

THE UNITED REPUBLIC OF TANZANIA



No. 8 of 1997

I ASSENT,
Benjamin W. Mkapa
.....
President
.....
4th April, '97
.....

An Act to amend Certain Written Laws pertaining to water.

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

**PART I
PRELIMINARY PROVISIONS**

1. This Act may be cited as the Water Laws (Miscellaneous Amendments) Act, 1997, and shall come into operation on the date as the Minister may by notice in the *Gazette* appoint.
- Short title and commencement

**PART II
AMENDMENT OF NATIONAL URBAN WATER AUTHORITY ACT, 1981**

2. This Part shall be read as one with the National Urban Water Authority Act, 1981, in this Part referred to as "the principal Act".
- Amendment of National Urban Water Authority Act
3. The principal Act is amended by deleting the short title and substituting for it the following new title—
- Substitution of long title
- "Dar es Salaam Water and Sewerage Authority Act, 1981."
4. Section 3 is amended—
- Amendment of definitions
- (a) by inserting the following new definitions—
- "Act" means the Dar es Salaam Water and Sewerage Authority Act, 1981;

"Authority", "Board" and "town" and substituting for them the following definitions respectively-

"Authority" means the Dar es Salaam Water and Sewerage Authority established by section 4(l);

"Board" means the Board of Directors of the Dar es Salaam Water and Sewerage Authority established under section 6(l);

"town or towns" means the area of jurisdiction of Dar es Salaam City and Coast Region;

(b) by deleting the words "specified town" wherever it appears in the Act.

Amend-
ment of
Section 4

5. Section 4 is amended by repealing subsection (1) and replacing it with the following provision-

"(1) There is established an authority to be known as the Dar es Salaam Water and Sewerage Authority."

Amend-
ment of
Section 5

6. Section 5 is amended by adding the following new paragraphs immediately after paragraphs (i)-

"(k) to construct and maintain sewerage disposal works on any public and or land acquired or lawfully appropriated for that purposes";

"(1) to construct and maintain a public sewer in, on, under or over any street or under or through any cellar or vault below any street"

Repeal
and re-
placement
of s 6(l)

7. Section 6 is amended by repealing subsection (1) and replacing it with the following:

6 (1) There shall be established a Board of Directors of the Dar es Salaam Water and Sewerage Authority which shall subject to this Act, be responsible for carrying out the functions and managing the business and affairs of the Authority"

Repealed
and re-
placement
of S 7

8. Section 7 is repealed and replaced as follows-

"7-Powers of the Board shall be-

- (a) to approve any individual capital work for the purpose of the Authority;
- (b) to establish committees from among its members for the purposes of the Authority, and delegate functions to any of those committees;
- (c) to consider legislative proposals relating to sewerage and water supply and recommend their enactment to the Minister;
- (d) subject to section 27, to provide services or facilities relating to water supply requested by the Government, town authority or town authorities in areas boarding towns;

- (e) to give directions to the Director--General;
- (f) to approve alterations in water tariffs and other charges made for the services provided by the Dar es Salaam Water and Sewerage Authority.

9. Section 8 is repealed and replaced by the following:

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

Repeal
and re-
placement
of s.8

10. Sections 10, 11, 12, 13 and 14 are repealed.

Repeal of
sections
10,11,12,
13 and 14.

11. Section 15 is amended-

- (a) by repealing subsections (2); and (3);
- (b) by renumbering subsection (1) as section 15.

Amend-
ment, of
section 15

12. Sections 16 and 17 are repealed.

Repeal of
subsec-
tions 16
and 17

13. Section 24 is amended-

- (a) by repealing subsection (1);
- (b) by deleting the phrase "any specified town" which appear in subsection (2) and substituting for them the name "Dar es Salaam";
- (c) by inserting the figure "12" between figures "11 and 14."

Amend-
ment of
s.24

14. Section 27 is repealed and replaced as follows-

"27-The Authority shall operate commercially out of services it provides to the public, and ensure that revenues of the Authority are sufficient to meet its outgoings including any debt service charges"

Repeal
and re-
placement
of section
27

15. Section 31 is amended-

- (a) by repealing subsection (1);
- (b) by renumbering subsection (1) As. "section 31".

Repeal of
subsec-
tion (2)

16. Section 36 is repealed and replaced as follows-

"36-The Board may invest any part of the moneys available in any fund of the Authority and which is not for the time being required for the purposes of the business of the Authority"

Repeal
and re-
placement.
36

- Amend-
ment of
section 37
17. Section 37 is amended-
- (a) in subsection (4) by deleting the title "Minister" and substituting for it the title "Board of Directors"-
 - (b) by repealing subsections (5), (6), (7) and (8).
- Amend-
men of
s.40
18. Section 40 is amended by deleting the phrase "-----
two hundred thousand shillings or to imprisonment for
fifteen thousand shillings" and substituting for it the phrase
a term not exceeding six months or to both the fine and imprisonment."
- Amend-
ment of
s.41
19. Section 41 is amended by deleting the phrase "two thousand shil-
lings" and substituting for it the phrase "one hundred thousand shillings."
- Amend-
ment of
s.42
20. Section 42 is amended by deleting the phrase "-----
two thousand shillings" and substituting for it the phrase "
two hundred thousand shillings or imprisonment for a period not exceed-
ing one year or both fine and imprisonment".
- Amend-
ment of
ss.43 44,
45, 4i 50
52, 53 54
and 55
21. The principal Act is further amended as follows-
- (a) in section 43, by deleting the phrase "three hundreds shillings"
And substituting it with the phrase "one hundred thousand shil-
lings";
 - (b) in section 44, by deleting the phrase "one thousand shillings"
and substituting for it the phrase "fifty thousand shillings";
 - (c) in section 45-
 - (i) in subsections (1) and (2), by deleting the words "twenty"
and substituting for them words "two hundred";
 - (ii) in subsections (1) and (2), by deleting the phrase "of one
hundred thousand shillings for each day during which the
offence continues" and substituting for it the phrase "11 not
exceeding five thousand shillings"-
 - (iii) in section 47, by deleting the phrase "five hundred shillings"
and substituting for it the phrase "fifty thousand shillings";
 - (iv) in section 50, by deleting the phrase "with the consent of
the Minister" which appears in subsection (1);
 - (v) in section 52-
 - (a) by deleting paragraphs (b), (c), (d), (e), (f), (g), (h),
(i), (j), (k), (l), (m), (n), (o), (p), (q) and (r) which
appears in subsection (1);
 - (b) in subsection (2) insert the word "hundred" between
the words "one 11 and "thousand";
 - (vi) in, section 53, by deleting paragraphs (a), (b) and (c);
 - (vii) section 54 is repealed; and
 - (viii) is section 55 is amended by-
 - (a) deleting paragraphs (a) and (b); and
 - (b) by repealing subsection (2).

22. The principal Act is further amended by deleting the subtitle to Part III and substituting for it a new subtitle "POWERS AND OPERATIONS OF THE DAR ES SALAAM WATER AND SEWERAGE BOARD".

Deletion and replacement of title to Part III

PART III
AMENDMENT OF THE WATER UTILIZATION (CONTROL AND REGULATION) ACT, 1974

23. This Part shall be read as one with the Water Utilization (Control and Regulation) Act, 1974 hereinafter referred to as the "principal Act"

Construction

24. Section 2 is amended in subsection (1) by-

Amendment of s. 2

- (i) deleting the definition of the title "Minister" and substituting for it the following definition-
"Minister" means the Minister responsible for water",
- (ii) by deleting the definition of the title "principal Secretary" and substituting for it the following definition-
"Principal Secretary" means the Principal Secretary in the Ministry responsible for water"
- (iii) by deleting the phrase "not apparent on the surface of the ground" which appear in the definition of "underground water"

Amendment of s.3

25. Section 3 is amended in paragraph (d) by deleting the word "municipal".

26. Section ~ is amended by repealing and replacing subsection (1) as follows-

Repeal, and replacement of section 5(1)

"(0-There is established a Central Water Board consisting of a Chairman who shall be appointed by the President, and not more than ten members who shall each be appointed by the Minister from public, private, non-governmental organisations and women organisations holding qualifications in scientific technical fields of learning or who has adequate knowledge and experience in the public affairs of Tanzania",

27. Sections 6 and 7 are amended-

Amendment of 6 and 7

- (a) in subsection (2) of section 6, by deleting the word "quality" and substituting for it the word "quantity";
- (b) by repealing subsection (2) of section 7 and replacing it with the following-
"(2) There shall be established a Basin Board in respect of each water basin declared under subsection (1) and the Minister shall in the order made under subsection (1), appoint not more than ten persons to be members of that Basin Board

Provided that the composition of Basin Board shall not be more than ten members for bigger basins and not more than seven members for smaller basins regard being had that such members are drawn from public, private, non-governmental organisations and women organizations;

Provided further that the Basin Boards shall be financially and administratively autonomous.,,

Amend
ment of
section
18
B

28. Section 18B is amended by repealing subsection (3).

Amend
ment of
section
33

29. The principal Act is further amended in section 33 as follows-

- (a) by deleting the phrase "one hundred thousand" and substituting for it the phrase "five hundred thousand", which appears in subsection (1);
- (b) in subsection (2), by deleting the phrase "fifty thousand" and substituting for it the phrase "two hundred and fifty thousand";
- (c) in subsection (3), by deleting the phrase "fifty thousand" and substituting for it the phrase "three hundred thousand";
- (d) by repealing subsection (4) and replacing for it the following-

"(4) Any person who pollutes the water in any river, stream or water course or in any body of surface water to such extent as to be likely to cause injury directly or indirectly to public health, to livestock or fish, to crops, orchards or gardens which are irrigated by such water or to any products in the processing of which such water is used shall be guilty of an offence and liable on conviction to a fine not exceeding one million five hundred thousand shillings or to imprisonment for a term of three years or to both fine and imprisonment and in case of subsequent conviction, to a fine not exceeding two million shillings or to imprisonment not exceeding three years or to both fine and imprisonment and in case of continuation of the offence, to an additional fine not exceeding fifty thousand shillings in respect of every day during which the offence has continued";

- (e) in subsection 5, by deleting the phrase "one hundred" and substituting for it the phrase "two hundred thousand";

- (f) by adding immediately after subsection (5) the following new subsection-

"(6) Any person who by overt act or writing, threatens, incites intimidates or prevents construction of any works or water-gate approved by the Principal Water Officer is guilty of an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for P

term not exceeding six months or to both fine and imprisonment and in case of subsequent conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year."

30. Section 38 is amended in subsection (2), by inserting the phrase "and be used", immediately after the words "fees to be paid" which appears in paragraph (b). Amendment of Section 38

PART IV

AMENDMENT OF THE WATER WORKS ORDINANCE

31. This Part shall be read as one with the Water Works Ordinance, hereinafter referred to as the "principal Act"

32. Section 2 of the Principal Act is amended as follows-

- (a) in the definition of "catchment area" by deleting the title "President" and substituting for it the title "Minister";
- (b) by deleting the definition of "Water Authority" and substituting for it the following-

"Water Authority" means any approved institution appointed to manage a water supply and sewerage board, company or any other body established for that purpose ;
- (c) by adding the following new definition immediately after the definition of "service" "water affairs" means and includes water supply and sewerage ;
- (d) by adding the following new definition immediately after definitions of "Water Authority"-

"water charge" means water funds collected by a water authority as payment for water sales connection and reconnection, fines and other water and sewerage services";
- (e) by adding the following new definition immediately after the definition of "public fountain"-

"sewerage disposal works" means and sever and drain or sewerage disposal works as defined under section 2(2) of the Public Health (Sewerage and Drainage) Ordinance.

Amendment of section 2

Cap. 336

33. Section 3 is repealed and replaced as follows-

- "3.-(1) The Minister may by order designate and declare any area defined in any such order to be a Water Supply and Sewerage Board / Authority for the purpose of this Ordinance.
- (2) The Minister may declare that the facilities and infrastructure used in rendering the above services be transferred to the declared Water Authority Board.

Repeat and replacement of s.3

(3) The Minister shall appoint a Water Authority to manage and supervise the water works and supply of water therefrom in any water.

(4) The Minister may in view of any special circumstances prevailing in a water supply area, by order in the Gazette provide that such of the powers, duties and functions of the Water Authority for such area as are specified in the order shall be exercised and performed by any person or persons other than the Water Authority; and during the continuance in effect of any such order the powers duties and functions specified therein shall be exercised and performed in such water supply area by the person named in such order and not by the Water Authority.

(5) Without prejudice to the provisions contained in Section 3, of this Ordinance, subsection (2) of section 55 of the Local Government (Urban Authorities) Act, 1982 which establishes the sewerage division, shall be deemed and construed as if the sewerage division has been formed under the Water Works Ordinance.

(6) The designated and declared area to be water supply and sewerage Board shall be financially autonomous and for the purposes of discharging its functions, shall be deemed as legal corporate, capable of suing and being sued."

Act No. 8
of 1982
Cap.
281

Repeal of
s.4

34. Section 4 is repealed.

Repea
and re-
placemen
of s.5

35. Section 5 is repealed and replaced as follows-

5.-(I) A Water Authority duly established shall construct or take over any waterworks required or provided for the supply of the water supply area for which it is established and shall manage, maintain extend and alter such waterworks and shall manage and distribute the water therein.

(2) The Water Authority duly established shall collect the water charges for services rendered in the water supply area and utilize water charges to manage, maintain, construct, extend, alter water works and for the purpose thereof."

(3) The Water Authority shall report to the Minister or to such other persons or authority the Minister may appoint"

Amend
ment of
section
44 and 15

36. Sections 14 and 15 are amended by deleting the title "Minister" wherever it appears and substituting for it the title "Water Authority"

Amend
ment of
section 19

37. Section 19 is amended-

- (a) by renumbering section 19 as "subsection (1)";
- (b) by adding new subsection (2) as follows-

"(2) The respective Water Authority may adjust faces charges and meter rents payable under this Ordinance provided that the adjusted rates, charges and meter rents shall be published in the Gazette."

38. The principal Act is further amended as follows-

- (a) in section 27, by deleting the phrase appearing after the words "not exceeding" and substituting for the phrase-
"one million shillings or to imprisonment for a term not exceeding three years or to both fine and imprisonment and to a further fine not exceeding ten thousand shillings for every day in which the offence continues";
- (b) in section 28, by deleting the phrase "five hundred shillings" and substituting for it the phrase "one hundred thousand shillings";
- (c) in section 29, by deleting the phrase "two hundred shillings" and substituting for it the phrase-
"two hundred thousand shillings or to imprisonment for a period not exceeding six months or to both fine and imprisonment";
- (d) in section 30, by deleting the phrase "eight hundred shillings," and substituting for it the phrase-
"two hundred thousand shillings or to imprisonment for a term not exceeding one year or to both fine and imprisonment";
- (e) in section 31, delete the phrase "forty Shillings" and substitute for it the phrase "one hundred thousand shillings";
- (f) in section 32, delete the phrase "five hundred shillings" and substitute for it the phrase "one hundred thousand shillings" -
- (g) in section 33, delete the phrase "forty shillings" and substitute for it the phrase "twenty thousands shillings";
- (h) in section 34, delete the phrase "one hundred shillings" and substitute for it the phrase "one hundred thousand shillings";
- (i) in section 35, delete the phrases "five hundred shillings" and "forty shillings" and substitute for them the phrases "one hundred thousand shillings and "five thousand shillings" respectively;
- (j) in section 36, delete the phrase "five hundred shillings" and substitute for it the phrase "one hundred thousand shillings";
- (k) in section 39, delete the phrase "five hundred shillings" and substitute for it the phrase "fifty thousand shillings"

Amend-
ment of
sections
27,28,29,
30,31,32,
33,34,35,
36 and 39

39. The principal Act is amended further by adding the following new provisions-

1140. For the purpose of proper administration of this Ordinance, sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 of the Public Health Sewerage and Drainage Ordinance shall apply *mutatis mutandis* to this Ordinance"

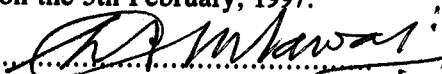
Addition
of new
section 40

Cap. 336

Addition ,
of new
section 41

"41. New boards or institutions that may be formed or established shall have powers to levy waste water disposal charges in their respective areas of jurisdictions".

Passed in the National Assembly on the 5th February, 1997.


Clerk of the National Assembly