *Gazette*, make such consequential, transitional or supplementary provisions as he may consider necessary or consequent upon the enactment of this Act and the repeal of the Waterworks Ordinance in relation to specified towns, or for facilitating the effectual assumption by the Authority of its functions under this Act.

FIRST SCHEDULE

(Section 6(2))

Composition
of Board

- 1.**-(1) The Board shall consist of-
- (a) a Chairman, who shall be appointed by the President;
 - (b) the Director-General;
 - (c) two members appointed by the Minister from among public officers serving in the Ministry for the time being responsible for water;
 - (d) six other members appointed by the Minister, recommended one each by, and holding office in-
 - (i) the Ministry of Finance;
 - (ii) the Ministry of Health;
 - (iii) the Ministry of Industries;
 - (iv) the Ministry of Lands, Housing and Urban Development;
 - (v) the Prime Minister's Office; and
 - (vi) the Tanzania Electricity Supply Company Ltd.;
 - (e) four other members appointed by the Minister.

(2) The Board may appoint any employee of the Authority to be the Secretary of the Board.

2. In making appointments of members, the Minister shall ensure that every person appointed by him is a person who, in his opinion, has such technical qualifications or experience by virtue of his involvement in commerce, industry, agriculture, finance, public services or administration, as would enable that person to make a useful contribution to the deliberations of the Board and to assist it in the furtherance of the functions of the Authority.

Duty to
appointable
person

3. The members shall elect one of their number to be the Vice-Chairman of the Board, and any member so elected shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election, and shall be eligible for re-election.

Vice-
Chairman

4.(1) Subject to sub-paragraph (2), a member shall, unless his appointment is sooner terminated by the appointing authority or he otherwise ceases to be a member, hold office for such period as the appointing authority may specify in his appointment, or if no period is so specified, shall hold office for a term of three years from the date of his appointment, and shall be eligible for re-appointment.

Tenure of
appoint-
ment

(2) In the case of a member appointed by virtue of the provisions of paragraph 1(1) (c), he shall cease to be a member upon his ceasing to hold office in the institution by which he was recommended for appointment.

(3) Any member, other than a member referred to in sub-paragraph (2), may at any time resign by giving notice in writing to the President or, as the case may be, to the Minister, and from the date specified in the notice or if no date is so specified, from the date of the receipt of the notice by the President or the Minister, he shall cease to be a member.

5. If a member who is a member by virtue of the provisions of paragraph 1(1) (c) is unable for any reason to attend any meeting, he may nominate in writing another person from the institution which recommended him, to attend that meeting in his place.

Absent
member
to be
represented

6. Where any member ceases to be a member for any reason before the expiration of his term of office, the appointing authority may appoint another person in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

Casual
Vacancies

7.(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 once every three months.

Meetings of
Board

(2) The Chairman, or in his absence, the Vice-Chairman, may at any time call a special meeting of the Board, and shall call a special meeting upon a written request by a majority of the members in office.

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

(4) The Chairman or, in his absence, the Vice-Chairman, may invite any 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. The quorum at any meeting of the Board shall be half of the members in office.

Quorum

9.(1) Questions proposed at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes the person presiding shall have a second or casting vote in addition to his deliberative vote.

Decisions
of the Board

	(2) Notwithstanding sub-paragraph (1), a decision may be made by the Board without a meeting by circulation of the relevant papers among the members, and the expression in writing of the views of the majority of the members.
Minutes of meetings	10. -(1) The Board shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the Board shall be read and confirmed, or amended and confirmed, at the next meeting of the Board and signed by the person presiding at the meeting. (2) Any minutes purporting to be signed by the person presiding at a meeting of the Board shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.
Vacancies not to invalidate proceedings Orders, directions, etc.	11. The validity of any act or proceeding of the Board shall not be effected by any vacancy among its members or by any defect in the appointment of any of them. 12. All orders, directions, notices or other documents made or issued by or on behalf of the Board shall be signed by- (a) the Chairman; or (b) the Director-General or any other officer or officers of the Authority authorized in writing in that behalf by the Director-General.
Seal of the Authority	13. The seal of the Authority shall not be affixed to any instrument except in the presence of the Chairman or the Vice-Chairman or the Director-General or some other officer of the Authority and at least one other member of the Board.
Board may regulate its own proceeding	14. Subject to the provisions-of this Schedule, the Board may regulate its own proceedings.

SECOND SCHEDULE

(Section 13(2))

Composition of the committees	1. Each Branch Advisory Committee shall consist of:- (a) the City, Municipal or Town Director, who shall be the Chairman; (b) the Member or Members of Parliament for the constituency or constituencies with in the area of the Branch; (c) two members elected by and from among the members of the City, Municipal or Town Council; (d) the officer in charge of Health for the City, Municipal or Town Council; (e) three other members appointed by the Minister; (f) the Management of the Branch, who shall he the Secretary.
Meetings	2. -(1) The Committee shall ordinarily meet for the transaction of its business at the times and at the places determined by it, but shall meet at least once every three months. (2) The member of the Committee shall elect from among their number of Vice-Chairman, who shall hold office for as long as he remains a member of the Committee. (3) The Chairman, or in his absence the Vice-Chairman, may at any time call a special meeting of the Committee, and shall call a special meeting upon a written request, by not less than five members of the Committee. (4) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Committee. In the absence of both the Chairman and Vice-Chairman the members present shall appoint one of their number to preside at the meeting. (5) The Chairman, or in his absence the Vice-Chairman, may invite any person who is not a member to participate in the deliberations of the meeting of the Committee but any such person shall not be entitled to vote.

SECOND SCHEDULE-(contd.)

- 3. The quorum at any meeting of the Committee shall be five members. Quorum
- 4.--(1) Questions proposed at a meeting of the Committee shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes the person presiding shall have a Second or casting vote in addition to his deliberative vote. Decisions of the Committee
- (2) Notwithstanding sub-paragraph (1), a decision may be made by the Committee without a meeting by circulation of the relevant papers among the members, and the expression in writing of the views of the majority or the members.
- 5.-(1) The Committee shall cause to be recorded and kept minutes of all business conducted or transacted in its meetings, and the minutes of each meeting of the Committee shall be read and confirmed or amended and confirmed, at the next meeting of the Committee and signed by the person presiding at the meeting. Minutes of Meetings
- (2) Any minutes purporting to be signed by the person presiding at a meeting of the Committee shall, in the absence of proof to the contrary, be deemed to be a correct record of the meeting whose minutes they purport to be."

THIRD SCHEDULE

(Section 53)

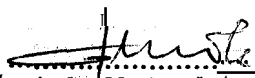
AMENDMENTS

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Cap. 281	The Waterworks Ordinance	Section 3 is amended by boring its provisions as subsection (1) of section 3 and adding after that subsection the following now subsection- <ul style="list-style-type: none"> • ,(2) Notwithstanding the power conferred by subsection (1), an area which is within a town or other water supply area which is a specified town for the purposes of the Urban Water Supply Act, 1981, shall not be a water supply area for the purposes of this Ordinance."
Acts. 1974 No. 42	The Water Utilization (Control and Regulation) Act, 1974	A. Section 2 is amended by Inserting respectively immediately after the definitions: -- "regional water supply" and "underground water" the following respective now definitions- "specified town" means any town or other water supply area declared under section 11(1) of the Urban Water Supply Act, 1981, to be an area in which the supply of water is the responsibility of the Urban Water Authority;"

THIRD SCHEDULE-(Contd.)

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
		"the Urban Water Authority" means the National Urban Water Authority established by section 3' of the Urban Water Supply Act 1981;"
		B. Section 15 is amended by adding after subsection (4) the following new subsection-
		"(5) Where an application for the grant of a water right relates to a place which is within the area of a specified town, the Water Officer shall, before granting the right, seek the views of the Urban Water Authority, whether or not it has notified him of any objection to the application."

Passed in the National Assembly on the tenth day of April, 1981.


Clerk of the National Assembly