

LAWS OF TANZANIA

CHAPTER 272

THE WATERWORKS ACT *[PRINCIPAL LEGISLATION]*

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CHAPTER 272

THE WATERWORKS ACT

Ord. No.50 An Act to provide for and regulate a supply of water to the public
GN. No.478[4TH NOVEMBER, 1949]
of 1962

1. This Act may be cited as the waterworks Act.
2. In this Act, unless the context

tion otherwise requires:-

Acts: “catchment area” means any area of land or of

No.5 of 1966 water delimited by the President the water

No.7 of 1981 from which contributes to the supply of any waterworks.

“contractor” means any person employed under a contract to erect a building or perform other constructional work on any premises;

“domestic purposes” shall mean in regard to any premises only such uses of water as are 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;

“non-domestic purposes” shall include the use of any water from the waterworks for the

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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 animals, cattle, horses, donkeys, mules, sheep, goats or pigs, 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 use of water by any person resident in or occupying any premises where a non-domestic supply is given;

“internal supply” means the supply of water by service to any premises;

“meter” means an apparatus for measuring water and any meter box, meter box cover and indicator marking the position and size of such meter;

“Minister” means the Minister responsible for water;

“occupier” means any person in occupation of the premises or any part of the premises in connection with which the word is used;

“owner” means the person for the time being receiving the rent of the premises in connection with which the word is used whether on his own account or as agent or trustee for any other person or who would receive the rent if the premises were let to a tenant, and includes the holder of

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premises direct from the Republic;

“premises” means any land with or without buildings which is held or occupied as a distinct or separate holding or tenancy and includes any wharf or pier;

“prescribed Authority” means the person appointed by the President under section 18 of this Act for the purposes prescribed by that section;

“public fountain” means any fountain, stand-pipe, tap or trough or any structure in connection therewith which is used or intended to be used for or in connection with the supply of water to the public from the waterworks as prescribed and erected by the Water Authority;

“service” means all pipes, cisterns, cocks, fittings and other appliances (excepting any meter as herein defined) through which water flows or is intended to flow from the waterworks or which are or may be used for the purpose of supplying any premises from the waterworks;

“Water Authority” means the person appointed by the President to manage or supervise the waterworks and the supply of water therefrom in any water supply area;

“water compound” means any public fountain used for the supply of water by the Water Authority in accordance with section 15.

“waterworks” means all reservoirs, dams, weirs, tanks, cisterns, tunnels, edits, wells,

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boreholes, filters, settling tanks, purifying plant, conduits, aqueducts, mains, pipes, foundations, standpipes, hydrants, taps, pumps, engines and all other structures and appliances used or constructed for obtaining, storing, purifying, conveying, distributing, measuring or regulating water which are used or have been constructed by or on behalf of the Government and are the property thereof or which shall hereafter be used or constructed by the Government or by the Water Authority.

WATER SUPPLY AREA

3.-(1) The Minister may, by order, water declare any area define in any such order to be supply a water supply area under and for the purposes G.N. 478 of this Act.

of 1962

Act No.7(2) Notwithstanding the power conferred of 1981 by subsection (1), an area which is within a town or other water supply area which is a Cap.273 specified town for the purposes of the Urban Water Supply Act, shall not be a water supply area for the purposes of this Act.

POWERS OF WATER AUTHORITYOF WATER AUTHORITY

4.-(1) The Minister may appoint a Water ment of Authority any water supply area and until such

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Water appointment be made for any such area, the Authority Engineer-in-Chief shall be the Water Authority

G.N. No.478 for that area.

of 1962(2) 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 or persons named in such order and not by the Water Authority.

POWERS OF WATER AUTHORITY

5. A water Authority duly appointed shall

Authority construct or take over any waterworks required to take over or provided for the supply of the water supply and manage area for which it is appointed and shall waterworks manage, maintain, extend and alter such and water waterworks and shall manage and distribute the supply water therein subject to the approval and authority of the President.

6. The powers and duties of a Water

duties of Authority may be exercised and performed by the Water officers and servants of a Water Authority Authority subject to the general authority of the water

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Authority.

7. The Water Authority may in any public

the Water thoroughfare or place laid out or intended as Authority a public thoroughfare, lay down, maintain, take for main- up, renew or alter, inspect, attend to, examine tenance and test any water pipe or any public fountain.

8. The Water Authority may, after giving

the Water reasonable notice in writing to the owner or Authority to occupier, carry any water pipe through, across lay pipes, or under any lands whatsoever and may, at any etc., on time, upon giving such reasonable notice as private lands 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 thereon, without

paying any compensation but making good or at his option paying for damage done or occasioned through the operations under this section.

9. The water Authority may for any of the Water purposes in this section mentioned at any time Authority between 6 a.m. and 6 p.m., or in the case of to enter urgency at any other time enter upon any premises for premises into, upon or under which any pipe or inspection fitting connected with the waterworks is or is of pipes,etc., being fixed- and to(a) to inspect any such pipe or fitting supervise laid or fixed or being laid or fixed

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proper use of and to ascertain whether there is or wateris likely to be any waste, leakage, service obstruction, damage, pollution or misuse of water in connection therewith and to ascertain whether such pipe or fitting complies with the terms of any rules made under this Act relating thereto;

(b)to fix, inspect, read, check, clean or remove or replace any meter or similar appliance of the water Authority used or to be used in connection with the supply;

(c)to disconnect the supply of water from any premise or to diminish, withhold or divert the supply of water through or by means of any pipe or fitting wholly or in part.

10. It shall be lawful for the water Water Authority to diminish, withhold or suspend, Authority to turn off or divert the supply of water from any curtail or internal supply or public fountain either withhold wholly or in part whenever the Water Authority supply shall think fit without prejudice to the recovery or retention of any water rate, charges, meter-rent or other sums due or to become due under this Act.

SUPPLY OF WATER OUTSIDE WATER SUPPLY AREA

11. Notwithstanding anything in this Act

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authorize contained the Minister may authorize a Water supply of Authority to supply water outside its water water out- supply area. The Minister may prescribe the

side water charge for water so supplied and the conditions
supply area on which a supply shall be authorized:

G.N. No.478 Provided that any charge so prescribed

of 1962 shall not be less than the charge for a similar supply within the water supply area.

12. When a supply of water is authorized

of Ordinance in accordance with the provisions of section 11

to supply the provisions of this Act and all subsidiary

outside legislation made hereunder shall apply, mutatis

area mutandis, to such supply, subject always to the charge and any conditions prescribed by the
President.

SUPPLY OF WATER TO PREMISES

13. The Water Authority may subject to

Water the provisions of this Act and of any rules

Authority made hereunder supply water to any premises on

to supply application being made by the owner or occupier

water to thereof.

premises

14. The water supply to any premises in

quantity any water supply area under the provisions of

in water section 13 shall be supplied by quantity as

supply area ascertained by a meter and the Minister may

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G.N. No.478 prescribe a rate or rates at which water may be

of 1962 so supplied in any water supply area for any purpose:

Provided that where no meter is available at any premises the Minister may prescribe a flat rate or rates
at which water may be supplied to such premises.

Compound

15.-(1) The Water Authority may erect rate for water compounds in any part of a water supply

supply area and may supply water therefrom and the by com- Minister may prescribe a rate or rates at

which pound in water may be so supplied in any water supply

water area.

supply area(2) The water Authority may from time to

G.N. No.478 time make such arrangements as he shall deem of 1962 fit for the control and management of water compounds and in regard to the hours at which water may be supplied therefrom.

METERS

16. When water is supplied by quantity as property of ascertained by meter, the meter shall be the Water property of, and kept in repair by the Water Authority Authority, who is hereby authorized to charge who may a rent for the meter in accordance with such charge rent scale of charges as may be prescribed. therefor

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17. Notwithstanding anything contained in water by the Act the Water Authority may with the agreement consent of the Minister supply water for any G.N. No.478 purpose to any person, within any water supply of 1962 area upon such terms and conditions as to payment or otherwise as the Minister may approve.

AUTHORITY TO RECEIVE PAYMENTS DUE

18. The Minister may by notice in the ment of *Gazette* appoint any person to collect and person for receive in any water supply area or specified collection of part thereof all rates and charges for water moneys due supplied and all meter rents and charges for in respect of work done by the Water Authority in such area water or part thereof and such person so appointed supply shall be designated the prescribed authority.

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of 1962

19. The rates, charges and meter rents charges payable under this Ordinance shall be paid to

where such officer or at such office as the payable prescribed authority shall notify in the *Gazette*.

LIABILITY FOR PAYMENTFOR PAYMENT

20.-(1) The occupier of any premises in payment of respect of which rates, meter rent or charges rates and are payable, shall be liable for payment charges thereof.

(2) When any premises are occupied by two or more persons, each person shall be jointly and severally liable for the payments above mentioned.

21. Where any contractor makes default in contractor payment for water supplied to him as contractor to pay for the person on whose behalf the work has been water done or is to be done by the contractor shall supplied be liable for such payment, and if he pays the same or the same is recovered from him he shall be deemed to have paid it on behalf of the contractor and may recover it accordingly.

DISCONNECTION OF WATER SUPPLY ON NON-PAYMENT OF CHARGESOF WATER SUPPLY ON NON-PAYMENT OF CHARGES

22. The Water Authority may cut off or tion of water withdraw the supply of water to any premises in supply on respect of which any rates or other charges in non-pay- connection with the supply are not fully paid ment of within thirty days after notification by the rates or prescribed authority. charges

DISCONTINUANCE OF USE OF WATEROF USE OF WATER

23. The occupier of any premises liable rate after to the payment of any water rate who shall give

notice of his intention to discontinue the use of the water for domestic or non-domestic purposes or who shall remove from the premises removal and shall give notice thereof shall pay the rates to the end of the calendar month in which such removal or discontinuance takes place.

RECOVERY OF AMOUNTS DUE OF AMOUNTS DUE

24. If any person fails to pay any amount prescribed due by him under this Act within thirty days after notification of his liability as authority for recovery hereinafter provided the prescribed authority of overdue may in his own name sue for or authorize any amounts person on his behalf to sue for and recover such sum together with costs and the expenses of disconnecting the water supplied.

25. If any sum for rates or any other overdue charges in connection with the supply of water amounts to any premises is not fully paid within the from thirty days prescribed in section 22 the occupier prescribed authority or any person authorized in writing on his behalf may demand the same from the occupier of such premises and on non-payment thereof within seven days of such demand may, without prejudice to any other remedy, recover the same by distress and sale

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of the goods or chattels found on the premises:

Provided that 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.

Special Provision for Dar es Salaam Water Supply Area Provision for Dar es Salaam Water Supply Area

25A. The provisions of sections 22, 24 water rates and 25 shall have effect in the Dar es Salaam and charges Water Supply Area as if there were substituted in Dar es for the words “thirty days” wheresoever they Salaam occur in the said sections the words “fifteen Water days”.
Supply Area

26. In any action for the recovery of any liability amount due under this Ordinance a certificate under the hand of the prescribed authority or of any person authorized by the prescribed authority on that behalf that such amount is due and that the defendant is the person liable to pay the same, shall in the absence of evidence to the contrary be conclusive evidence of such amount and of the non-payment thereof and that the defendant is the person liable for the payment thereof.

OFFENCE

27. Any person who tampers with or diversion, wilfully or negligently injures the waterworks, pollution or any public fountain or any service through or with which water from the waterworks is supplied, or any meter installed by the water Authority under this Act, or unlawfully draws off, diverts or takes water from the same or from any catchment area from which the waterworks are supplied, or pollutes or causes risk of pollution to any such water or allows any foul liquid, gas or other noxious matter to enter into the waterworks or any pipe or fitting connected therewith, shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding five hundred shillings and to a further fine not exceeding twenty shillings a day for each day while the offence continues.

28. Any person who wilfully or waste of negligently misuses or wastes or causes or water 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 on conviction therefor shall be liable to a fine not exceeding five hundred shillings.

29. Any person who without the consent of pipe or the Water Authority or contrary to any rules

fitting alters or causes or permits to be altered any service through which water is supplied to any premises shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding two hundred shillings and the Water Authority may cut off or withdraw the supply of water to the premises till such time as the service has been reinstalled to the satisfaction of the Water Authority.

30. Any person who alters or causes or measure- permits to be altered any service with intent ment 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, and to avoid payment therefor or with such intent tampers with any meter shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding eight hundred shillings; and any service so altered or meter injured may be replaced or repaired by the Water Authority at the expense of any person convicted under this section and the cost so incurred by the Water Authority may be recovered upon the order of the Court as if it were a fine imposed by the Court.

31. Any person who uses for purposes other than other than those for which the water is for purpose supplied any water supplied to him by the Water supplied Authority shall be guilty of an offence and on conviction therefor shall be liable to a fine

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not exceeding forty shillings without prejudice to the right of recover of the value of the water improperly used.

32. The owner or occupier of any premises supplied to supplied with water under this act who gives to persons not any other person or wilfully permits such other entitled to person to take any such water supplied except supply for the purpose of extinguishing a fire or unless he be a person entitled to be supplied with water under this Act and such water shall be cut off or be not available without his default shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding five hundred shillings.

33. Any person found trespassing on any enclosed land appropriated or used for the purpose of waterworks shall be guilty of an offence and on conviction therefore shall be liable to a fine not exceeding forty shillings.

34. Any person who fills any cask, tin, water for or other vessel at any public fountain for the ships purpose of supplying or loading any ship with such water without the permission of the Water Authority shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding one hundred shillings.

35. Any person who puts or allows to be tion likely put or to remain or to accumulate on any

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to enter premises occupied by him any foul or injurious waterworks matter or any earth or excavated material in such manner or place that it may be washed, fall or be carried into the waterworks or catchment area thereof and who does not on notice in writing from the Water Authority remove the same or cause the same to be removed shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding five hundred shillings and for every day during which such matter, earth or material is allowed to remain after notice in writing from the Water Authority requiring the Same to be removed to a further fine not exceeding forty shillings for each day while the offence continues.

36. Any person who-

washing in(a) washes or bathes in any part of the waterworks waterworks or catchment area or in any vessel used by the Water 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 Water 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 manhole

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belonging to the waterworks;

shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding five hundred shillings.

37. When any act or omission punishable

under other under this Act or any rules made hereunder is

laws also punishable under any other law for the time being in force the offender shall be prosecuted and punished either under this Act or under such other law but shall not be liable to be punished twice for the same offence.

38. The Minister may make rules for the

G.N. No.478 more effective carrying out of the provisions

of 1962 of this act and in particular and without prejudice to the generality of this power may make rules relating to all or any of the matters following and may apply all or any such rules to all water supply areas or to any water supply area in particular, or to any particular part of a water supply area, namely:-

(a)the method and manner in which water may be supplied from public fountains, the control of the supply and the price to be charged for water so supplied;

(b)the construction, laying, fitting, alteration or readjustment of services, the nature, quality, size

and pattern thereof and of meters used therewith, and the charges for any work done by the Water Authority in respect thereto, and the times and places for payment of such work and the person liable for such payment;

(c)the rent to be paid for meters;

(d)the suspension of any water supply;

(e)the prevention of waste of water;

(f)the inspection and testing of meters, pipes, fittings, and other appliances whereby or in connection with which water is supplied to any premises;

(g)the forms for applications for water supply to premises and for any work to be done by the Water Authority in connection with such supply;

(h)the forms of all notices required to be given and sent under this Act and the issuing and service thereof;

(i)the prescription of anything which is to be or may be prescribed under this Act.

39. The President may prescribe for the

breach of any rule made under section 38, where

no punishment is specially provided for such breach by this Act, a fine not exceeding five hundred shillings.