

LEGAL NOTICE NO. 144

THE WATER ACT, 2002  
(No. 8 of 2002)

**WATER APPEAL BOARD RULES, 2007**

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THE WATER ACT

(No. 8 of 2002)

IN EXERCISE of the powers conferred by section 88 of the Water Act, 2002, the Water Appeal Board makes the following Rules:-

THE WATER APPEAL BOARD RULES, 2007

1. Citation.

These rules may be cited as the Water Appeal Board Rules. 2007.

2. Interpretation. [Cap. 21]

In these Rules, unless the context otherwise requires-

“Act” means the Water Act, 2002:

“appeal” means any matter or pleading lodged with the Board in an appeal with respect to any dispute arising under the Act;

“application” means any matter or pleading lodged with the Board in an application with respect to any dispute arising under the Act;

“appellant” means the party who initiates an appeal;

“applicant” means the party who files an application with the Board;

“Board” means the Water Appeal Board established under section 84 of the Act;

“Chairman” means the chairman of the Board appointed under section 84(2) (a) of the Act;

“member” means a member of the Board appointed under section 84(2) (a) of the Act;

“notice” means a written notice, and “notify” means to give a written notice;

“officer” means an employee of the Board designated to provide administrative support to the Board;

“party” means a person or corporate body directly involved or affected by an appeal;

“pleading” includes an appeal, response to appeal, cross appeal, counterclaim, and objection to appeal and application;

“prescribed form” means the appropriate form as set out in the Third Schedule;

“return of service” means a return of service within the meaning of the Civil Procedure Rules;

“registry” means an office designated by the Board for the filing of pleadings under these rules;

“respondent” means an office designated by the Board for the filing of pleading under these Rules;

“summons” means any notice requesting a party or witness to appear before the Board.

3. Period of Appeal.

(1) An aggrieved person shall file an appeal with the Board within the time specified for such appeals under the Act.

(2) Where no period of appeal is specified as contemplated under paragraph (1), an appeal shall be filed within a period of thirty days from the date on which the decision appealed against was notified to the applicant.

#### 4. Language of Record and Business of the Board

(1) The language of record of the business of the Board shall be English and Kiswahili.

(2) Any person appearing before the Board shall be entitled to make representations in any language of his choice.

(3) Where the language used under paragraph (2) is neither English nor Kiswahili, such person shall notify the Board accordingly at least seven days before the hearing of the appeal, and the Board shall upon receipt of such notice arrange to avail an interpreter during the hearing.

(4) All documents forwarded to the Board under these Rules shall be filed with the Board.

(5) There shall be paid in respect of all documents filed with the Board the fees specified in the First Schedule.

#### 5. Appearances and Representation

(1) A party shall appear before the Board in person or through a recognized agent of his choice authorized by him in writing.

(2) A person shall be a recognised agent if he possesses any of the qualifications set out in the second schedule, or such other qualifications as may be recognized by the Board.

(3) No member or employee of the Board shall give any advice to any party or give any recommendations regarding recognized agents for purposes of representation before the Board, but may give advice on procedure and similar issue pertaining to these Rules.

#### 6. Filing and service procedure

(1) An applicant shall file an original and three copies of his pleadings under these rules by depositing them in the Board's registry and paying the required fees.

(2) An applicant shall indicate both his physical and mailing address on all pleading filed.

(3) All pleadings shall at the time of filing under these Rules be allocated with appeal numbers.

(4) Where a party intends to file one document in more than one appeal, such party shall submit a sufficient number of copies for each appeal.

(5) After the filing and numbering of an appeal as set out in the forgoing provisions the same shall be served on the respondents indicated thereon with an accompanying summons.

(6) The summons and the certificate of the return of service shall be in a form prescribed by the Board, and both shall be completed in respect of each service.

(7) A return of service shall be accompanied by an acknowledgment of receipt signed by the

respondent or the person accepting service on his behalf.

(8) Where service of process under these Rules is effected through the post the return of service shall be accompanied by the certificate of mailing.

(9) The Board may effect service on behalf of an applicant upon written request in the prescribed form by such applicant and payment of the prescribed fees.

(10) Service on corporate bodies shall be effected in accordance with section 99 of the Act.

#### 7. Pleadings Generally

For purposes of procedure and reference, a statement of appeal shall be considered to be an appeal, and reply thereto to be a response or other pleading as the case may be.

#### 8. Objections

A respondent may in writing object to an appeal, stating the grounds of objection.

#### 9. Response to Appeal

(1) A respondent intending to file a response shall file the same within a period of thirty days from the date of service of the appeal.

(2) If the period of thirty days as prescribed in paragraph (1) passes before a respondent files a response, the respondent shall be deemed to have accepted the filed pleadings and documents.

#### 10. Contents of Appeal

(1) An appeal filed under these Rules shall be in the appropriate form as specified in the Third Schedule, and shall set forth-

(a) the name, physical and mailing address and full particulars of the appellant;

(b) the name, physical and mailing address and full description of the respondent;

(c) the name, physical and mailing address of any other party involved in the appeal;

(d) the facts and grounds for such appeal or application, specifying the issues which are alleged to have been wrongly decided, and the nature of the decision for which it is proposed to pray to the Board;

(e) the grounds of appeal; and

(f) any principle of policy, law or water management procedure that is relied upon in the appeal.

(2) An appeal shall be accompanied by copies of all the documents relating thereto.

(3) The Board may decline to hear an appeal which is not filed in the prescribed form.

#### 11. Appeals for Water Use.

(1) The Board shall maintain separate filing systems for appeal in respect of water use and appropriation in water resources management.

(2) An appeal may be made concerning more than one water use right, claim or structure:

Provided that such appeal shall give all the required information regarding ever water use right, claim or structure, and that each claim shall be made by the same appellant.

#### 12. Guidelines in appeals for water use.

The following guidelines shall apply in filing appeals in respect of water use rights-

(a) Every appeal shall specify the kind of water use activity and permit, if any, in respect of which the appeal is made.

(b) Every appeal shall give the legal description of the area and location in terms of the relevant catchments basin, the point of diversion of the water and the point of storage, if any, of the water the right in respect of which is the subject of the appeal, and general description of the place of use;

(c) In area having general recognized names, the land reference number, the title number of the property where the water use activity is shall be set forth in the appeal in addition to the geographical description, the point of diversion or place of storage;

(d) Every appeal shall state the name and address of the owner or reputed owned of the land upon which any structures is or shall be located, upon which water is or shall be placed for beneficial use.

#### 13. Guidelines in respect of Ground Water

An appeal for the determination of matter related to ground water rights shall e governed by the following additional requirements-

(a) The appeal shall describe each well, using the well permit registration or recording number if any, issued under the Act;

(b) Where a permit has been issued, copies of the permit, authorization and borehole completion records shall be attached to the appeal;

(c) If a permit as specified in (b) above is denied, a copy of the order of denial containing the denial number shall be attached at the time of filing the appeal, or supplied as soon as possible thereafter;

(d) If the name of the appellant is not the same as the name appearing on the water permit or authorization, then prima facie evidence of ownership of the well site shall be submitted to the Board, with copies of the title deed of the land where the appellant owns the land, or a letter of no objection from the owner of the land where the user is not the owner of the land.

#### 14. Notice if transfer or water rights and change of address

(1) Upon the sale or other transfer of a conditional water right a dispute in respect of which is pending before the Board, the transferee shall file with the Board a notice of transfer which shall state-

(a) the number of the appeal;

(b) the description of the conditional water right transferred;

- (c) the name of the transferor;
- (d) the name and mailing address of the transferee; and
- (e) A copy of the transfer document and title deed to the land.

(2) The Board shall cause the appropriate changes in the records relating to the appeal to which such changes relate to be made.

#### 15. Appeals on water services

- (1) there shall be a separate filing system for water services appeals.
- (2) Every appeal shall include a description of the area and location of the service under dispute, and the water services Board responsible for the area or its agent.
- (3) If a licence required by law has been issued by the Regulatory Board or an agreement appointing an agent as a water service provider, copies of the licence and agreement shall be provided in the appeal.
- (4) If the water service provider permission or licence was denied a copy of the order of denial containing the denial number if any, shall be attached.
- (5) Any documentation required under this Rule but not available at the time of filing of the appeal, shall be supplied as soon as practicable or shall be directed by the board.
- (6) An appeal shall also be accompanied by a copy decision appealed against.

#### 16. Amendment of pleadings.

(1) Parties may amend their pleading without leave of the Board within twenty-one-days of filing of the same by presenting them at the Registry and clearly marking them Amended’.

Provided that parties may amend their pleadings after the expiry of that period with leave of the Board based on exceptional circumstances which the Board is satisfied are likely to affect the ends of justice.

- (2) When an appeal is amended, or an application for correction or clarification of a decision is filed, re-issue of the same by the Board shall be done at the expense of the party so amending.
- (3) All amended pleading shall be served on parties and the parties served shall have twenty-one (21) days from the date of service to make response thereto.
- (4) The Board may upon application to it base on special circumstances, extend the period for response to amended pleadings.
- (5) Any party who does not wish to file a response to an amended pleading may file a letter with the Board upon service of the amended pleading, stating that there is no objection to the amendment.

#### 17. Close of pleadings.

Pleadings shall be closed after the expiry of the period provided for filing.

18. Withdrawal of appeal, or other pleading.

(1) An appeal against which no response or other application has been filed may be withdrawn upon written notice to the Board.

(2) An appeal against which a response has been filed shall not be withdrawn or dismissed except by consent of both parties and an order made by the Board.

(3) A response or other pleading may be withdrawn without order of the Board if the party opposing files a withdrawal notice certifying that the appellant has consented to the withdrawal.

Provided that in the absence of the consent of the appellant. The withdrawal shall be subject to approval of the Board.

19. Referral to parties on pleadings.

(1) If a pleading is incomplete, or some supporting documentation is not filed or some further information is necessary for the disposition of the appeal, the Chairman may direct the party to supply the required information in writing. By affidavit, or at a mention or hearing with the full knowledge of the other party to the appeal.

(2) The Chairman's direction shall set forth the particulars regarding additional documentation. Discovery and inspection of documents.

20. Exhibits

All exhibits offered in evidence shall be marked for identification at the filing thereof or during the trial, and shall remain in the custody of the Board as designated by the Chairman

21. Interlocutory matters and orders

(1) The Board may issue an interlocutory order upon application by any of the parties.

(2) Interlocutory matters, determination of category and section under which an appeal lies as stipulated by these rules and confirmation that procedures have been complied with by the applicants, expert witnesses, summons and notices of hearing, calendar, time and place of hearing shall be determined by the Board.

(3) The chairman and one other member of the Board may hear objections and any interlocutory applications on behalf of the Board.

22. Pre-trial procedure and case management.

(1) Unless the Board directs otherwise, the period for requesting interlocutory orders based on discovery and inspection shall be not later than thirty days after parties have filed their pleadings.

(2) in all appeals, the Board shall encourage informal discovery and inspection between parties, including discussions, disclosure of facts, documents, expert witnesses, and other material information, field inspections and other reviews, prior to the hearing thereof.

(3) The time for providing mandatory disclosure shall be at least fifteen days before the hearing of the appeal and after the filing of pleadings.

(4) The time period for disclosure of expert testimony shall, in all appeals, be at least fifteen days before the hearing of the appeal and after disclosure and discovery is complete.

(5) In circumstances where as a result of identification of witnesses and discovery and inspection of documents within the time frame for such identification set forth in these rules is insufficient to allow responsive discovery of supplementation by an opposing party, the Board shall give its approval for the modification of the period.

(6) The Board may on its own motion and if it deems fit for the ends of justice serve the appeal on any other party whom it is satisfied may be interested in the matter being considered.

(7) The Board may summon any person and seek expert opinion for the purpose of an examination of facts and full adjudication of any dispute.

(8) A party may request that a particular expert, if any, who took part in and is conversant with particulars of any disputed decision makes representative in writing or be called upon to attend the hearing of the appeal and give evidence.

(9) An applicant shall file and serve upon all parties at least fifteen days prior to hearing of any application before the Board, a summary of facts and findings of discovery and inspection and proposed order that sets forth any necessary findings, terms or conditions that the applicant reasonably believes the Board should incorporate in the decision.

(10) For the purpose of simplifying the exchange of documents and the hearing and determination process, the Board may make service of pleadings and documents.

(11) The Board shall encourage parties to disputes to enter into conciliation, negotiations and agreement and to file the same with the Board at any time before the hearing.

#### 23. Summons and evidence.

(1) The Board may summon for questioning-

(a) any person who may be able to give information relevant to any of the issues; or

(b) any person who is believed to have possession or control of any book, document or object relevant to any issue, to appear before the Board and to produce that book, document or other object.

(2) Summons shall be signed by the Chairman and shall:-

(a) specifically require the person named therein to appear before the Board;

(b) state the date, time and place at which the person must appear; and

(c) sufficiently identify any book, document or object required to be produced by that person.

(3) The party at whose request summons was issued shall pay witness fees, and travel and subsistence allowances to a person summoned to appear before the Board at a reasonable rate determined by Board.

(4) The Board may administer an oath or accept an affirmation from any person called or summoned to give evidence before it.

#### 24. Notice of hearing



The chairman shall with due regard to the convenience of all parties, fix the date, time and place of the oral hearing, and, not less than twenty-one days before the date so fixed, cause to be sent to each party a notice of hearing on such date, time and place.

25. Quorum of the Board

(1) The quorum of the Board at the hearing of the appeal shall be three members.

(2) The chairman shall preside at the hearing of the appeal.

26. Determination of appeal on documents only

(1) Where no oral evidence is required and subject to the agreement of all parties, the Board shall proceed to determine the appeal and any application before it based on the pleadings and documents filed and determine the appeal or any other application on documentary evidence only.

27. Hearing of appeal in the absence of either of the parties

Where a notice of hearing is served on the parties the Board may hear an appeal or application in the absence of any party thereto if-

(a) Such party has indicated that he does not wish to avail himself for the hearing.

(b) Such party fails to appear for the hearing without providing any reasons; or

(c) The Board is satisfied that the reasons forwarded to it by such party are not of such a nature as to prevent his attendance.

28. Consolidation of appeal and applications

If it appears to the Board that in any number of appeals or applications-

(a) some common question of fact or law arises; or

(b) it is practical and appropriate to proceed with the issues raised in the appeals or applications simultaneously;

the board may decide that which appeals or applications be consolidated

29. Hearing and determination of the appeal

(1) The Chairman shall give such directions as may be necessary to enable the parties to prepare for the hearing.

(2) At the beginning of an open hearing the chairman shall explain the order of the proceedings which the Board proposes to adopt.

(3) The board may conduct proceedings as in a commission of inquiry and shall not be bound by rules of evidence under the Evidence Act, provided the appellant shall be given the first opportunity to present the appeal.

(4) Evidence before the Board may be given orally or if the chairman so orders, by affidavit or written statement. However the Board may at any stage require the attendance of any deponent or author of a written statement if so required for the purposes of examination of such facts deposed or written.

(5) The Board shall conduct the hearing in such a manner as it considers most suitable to the just handling and recording of proceedings and shall as far as is appropriate avoid legal technicalities and formalities.

(6) The Board may use electronic models of presenting recording evidence.

(7) The Board may require witnesses to give evidence on oath or affirmation and for that purpose may administer an oath or affirmation.

(8) The Board may at its own request or at the request of a party to the appeal be provided with visual demonstration facilities for the display of any maps, photographs, charts, diagrams and demonstrations or illustrations of texts and any documents that are to be used for the purpose of making a finding in the matter for determination before it.

### 30. Close of hearing

(1) On the completion of the hearing of the appeal and presentation of the facts and evidence and statements by technical experts, if any, the Board shall declare the hearing closed.

(2) Hearing and review of facts shall not be re-opened, unless the Board for sufficient reason deems it fit to do so.

### 31. Submission

(1) Upon hearing of all fact and evidence and consideration of the matters in question parties may present and file written submissions.

(2) An original and three copies of each submission shall be filed with the Board and served on all parties.

(3) A submission shall not exceed twenty pages, double spaced without the permission of the Board.

(4) Each set of submissions shall include a table of contents and table of cases cited, which shall not be counted as part of the twenty – page limit.

### 32. Decision of the Board

(1) The Board shall, after considering all relevant facts and supportive documents and in accordance with the procedures set out above-

(a) affirm the original decision;

(b) vary the original decision;

(c) quash the original decision; or

(d) make an appropriate decision in accordance with the Act

and make such other additional orders related to the appeal as may be required by the Act.

(2) The decision shall contain a concise statement of facts and the reasons for the decision.

(3) The majority decision of the Board or a unanimous decision shall constitute the decision of

the Board.

(4) The decision of the Board shall be in writing and signed by the chairman and sitting members of the Board and duly thereafter.

(5) The decision of the Board shall be issued to the parties to the appeal, at the time of delivery of the decision or soon thereafter.

(6) The decision of the Board shall be final and binding, except on matters of law.

33. Record of proceedings and decision.

(1) The chairman shall cause a record of proceedings and decisions of the Board to be made.

(2) The Record of proceedings and Decisions of the Board shall be made available to any interested person upon request.

(3) The Record referred to herein shall be kept in accordance with the provisions of the Act and relevant law governing the keeping of records.

34. Decree and Enforcement

(1) The decision of the Board and a draft decree shall be filed in the High Court by the parties for execution and enforcement as if it were an order of that Court.

(2) an order or decree shall agree with the decision and specify clearly in paragraphs the relief granted or other determination and costs, if any.

35. Reference for clarification

(1) Within seven days after a decision is delivered by the Board, a party may make a reference in writing to the Board requesting for clarification.

(2) A request for clarification of the decision shall be made before an appeal on matters of law is made to the High Court.

(3) The Board shall issue a clarification or a supplementary report without further hearing of parties.

(4) A clarification or supplementary report shall form part of the decision of the Board.

36. Seal of the Board.

(1) The Seal of the Board shall be authenticated by the signature of the Chairman.

(2) In the absence of the Chairman any Board member designated by the chairman for that purpose may authenticate the Seal of the Board.

37. Appeal on matters of law.

(1) A party may appeal to the High Court on a point of law against the decision of the Board.

(2) The points of law to be appealed against shall be those directly and substantially in issue in the appeal and response to appeal, cross appeal or other application.

38. Waiver.

The Board may waive the requirements of these rules in exceptional cases at its discretion or upon the written request of any of the parties to meet emergencies or to avoid substantial injustice or great hardship.

39. Contempt provisions

(1) A person commits contempt of the Board-

(a) if, after having been summoned to appear before the Board, the person without good cause does not attend;

(b) if the person, without good cause, fails to produce any book, document or object specified in a summons;

(c) if, after having appeared in response to a summons, the person fails to remain in attendance until released by the Board.

(d) If the person refuses to take the oath or to make an affirmation as a witness when the Board so requires;

(e) If the person refuses to answer any question fully and to the best of his knowledge and belief.

(f) If during the proceedings, the person behaves improperly; or

(g) If the person prejudices or improperly influences the proceedings of the Board.

(2) The Board may issue appropriate directions or refer any contempt to the High Court for appropriate Orders.

FIRST SCHEDULE

(r.4(5))

FILING FEES

NO. PLEADING KSHS.

1. Fees for Appeals under-

Section 28 & Third Schedule

Section 36 General

Section 36 category A & B permit

Section 36 category C & D Permit

Section 37

Section 45

Section 57

Section 63

Section 64

Section 68

Section 73 (6)

Section 73 (7)

Section 76 (4)

Section 96 (1)

Any other matter under section 85

9,000.00

9,000.00

9,000.00

15,000.00

- 15,000.00
- 15,000.00
- 15,000.00
- 15,000.00
- 15,000.00
- 50,000.00
- 15,000.00
- 15,000.00
- 15,000.00
- 15,000.00
- 9,000.00
- 2. Counterclaim 9,000.00
- 3. Cross Appeal 5,000.00
- 4. Interlocutory application 2,500.00
- 5. Request for Board to effect service on behalf of parties. 2,500.00
- 6. Statement of opposition or objection. 1,250.00
- 7. Notice of transfer of water rights. 75.00
- 8. Notice of changes of address. 75.00
- 9. Amended pleadings. 100.00
- 10. Notice of withdrawal of appeal or application. 100.00
- 11. Consent. 225.00
- 12. Decision. 100.00
- 13. Record of proceedings & copies of decision (as per cost of copy) -
- 14. Change of address 75.00
- 15. Request for copies per page, -
- 16. Copies of other documents – maps, plans -
- 17. Request of clarification. 250.00
- 18. Draft Decree 250.00
- 19. Certification of copies 100.00
- 20. The board shall decide on waiver of fees in cases of hardship. -

SECOND SCHEDULE

(R.5 (2))

Categories of Qualified professionals to act as Agents

- (a) Lawyers.
- (b) Arbitrators registered by the Chartered Institute of Arbitrators of Kenya.
- (c) Qualified professionals as stipulated in the water Resources Management Rules.
- (d) Corporate Officers and other professionals as may be provided by the Board.

THIRD SCHEDULE

(r. 10(1))

THE WATER APPEAL BOARD

FORMS OF PLEADING

FORM 1

SUMMONS FOR EVIDENCE

APPEAL NO ..... OF .....

IN THE APPEAL/APPLICATION OF:

{NAME OF APPELLANT / APPLICATION}

[STATE NAME, OCCUPATION AND PLACE OF BUSINESS OF RESIDENCE OF

PERSON(S) BEING REQUIRED TO APPEAR]

- 1. ....
- 2. ....
- 3. ....

You are hereby summoned to appear in person before the above-named Board at  
 ..... on ..... day of ..... and thereafter to remain in  
 attendance until excused by the Board in regard to all matters within your knowledge relating to  
 the matter pending before the Board wherein the \*appellant/applicant is seeking as follows:  
 .....  
 .....

YOU ARE REQUIRED to bring and produce to the Board the following;

[Insert accurately the document, book or thing to be produced]

- 1. ....
- 2. ....

BE INFORMED that should you on any account neglect to comply with any of the provisions of  
 this summons the Board will be left with no option but to resort to the provisions of Rule 38 of  
 the Water Appeal Board Rules.  
 (\*delete whichever is not applicable)

SIGNED AND DATED AT \_\_\_\_\_ THIS DAY OF \_\_\_\_\_

\_\_\_\_\_  
 SEAL OF THE BOARD

\_\_\_\_\_  
 CHAIRMAN  
 THE WATER APPEAL BOARD  
 FORM 2  
 AUTHORITY TO ACT AS AGENT FOR ANY PARTY

IN THE APPEAL APPLICATION OF:

{NAME OF APPELLANT/APPLICANT/RESPONDENT\*}

- 1. I \_\_\_\_\_ the APPELLANT/RESPONDENT OR INTERESTED PARTY  
 hereby authorise \_\_\_\_\_ to appear on my behalf in the above  
 Appeal.
- 2. My agent is an authorized person as required by the Rules and Schedule of the Rules.
- 3. I apply that service of all pleadings and applications be served upon my representative and my  
 representative shall undertake to be bound by the obligations of parties as contained in the Water  
 Appeal Board Rules.

SIGNED AND DATED AT \_\_\_\_\_ THIS \_\_\_\_\_ - DAY OF

\_\_\_\_\_  
 \_\_\_\_\_

APPELLANT

AGENT

NAME AND OCCUPATION/BUSINESS ADDRESS

Name the category of authorised person in accordance with the Rule 5(2), second schedule  
FORM 3  
IN THE WATER APPEAL BOARD

FORM OF APPEAL

APPEAL UNDER SECTION ..... OF THE WATER ACT

APPEAL NO. .... OF .....

IN THE APPEAL OF:

[NAME OF APPELLANT]  
APPELLANT

AND

[NAME OF THE INSTITUTION OR AUTHORITY AGAINST WHOSE DECISION APPEAL  
IS LODGED]

FIRST  
OR

[NAME OF WATER MANAGEMENT INSTITUTION] RESPONDENT  
FIRST

OR

[NAME OF CATCHMENT MANAGEMENT AGENCY] SECOND RESPONDENT

[NAME OF INTERESTED PARTY {IF APPLICABLE}] RESPONDENT  
THIRD

1. Take Notice that the Appellant appeals against the decision of the \*Water Resource  
Management Authority/Catchments Management Agency/Water Service Regulatory Board/water  
Service Board, the Minister .....

2. The Appeal relates to Water service/water resources\*.

3. The decision Appealed against is

.....  
.....

4. The Appeal is to be determined by the Water Appeal Board at a date, time and place to be set  
by Notice to the parties.

5. The Appeal is based on the following grounds [set out each ground concisely].

.....  
.....

6. The decision sought for is:

.....  
.....  
7. And take note that the Appellant appoints \_\_\_\_\_ as Appellant's representative in this matter.

8. Take note also that the Appellant shall accept service of all documents on the above matter at the Appellant's address which is set below:.....  
.....

\*(delete whichever is not applicable)

SIGNED AND DATED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

\_\_\_\_\_  
APPELLANT

\_\_\_\_\_  
AGENT

FORM 4(a)

APPEAL AGAINST AN ORDER PREVENTING THE DEGRADATION OF WATER IN TERMS OF SECTION 73(6) OF THE WATER ACT 2002

APPEAL NO. .... OF .....

IN THE WATER APPEAL BOARD

IN THE APPLICATION OF:

[NAME OF APPLICANT]

APPELLANT

[NAME OF RESPONDENT] RESPONDENT

Take Notice that the Applicant applies against the order of ..... preventing degradation of water in (Area) .....

1. The application is based on the following grounds: [set out each ground concisely]

(a) .....

(b) .....

(c) .....

(d) .....

2. The decision sought is that Appeal is

.....  
.....

3. And take note that the Applicant appoints

.....

As Applicant's representative in this matter.

4. Take note also that the Applicant will accept service of all documents on the above matter at



the \*Applicant's address/address of the offices of the Applicant's representative, which is set below.

.....  
.....

5. The Applicants representative understands the requirements of representation as stipulated in the Water Appeal Board Rules.

6. The date, time and place of the hearing shall be determined by the Water Appeal Board \*(delete whichever is not applicable)

SIGNED AND DATED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

\_\_\_\_\_  
APPLICANT/AGENT  
FORM 4(b)

APPLICATION FOR DETERMINATION OF COMPENSATION IN TERMS OF SECTION 73(7) OF THE WATER ACT 2002

APPLICATION NO..... OF .....

IN THE WATER APPEAL BOARD

IN THE APPLICATION OF:

[NAME OF APPLICANT]  
APPELLANT

[NAME OF RESPONDENT]  
RESPONDENT

Take Notice that the Applicant applies for the determination of compensation in terms of section 73 (7) of the Act.

7. The application is based on the following grounds:  
[Set out each ground concisely]

- a) .....
- b) .....
- c) .....
- d) .....

8. The decision sought in this Appeal is

.....  
.....

10. And take note that the Applicant appoints

..... as  
applicant's representative in this matter.

11. Take note also that the Applicant will accept service of all documents on the above matter at

the \*Applicant's address/address of the offices of the Applicant's representative, which is set below.

.....  
.....

12. The Applicants representative understands the requirements of representation as stipulated in the Water Appeal Board Rules.

13. The date, time and place of the hearing shall be determined by the Water Appeal Board

\*(delete whichever is not applicable)

SIGNED AND DATED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

\_\_\_\_\_  
APPELLANT/AGENT

FORM 5  
IN THE WATER APPEAL BOARD

APPEAL NO ..... OF .....

NAME OF APPELLANT

APPEAL AGAINST ORDERS TO REMEDY DEFAULTS UNDER SECTION 96 (1) and 96 (3)  
OF THE WATER ACT, 2002.

Take Notice that the Appellant appeals against the order of the WATER RESOURCES  
MANAGEMENT AUTHORITY

.....  
.....

- To (a) to remedy .....
- (b) To clean up pollution or other detriment .....
- (c) To remove or destroy works, plan or machinery .....
- {Fill in as applicable}

1. The Appeal is based on the following grounds: [set out each ground consisely]

- a. ....
- b. ....
- c. ....
- d. ....

(Attach relevant documents)

14. The decision sought in this Appeal is

.....  
.....

15. And take note that the Applicant appoints ..... As Applicant's representative in this matter.

16. Take note also that the Appellant will accept services of all documents on the above matter at the Appellant's address/address of the offices of the Appellant's representative, which is set below.  
.....  
.....

17. The date, time and place of the hearing shall be determined by the Water Appeal Board \*(delete whichever is not applicable)

SIGNED AND DATED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

\_\_\_\_\_  
APPELLANT/AGENT

FORM 6  
(r 35)

IN THE WATER APPEAL BOARD

APPLICATION NO. .... OF .....

IN THE APPLICATION OF:

{NAME OF APPELLANT RESPONDENT/APPLICANT}  
REQUEST FOR CLARIFICATION IN TERMS OF RULES 35 OF THE WATER APPEAL BOARD RULES

1. Take Notice that the Applicant applies for Clarification of the decision in terms of Rule 35

2. The paragraphs of the decision or order of the decision in issue are:

- a. ....
- b. ....
- c. ....
- d. ....

3. The application is based on the following grounds:  
[Set out each ground consisely]

- a. ....
- b. ....
- c. ....
- d. ....

SIGNED AND DATED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

APPLICANT/AGENT \_\_\_\_\_

BY ORDER OF THE BOARD

Dated the 2nd July, 2007.

B.N. KIARIE,

Chairman.