

GOVERNMENT NOTICE No. 176 .Published on 13/05/2016

THE WATER SUPPLY AND SANITATION ACT
(CAP 272)

THE WATER SUPPLY AND SANITATION (QUALITY OF SERVICE)
RULES, 2016

(Made under section 28(1) (m))

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THE WATER SUPPLY AND SANITATION ACT
(CAP 272)

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RULES, 2014

(Made under section 28(1) (m))

PART I
PRELIMINARY PROVISIONS

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|----------------|---|
| Citation | 1. These rules may be cited as the Water Supply and Sanitation (Quality of Service) Rules, 2014 and shall come into operation on the date of publication in the <i>Gazette</i> . |
| Application | 2. These rules shall govern the quality of service and related matters on the provision of water supply and sanitation services in all Mainland Tanzania except in the DAWASA Designated Area. |
| Interpretation | 3. In these rules, unless the context otherwise requires: |

- Cap. 272 “Act” means the Water Supply and Sanitation Act;
- “applicable law” means any principal law, regulation, rule, order, by-law and any other written law which is relevant to matters pertaining to regulation of the water supply and sanitation services;
- “Authority” means the Energy and Water Utilities Regulatory Authority established under the provisions of the EWURA Act;
- “basic compensation” means compensation paid by a licensee to a customer after breach of a quality of service target;
- “business plan” means a document prepared by a licensee pursuant to guidelines issued by the Authority that describes the scope of its services;
- Cap. 340 “Certification Authority” means the Weights and Measures Agency established under the Weights and Measures Act;
- “Council” means the EWURA Consumer Consultative Council established under the provisions of the EWURA Act;
- “customer” means a person supplied, or has applied to be supplied with a water supply and sanitation service or who is liable for payment of any fees or other charges for the supply or use of the water supply and sanitation service;
- “customer service charter” means a document prepared by a licensee and approved by the Authority setting minimum service standards including the procedure of receiving and settling complaints from customers;
- Cap. 273 “DAWASA Designated Area” means an area designated as such in the DAWASA Act;

Cap. 414

“EWURA Act” means the Energy and Water Utilities Regulatory Authority Act;

“licence” means a licence issued under the EWURA Act and the Act to provide Water Supply and Sanitation Services;

“licensee” means the holder of a licence;

“sanitation” means the provision of appropriate facilities and services for the collection and disposal of human excreta and waste waters;

“services” means water supply and sanitation services;

" water meter test bench" means necessary standard facilities, instruments and other equipment for testing water meters duly certified by the Certification Authority;

“service line” means any water pipe and related appurtenances that brings water from the water main to the customers' property; and

“water supply” means the provisions of appropriate facilities and services for the sourcing, treatment and distribution of potable water.

PART II

QUALITY OF SERVICE TARGETS

Quality of
Service Targets
and Customer
Service Charter

4. – (1) A licensee is obliged to meet all the quality of service targets as prescribed in the First Schedule.

(2) A licensee shall within three months of coming into force of these rules incorporate in its Customer Service Charter, quality of service targets and sanctions for non-attainment of the said quality of service targets.

(3) Any licensee who fails to meet the quality of service targets as prescribed in the First Schedule shall be liable to pay compensation to the affected person in the amount prescribed under the Second Schedule.

(4) The payment for compensation for breach of service targets under sub-rule (3) shall be made in accordance with the provisions of rule 2.

Remedies for
Incorrect
Compensation

5. In the event a customer is aggrieved by the amount payable by a licensee as compensation in terms of rule 4, such customer may lodge a complaint to the Authority for determination in terms of the provisions of Part VI of the EWURA Act.

Penalty

6. Any licensee who contravenes the provisions of sub-rule (2) commits an offence and shall, upon conviction, be liable to a fine of one hundred thousand shillings or imprisonment for a term not exceeding six months or to both.

Monitoring
Compliance to
Quality of
Service Targets

7. – (1) A licensee shall, on an annual basis, report to the Authority on the attainment and non-attainment of the quality of service targets. The report on non-attainment of quality of service targets shall include, as appropriate, details on:

- (a) affected area/premises/persons;
- (b) duration of event;
- (c) corrections undertaken; and
- (d) compensation paid.

(2) A licensee shall submit to the Authority the report under sub-rule (1) as part of its annual report.

(3) The Authority shall, at any time after receipt of the information under sub-rule (1), verify the correctness of the said information.

(4) The Authority may, while verifying the correctness of the information under sub-rule (1), consult the Council.

Penalty

8. Any licensee who contravenes the provisions of rule 7 (1) and (2) commits an offence and shall, on conviction, be liable to a fine of one hundred thousand shillings or imprisonment for a term not exceeding six months or to both.

PART II

APPLICATION FOR THE WATER SUPPLY AND SANITATION SERVICES

Application for
the Service

9. – (1) A customer shall, before being supplied with the service by a licensee, make an application for the said service to the licensee in accordance with the provisions of the Act and these rules.

(2) The application under sub-rule (1) shall be subjected to other legal requirements including payment of such charges as may be applicable in respect of the delivery of the service.

(3) A licensee shall connect service to a customer upon receipt of an application, conclusion of field verification of the existence of a water main adequate to provide the requested service and payment of all applicable charges.

(4) Acceptance of an application for the service and payment of all applicable charges shall constitute a guarantee by a licensee to provide the requested service.

Ownership of a
Service Line

10. The service line shall remain the property of a customer but under the control of a licensee and shall, except as otherwise indicated under these rules, be maintained by the licensee at its expense.

Maintenance of
a Service Line

11. - (1) A licensee shall:

- (a) at a customer's request, perform at the customer's expenses any replacement or relocation of a service line;
- (b) be responsible for meeting the costs of any repair, maintenance of a leaking service line;
- (c) at the expense of a customer, effect any repair, maintenance or replacement to the service line due to damages caused by the said customer; and
- (d) at all times, have access to the service line which is located at the customer's premises in order to conduct inspection therein.

(2) A customer shall:

- (a) promptly notify a licensee of any defect in or damage to any part of the service line; and
- (b) at all times, be responsible for the safekeeping of meters that have been installed in the service line and which are located at the customer's premises.

PART III

METERING, BILLING AND PAYMENT PROCEDURES

Metering

12. – (1) A licensee shall install, maintain and verify the accuracy of a meter installed at a customer's service line.

(2) A licensee shall in respect of each meter installation described in sub-rule (1), comply with the Act, applicable law and prudent utility practises.

Pre-installation
Testing and
Calibration of
Meters

13. – (1) A licensee shall ensure that every water meter is tested by the Certification Agency or its authorized agent pursuant to the provisions of the Act, these rules and other applicable laws.

(2) A licensee shall ensure that a meter used to ascertain the volume of water consumed by a customer is

calibrated and sealed by the Certification Agency pursuant to the provisions of the Act, these rules and other applicable laws.

Meter Reading

14. - (1) A licensee shall read meters in order to determine the amount of water consumed.

(2) A licensee shall estimate the volume of water consumed during the period when a meter is stopped or is malfunctioning pursuant to the provisions of the Act, applicable law and prudent utility practices.

Meter Testing
Equipment

15. - (1) A licensee supplying metered water service to its customers shall make available a water meter test bench.

(2) The licensee's water meter test bench shall, in so far as is practicable, simulate the actual service conditions of temperature, inlet pressure and outlet pressure.

(3) A licensee may be exempted from the requirement in sub-rule (1) above, if satisfactory arrangements are made to test its meters by another licensee's water meter test bench or certified agency equipped to test meters in compliance with these rules.

(4) Where a standard test meter is used for field testing of service meters, such device shall be checked in a water meter test bench for accuracy at least once a year, adjustments made when necessary and a record kept of such tests and adjustments.

Meter Inspection
and Testing

16. - (1) Meter inspection and testing exercise shall be witnessed by a customer or his representative.

(2) No seal affixed to a meter to be inspected and tested shall be broken or removed unless witnessed by the category of people mentioned under sub-rule (1).

(3) A licensee shall, during the inspection exercise, take

readings of a meter, details of the outer and inside the meter and take as many photos as necessary during the whole exercise.

(4) At the conclusion of the inspection and testing exercise, a licensee shall prepare a meter inspection and test report, and shall thereafter sign it and allow a customer or its representative to counter sign it.

(5) A meter inspection and test report shall as a minimum include the following :

- (a) customer name, address, meter number and account number;
- (b) name and address of the laboratory;
- (c) the date and reason for the test;
- (d) the name and address of the manufacturer or the trademark used;
- (e) the meter designated permanent flow rate;
- (f) the year of manufacture and the individual serial number of the meter tested;
- (g) the reading of the meter before making the test;
- (h) the type and capacity of the meter;
- (i) the measured water volume with the meter;
- (j) the measured water volume with the meter test facility;
- (k) accuracy of the meter; and
- (l) if the test of the meter is made by using a standard meter, a licensee shall retain all data taken at the time of the test in a form that permits appropriate verification of the test methods and the calculations.

(7) A licensee shall, in the event a customer or its representative refuses to counter sign a meter inspection and test report as required by sub-rule (6), note down that fact in the report.

(8) A licensee may prepare manual or internal rules of procedure that may be used by its officials in regulating the manner in which inspection and testing of a meter shall be conducted, provided however, the said manual or rules of procedure shall be in line with the requirements of the Act and these rules.

Meter Seal

17. Upon completion of adjustment and test of any water meter under the provisions of these rules, a licensee shall affix thereto a suitable seal in such a manner that adjustment or registration of the meter cannot be effected without breaking the seal.

Meter Accuracy
Verification

18. - (1) If any dispute arises between any customer and a licensee as to whether any meter by which the volume of water is ascertained is or not in proper order for correctly registering that volume or as to whether that volume has been correctly registered by any meter that dispute shall be determined upon the application of either party to the Certification Authority whose decision shall be final and binding to all parties and the reading of the meter shall be conclusive as to the volume of supply, in the absence of fraud.

(2) A licensee and a customer or their duly appointed representatives shall have the right to witness the verification of meter accuracy under sub-rule (1).

(3) Any party who is aggrieved by the results in sub-rule (1) on reasons of fraud may appeal to the Authority within twenty-one days after receipt of the results.

Removal of
Meters from the
Customer's
Premises

19. – (1) No meter used to ascertain the volume of water consumed shall be removed from the customer's premises for testing and verification of accuracy pursuant to rule 17 unless the customer or his representative is present.

(2) Before any meter used to ascertain the volume of

water consumed is removed a licensee shall read the final readings of such meter, record details of the outer structure of the meter, photograph it and thereafter sign a sheet of paper containing the above details and the customer shall counter sign it.

(3) A meter used to ascertain the volume of water consumed may be removed from the premises of a customer in the absence of the customer where:

- (a) the customer has waived in writing his rights to witness the removal; or
- (b) the attendance of the customer or its representative cannot be procured.

Preparation of Bills

20. – (1) No water supply bill shall be prepared save as it is provided for under the provisions of the Act and these rules.

(2) A licensee shall ensure that customer's billing information consists of the following:

- (a) the customer's billing name, account number, meter number, location and postal address;
- (b) the licensee's current business name and address;
- (c) a bill number;
- (d) the billing period;
- (e) a description of different charges for which the customer is billed;
- (f) the total amount billed, applicable credits, payments or discounts, and the net amount payable by a customer or refundable, if any, by a licensee;
- (g) the date on which the bill is issued;
- (h) the bill or refund payment due date;
- (i) billing method including volumetric or flat rate charges;
- (j) methods of refund payment including cash

- refund or credit into next bill;
- (k) methods of contact for complaints and billing inquiries; and
- (l) a telephone line for complaints and billing inquiry calls.

(3) Notwithstanding the generality of sub-rule (1) a licensee shall:

- (a) ensure that bills supplied to a customer are accurate, timely and verifiable;
- (b) ensure that records of a customer's bill and related charges are retained for a minimum period of three years.
- (c) process and issue bills within thirty days after the closure of each billing period;
- (d) issue a bill to a new customer within thirty days after connection; and
- (e) ensure that a customer is able to verify his bill payment in the immediate previous bill by acknowledgement of receipt of the said payment in the next bill issued

(4) A licensee shall not charge its customers for any bill issued or any bills related information.

(7) A licensee shall ensure that, where a metered customer is issued with an estimated bill:

- (a) the said bills are not issued for three consecutive months or more than three times in any twelve-month period;
- (b) it gives a notice informing the customer that the issued bill is an estimated one; and
- (c) it gives the reasons in the bill as to why it has issued an estimated bill.

Preparation of
Supplementary
Bills

21. - (1) A licensee shall be allowed to prepare supplementary bills where:

- (a) a report from meter inspection and testing has indicated that the meter has malfunctioned;
- (b) the results in rule 18 has indicated that there were some errors in preparation of bills or the meter has malfunctioned and a customer has agreed in writing on such errors or malfunctioning; and
- (c) a customer is found stealing water.

(2) Notwithstanding the provisions of sub-rule (1) a supplementary bill to be prepared by a licensee pursuant to sub-rule (1) shall not exceed a period of three months counted from the date of occurrence of any of the circumstances mentioned in sub-rule (1).

Remedies for
Incorrect Bills

22. A customer may, in the event he is aggrieved by,

- (a) a bill issued by a licensee under rule 20; or
- (b) a supplementary bill issued by a licensee under rule 21,

lodge a complaint to the Authority, in terms of Part VI of the EWURA Act, for determination.

Payment
Arrangements

23. – (1) A customer shall pay any bill issued by a licensee not later than thirty days after receipt of the said bill.

(2) In the event a customer is unable to pay his bills, he may contact a licensee in advance of the due date, and negotiate terms for settling the outstanding balances while retaining services.

(3) A licensee may, in the event of unsettled bill after the expiration of thirty days from the date of receipt of the said bill and subject to the provisions of rule 30, disconnect water supply service from the premises of a customer who has not paid the bill.

(4) Notwithstanding the right to disconnect services under sub-rule (3), a licensee may sue a customer in an ordinary court of law for recovery of any outstanding bill.

Limits on
Payment Plan

24. – (1) A licensee may offer a payment plan, which shall, not exceed six months, to the customer prescribed under rule 23 (2), on terms tailored to meet the customer’s ability to pay.

(4) A customer shall, at all time during the payment plan period, pay all current bills and balances, failure of which may result in immediate disconnection.

Mode of
Payment

25. – (1) A customer who is entitled to receive payment from a licensee may, subject to the provisions of sub-rules (2) and (3) direct the said licensee to make the payment directly to him or credit to his account.

(2) In the event a customer, who is entitled to receive payments from a licensee, has not asked for direct payment, the licensee may make the payment directly to the customer or by credit to the customer’s account.

(3) In the event,

(a) a customer is entitled to a payment from a licensee under these rules but owes money to the licensee; and

(b) at the material time, the customer’s debt to the licensee has been outstanding for more than six weeks,

the licensee shall make the payment, or so much of it as it does not exceed the amount that the customer owes, by crediting to the customer’s account.

(4) For the purposes of sub-rule (3) (b), “a material time” is:

- (a) where the payment is payable without a written claim being made, the time when it becomes payable; or
- (b) otherwise, the time when the customer makes a written claim for it.

Customers to be Kept Connected

26. – (1) A licensee shall:

- (a) prudently manage customer accounts and keep customers connected to the water supply; and
- (b) connect all new customers within seven working days after making full payment of connection costs or fees.

(2) A licensee shall, in the event it fails to connect a customer within the specified period, be liable to compensate the customer for any loss suffered.

Issuance of a Detailed Statement of Accounts

27. – (1) A licensee shall, at least once in every financial year, issue to every customer a detailed statement of account of each customer in that year.

(2) A detailed statement of accounts issued by a licensee under sub-rule (1) may be used by the licensee and a customer in making reconciliation at the end of the financial year, where the need arises.

PART IV PROCEDURE ON WATER DISCONNECTION AND RECONNECTION

Restriction on Disconnection

28. – (1) No licensee shall disconnect the services from any customer save as it is provided for under these rules.

(2) A licensee shall ensure that the measures it takes in the event of the failure by a customer to pay the bill in

full:

- (a) are proportionate and not unduly discriminatory;
- (b) are superseded by an appropriate notice to the customer in advance of the intended service disconnection; and
- (c) confine themselves to a particular service disconnection to the services, as far as technically feasible.

(2) A licensee shall not carry out any disconnection on:

- (a) Fridays after mid-day;
- (b) Saturdays and Sundays; and
- (c) during public holidays.

(3) Subject to the provisions of sub-rule (4) no customer shall be disconnected the services unless a notice of 30 days has been issued.

(4) For avoidance of doubts issuance of a bill by a licensee with the note “the bill is a notice” and receipt of the same by a customer shall constitute reasonable notice in terms of the provision of sub-rule (3).

Wrongful
disconnection

29. – (1) A customer shall, in the event that he is wrongly or unjustifiably disconnected by a licensee, be entitled to the payment of compensation at the amount prescribed in the Second Schedule.

(2) A licensee shall reconnect a customer who is wrongful or unjustifiably disconnected, within 24 hours after knowledge of the said wrongful disconnection.

Disconnection
by a Licensee
without Notice

30. Without prejudice to the generality of any powers and rights given under these rules, a licensee may disconnect the supply of water without notice to any customer where:

- (a) there is refusal by any customer to allow access to the premises by any authorized officer or representative of the licensee;
- (b) a customer's service or connection with the waterworks is found to be not in conformity with the Act and these rules.
- (c) it is found that the said customer is engaging into some activities which cause a waste, misuse or pollution of the water supplied;
- (d) there is insufficiency of the supply of water;
- (e) there is repair or readjustment to the waterworks or any meter; and
- (f) there is a breach by a customer of any of these rules.

Reconnection
Time

31. – (1) A licensee shall, with respect to a customer whose supply has been disconnected due to a debt and who has settled or has reached an agreement for settling his bill, reconnect the said customer within 24 hours after the debt settlement or signing of the agreement.

(2) A licensee shall, in the event it fails to reconnect a customer within the specified time, be liable to compensate the customer at the amount prescribed in the Second Schedule.

Debt Collection
Agency

32. A customer who fails to pay an outstanding balance within sixty days of the due date he may have:

- (a) their account passed over to a debt collection agency to pursue for collection; and
- (b) legal action taken against them.

Indemnity from
Damages

33. – (1) A licensee may not be held accountable for any damage to a customers' property which resulted from the absence of water due to lawful disconnection for non-payment of water bills.

PART V
COMPLAINTS HANDLING PROCEDURES

Complaints
Handling
Procedure

34. – (1) A licensee shall prepare and implement a complaint handling procedure which shall be simple, less bureaucratic and easy to understand.

(2) Any customer who is not satisfied by the levels of service delivery by a licensee may lodge a complaint to the licensee who shall deal with such complaint in line with the procedure prescribed under sub-rule (1).

(3) Any customer who is not satisfied by the way a licensee has handled a complaint under sub-rule (2), may lodge a complaint to the Authority for a decision.

(4) A licensee shall, at all times, keep records and reports of all complaints received from customers.

(5) A licensee shall take appropriate measures to ensure that persons with physical disabilities or other special need groups are able to access the premises and complaint handling process.

A licensee to
Implement
Public
Awareness
Programme

35. A licensee shall prepare and implement a public awareness programme on matters related to handling of complaints received from customers and shall cause such programme to be aired and published in various media houses.

Information to
customers

36. A licensee shall:

- (a) furnish tariff schedules and such additional information as the customer may reasonably request;
- (b) upon request, inform its customers as to how meters are read and the method of computing the charges billed;
- (c) notify customers affected by a change in tariffs or

- tariff classification.
- (d) maintain up-to-date maps, plans or records of its entire transmission and distribution or collection and interception systems, with such other information as may be necessary to enable the water and sanitation providers to advise prospective customers; and
 - (e) disseminate or make known to all customers, the contents of its Customer Service Charter.

**PART VI
GENERAL PROVISIONS**

General Penalty **37. -** (1) Any person who breaches any provision of these rules for which no specific penalty is prescribed shall be liable to pay a fine of fifty thousand shillings.

(2) Where a person is charged with an offence under these rules is a body corporate, every person who, at the time of commission of the offence, was a director, manager, or officer of the body corporate may be charged jointly in the same proceedings with such body corporate and where the body corporate is convicted of the offence, every such director, manager, or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Penalty for Continued Violation **38.** Any person who is in continuous breach of these rules shall be liable to a fine of fifty thousand shillings for everyday on which the contravention continues.

Authority to Supplement Procedures **39.** Where procedures are not provided for in these rules, the Authority may do whatever is necessary and permitted by the Act, the EWURA Act and applicable law to enable it to effectively and completely adjudicate on the matter before it.

The Water Supply and Sanitation (Quality of Service) Rules, 2016

G.N. No. 176 (contd.)

FIRST SCHEDULE
QUALITY OF SERVICE TARGETS
(Made under Rule 4(1))

QSO No.	Focus	Description	Quality of Service Targets
QST 1	Access	Connecting to Water Supply and or Sewerage	Maximum time of 7 working days after a customer has made full payment of connection costs and/or fees
QST 2	Water meters 1	Repair or replacement of faulty meters	Maximum time of 15 working days to repair or replace a meter after detecting or being informed or defect.
QST 3	Water meters 3	Meter reading	Meter reading done at least once every two months as long as it can be accessed by the Licensee
QST 4	Water Disconnection	Unjustified disconnection	A maximum of 24 hours to restore unjustified water disconnection after knowledge of being reported of the unjustified disconnection.
QST 5	Reconnection	Reconnection after payment of overdue amount	Maximum of 24 hours after debt settlement
QST 6	Complaints	Response to complaints that are not bill related	Maximum time of 15 working days to complete investigation and respond, from date of receipt of complaint.
QST 7	Complaints	Response to billing complaints	Maximum time of 5 working days to complete investigation and respond from date of receipt of complaint
QST 8	Health and Safety 1	Flooding from sewers Internal flooding	No effluent from a sewerage system that is vested in a water authority should enter a customer's building
QST 9	Health and Safety 2	Flooding from sewers- External flooding	No effluent from a sewer, which is tested in a water authority, should enter a customer's land and property.

The Water Supply and Sanitation (Quality of Service) Rules, 2016

G.N. No. 176 (contd.)

SECOND SCHEDULE

COMPENSATION ON FAILURE TO MEET THE QUALITY OF SERVICE TARGETS

(Made under Rule 4 (3))

QST NO	Focus	Description	Quality of Service Target	Basic Compensation	Compensation for Additional Delays
QST 1	Access	Connection to Water Supply and /or sewerage	Maximum time of 7 working days after a customer has made full payment of connection costs and/or fees	TZS 10,000.00	TZS 5000.00 per day
QST 1	Water meter 1	Repair or replacement of faulty meters	Maximum time of 30 working days to repair or replace a meter after selecting or being informed of defect	TZS 15,000	TZS 5000.00 per day
QST 3	Water meters 2	Meter reading	Meter reading done at least once every two months as long as it can be accessed by the License	TZS 15,000	TZS 5000.00 per day
QST 4	Water Disconnection	Unjustified disconnection	A maximum of 24 hours to restore unjustified water disconnection after knowledge of being reported of the unjustified disconnection	TZS 30,000	TZS 5000.00 per day
QST 5	Reconnection	Reconnection after payment of overdue amount	Maximum of 24 hours after debt settlement	TZS 30,000	TZS 5000.00 per day
QST 6	Complaints	Response to billing complaints	Maximum time of 5 working days to complete investigation and respond from date of receipt of complaint	TZS 30,000	TZS 5000.00

The Water Supply and Sanitation (Quality of Service) Rules, 2016

G.N. No. 176 (contd.)

QST 7	Complaints	Response to billing complaints	Maximum time of 5 working days to complete investigation and respond from date of receipt of complaint	TZS 30,000	TZS 5000.000 per day
QST 8	Health and Safety	Flooding from sewers External flooding	No efficient from a sewerage system, that is vested in a water authority should enter customer's billing	TZS 40,000.00	TZS 20,000.00 per day
QST 9	Healthy and Safety	Flooding sewers External flooding	No efficient fro a sewer which is vested in a water authority should enter a customer's land or property	TZS 30,000.00	TZS 20,000.00 per day

Dar es Salaam
4th May, 2016

FELIX NGAMLGOSI
Director General