

THE WATER ACT

(Cap. 372)

IN EXERCISE of the powers conferred by section 143 (3) of the Water Act, the City Council of Nairobi (a duly appointed water undertaker) with the approval of the Minister for Agriculture hereby makes the following By-laws:—

THE CITY OF NAIROBI (WATER SUPPLY) BY-LAWS, 1974

1. These By-laws may be cited as the City of Nairobi (Water Supply) By-laws, 1974. Citation.
2. The Water (Undertakers) Rules, shall apply to the Water Undertaking operated by the City Council of Nairobi. Sub. Leg.

Interpretation.

3. In these By-laws, except where the context otherwise requires—

“consumer” means the owner or occupier of any premises to which a supply of water is maintained by the Council or any person entering into a contract with the Council for the supply of water or who is lawfully obtaining water from the Council;

“Council” means the City Council of Nairobi;

“inspector” means any officer or person appointed by the Council at any time to carry out any work in connexion with the inspection of any water connexion, public or private taps, meters, stopcocks or any other fitting, pipe, instrument valve or other things which shall be a part of, or accessory to, any part of the water supply;

“manager” means the person appointed in writing by the Council to manage, control and supervise the Water Supply, his deputy and any other officer of the Council authorized by the manager in writing for the purposes of these By-laws;

“medical officer of health” means the person for the time being holding the office of medical officer of health of the Council, his deputy, and any other officer of the Council authorized by the medical officer of health in writing for the purposes of these By-laws;

“service” means the system of pipes and attachments on the consumer’s side of the meter measuring the flow of water used by the Consumer, or where no meter is installed, on the consumer side of the point where his pipes join those owned by the Council.

“town clerk” means the person for the time being holding the office of town clerk of the Council, his deputy, and any other officer of the Council authorized by the town clerk in writing for the purposes of these By-laws;

“Water Undertaker” means a water undertaker appointed under section 124 of the Act.

Obligation to
obtain connexion
with Water
Supply.

4. (1) Every owner of a plot or of a subdivision of a plot within the area of the limits of supply of the Council shall cause to be installed thereon a connexion with the Nairobi Water Supply for the supply of water on receipt of a notice from the medical officer of health that such a connexion is necessary and such a plot is not provided with a sufficient supply of good and wholesome water, for domestic purposes.

(2) For the purposes of this by-law the owner of a plot or of a subdivision of a plot shall on receipt of such notice as aforesaid make application to the Council in writing for installation of a connexion and for the supply of water to such a plot or subdivision of a plot and shall supply such facts as may be required by the town clerk, and the Council shall notify the applicant of its decision on his application.

(3) The consumer of a plot or of a subdivision of a plot shall enter into an agreement with the Council for the supply of water upon such terms and conditions as the Council may, from time to time, determine.

(4) If an owner fails to comply with a notice issued under paragraph (1) of this by-law within a period of fourteen days from the date of such notice, the manager on behalf of the Council may enter upon such premises and install such connexion as is required thereon

and recover the cost of carrying out or completing such work from the owner and all moneys due from such owner under this by-law shall be a civil debt recoverable summarily under the Debts (Summary Recovery) Act.

5. The Council may in its own discretion affix a meter to the connexion with the Water Supply of any consumer by giving to the occupier one month's notice in writing of its intention to do so. Any meter affixed together with the fittings connected therewith shall be the absolute property of the Council and any person removing, injuring or tampering with any such meter shall be guilty of an offence.

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Council's power
to affix meters.

6. There shall be payable to the Council by the occupier of any premises on which a connexion or other supply of water is situate such charges as are detailed in the First Schedule to these By-laws.

Charges.

7. Where any amount is due to the Council under by-law 6 of these By-laws and has remained unpaid for a period of seven days after a notice demanding payment has been given, or where any amount, being an estimate determined in accordance with the provisions of by-law 13 of these By-laws, is due to the Council under that by-law and has remained unpaid for a period of seven days after a notice has been sent and after the last date upon which, under paragraph (2) of by-law 13 of these By-laws, it should have been paid, then the Council may disconnect the supply of water to the premises in respect of which such debt has been incurred, and restore such supply only on payment of such moneys due and any other amounts that may also have become due to the Council under by-law 6 of these By-laws or any other charges owing to such failure to pay:

Failure to pay.

Provided that nothing in this by-law shall release any owner or occupier of any occupied plot or occupied subdivision of a plot from his liability to—

(a) obtain a connexion with the Water Supply as provided in by-law 4 of these By-laws and, notwithstanding that any disconnexion may have been made under this by-law, the amount payable in respect of a connexion shall continue to become payable each month as though no such disconnexion had taken place;

(b) pay any amount due to the Council and such moneys shall be a civil debt recoverable summarily under the Debts (Summary Recovery) Act.

8. The consumer shall be responsible for the safe keeping and condition of any meter installed under these By-laws and shall pay to the Council the cost of any damage wilfully caused to such meter.

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Safe keeping
of meters.

9. (1) Subject to the provisions of by-law 33 of these By-laws no consumer shall, without the written permission of the Council, disconnect, interfere with, or cause or permit any person other than an officer of the Council to disconnect or interfere with any meter or fittings connected therewith for any purpose whatsoever and in the event of any repairs being found necessary the consumer shall immediately give notice thereof to the Council and the Council shall at

Repairs and
substitution
of meters.

its earliest convenience effect such repairs as are found to be necessary to such meter. The Council may in its discretion and at its own expense, disconnect and remove any meter and affix or substitute any other meter.

(2) Subject to the provisions of by-law 33 of these By-laws any consumer who, without the written permission of the Council, disconnects, interferes with, or causes or permits any person other than an officer of the Council to disconnect or interfere with any meter or fittings connected therewith shall be guilty of an offence.

Quantity registered.

10. The quantity of water which is registered by the meter as having been supplied to any consumer shall, subject to the provisions of these By-laws, be deemed to be the quantity of water actually so supplied.

Entry in books of Council binding.

11. Every consumer shall be bound by the entry in the books and registers of the Council and any extracts therefrom certified by the town clerk shall in any proceedings for the recovery of any charges for any service be prima facie evidence of the accounts due.

Dissatisfaction with reading.

12. (1) If any consumer is at any time dissatisfied with any particular reading or a meter supplied by the Council and is desirous of having the meter tested he shall give written notice to the Council within seven days of his being informed of such reading and upon payment of the sum provided under paragraph (f) of the First Schedule to these By-laws the meter shall be tested by the Council.

(2) If the meter is proved to be incorrect the Council shall repair it or affix a correct meter, free of charge and shall refund the sum paid for testing.

(3) The meter shall be considered correct if no error is shown of more than five per centum either way.

(4) Any dissatisfied consumer shall be given an opportunity of being present at the testing of his meter.

Incorrect registration.

13. (1) Should a meter, affixed under these By-laws, at any time be out of order and register incorrectly the Council shall repair or replace the same as soon as possible and the quantity of water to be paid for by the consumer from the date of the meter ceasing to register correctly up to the time of its repair or replacement shall be estimated by the Council upon the basis of the previous consumption of water upon such premises or in the event of such an estimate being impossible upon the basis of the subsequent consumption after such repair or replacement has been effected.

(2) The consumer shall pay the amount of such estimate within seven days of receiving the same unless such estimate is received by him more than seven days before the date by which such account would have been payable in the ordinary course under these By-laws, in which case the said amount shall be payable on or before such last-mentioned date.

Position of stopcock.

14. The consumer shall, if so required by the Council, provide a suitable and safe place within his premises or plot or subdivision of plot in which to fix a meter and a stopcock, and shall at all times ensure that the position there remains clearly defined and that the box

enclosing them is exposed to view. The stopcock shall be installed by the Council at its own expense and for its own exclusive use. The usual position for such stopcocks will be within one metre of the boundary of the consumer's plot or subdivision of plot, but the actual position will be, in all cases, determined by the manager.

15. (1) In all cases where supplies for building purposes are laid on upon the application of any owner or contractor, the cost of providing and fixing the connecting pipe shall be borne by such owner or contractor and a meter shall be fixed to the connexion pipe and such owner or contractor shall pay for water so supplied according to the rates laid down in the Second Schedule to these By-laws.

Supplies for building purposes.

(2) If in the opinion of the Council the same connecting pipe is suitable for the purpose, it may be used for the permanent supply of the premises but no connexion shall be made with the Water Supply until the provisions of paragraph (2) of by-law 4 of these By-laws have been complied with.

16. (1) The manager or an inspector may at any reasonable time or, in an emergency, at any time, enter upon premises and inspect any part of the service connexion pipe, main or meter and make any investigation that he thinks proper:

Entry and inspection by Officials.

Provided that, except in an emergency, no inspection or investigation shall be carried out against the wishes of the occupier of the premises except between the hours of nine a.m. and four p.m.

(2) The manager or any inspector, when he considers it necessary for the purpose of inspection or of carrying out any other work under these By-laws or under any contract between the Council and the consumer, may at the expense of the consumer, after giving twenty-four hours' notice in writing or if in his opinion any case requires immediate action at once without giving any notice, remove earth, cement, brick, wood, metal-work or any part of such premises, doing as little damage as possible.

(3) The Council shall not be liable to pay any compensation in respect of any damage caused by any officer as under paragraph (2) of this by-law:

Provided always that in every case such officer shall upon entry state the reason for such inspection, and where such inspection is made for the sole purpose of discovering a breach of these By-laws and no breach has been committed, the Council shall bear the expense connected with such inspection and also that of restoring the premises to their former condition.

17. (1) A person who has not made a formal application to the Council and who has not received the formal assent of the Council for a supply of water and who has not otherwise complied with the requirements of these By-laws shall not take any water from or make any connexion, with any main, reservoir, conduit pipe, cistern, or other place containing water belonging to the Council.

Unauthorized taking of water.

(2) Any person who contravenes the provisions of this by-law shall be guilty of an offence.

Selling of water.

18. Any person who sells any water supplied to him by the Council or takes away or suffers to be taken away from his premises any water for which he is to receive any payment, shall be guilty of an offence.

Pollution of supply.

19. (1) Any person who—

(a) bathes in any reservoir, aqueduct or other place containing water belonging to the Council or washes, throws, or cause to enter therein any animal; or

(b) throws any rubbish, dirt, filth or other noisome thing into such reservoir, aqueduct, or other place as aforesaid, or washes or cleans therein any cloth, wool, leather or skin of an animal, clothes or other thing; or

(c) causes or permits the water of any sink, sewer, drain, steam-engine boiler or other filthy water for the control of which he is responsible, to run or be brought into any reservoir, aqueduct, or other place as aforesaid, or does any other act whereby the water of the Council is liable to be polluted,

shall be guilty of an offence and shall in addition to any penalty incurred under by-law 39 of these By-laws, be liable for any costs or damage that may have been suffered through such offence.

Special agreement.

20. Nothing in these By-laws shall be held to prevent the Council with the agreement of the Ministry from making any special agreement with any consumer with regard to the method or supply, the price to be paid, or the quantity of water to be supplied.

Special restrictions.

21. (1) The Council may, with the approval of the Minister, at any time by notice published in the Gazette and in any two newspapers circulating in the City limit the supply of water to such hours and in such area or areas as it may decide.

(2) Any person who, after publication of notice as aforesaid, uses water in an area specified in such notification at a time not within the period of hours specified in such notification shall be guilty of an offence.

Notices and orders.

22. Any notice, order or other document issued or made by the Council in pursuance of these By-laws, shall be sufficiently authenticated if signed by or on behalf of the town clerk and such signature may be endorsed by means of a rubber stamp or similar device.

Failure to supply.

23. The Council shall not be liable for any failure of supply or shortage of water or for any defect in the quality of water supplied.

Provision of service.

24. Every consumer shall at his own cost lay down and maintain his own service provided always that the Council may in its discretion upon receipt of an application in writing install a service system upon any prospective consumer's premises. The estimated cost of such system shall be paid for in advance by the consumer based on an estimate submitted by the manager before the work is commenced, the actual cost to be adjusted on completion of the work and the installation shall not be connected to the Water Supply until such installation has been paid for.

25. (1) Upon receipt of an application in writing the Council shall provide and lay down a connexion pipe from the nearest source of supply to the stopcock situated on or near the boundary of the premises of any consumer at the expense of such consumer and shall thereafter maintain such connexion pipe at the expense of the Council.

Service
connexions:

25. (1) Upon receipt of an application in writing the Council shall provide and lay down a connexion pipe from the nearest source of supply to the stopcock situated on or near the boundary of the premises of any consumer at the expense of such consumer and shall thereafter maintain such connexion pipe at the expense of the Council.

(2) The sum payable by the consumer for such connexion pipe shall be fixed according to the tariff in the Second Schedule to these By-laws and any amount payable thereunder shall be deposited with the Council in advance by such consumer.

26. Any person who injures or in any way interferes with any main, connecting pipe, stopcock, meter, instrument or valve of any kind whatsoever or water treatment on supply apparatus, buildings, fire hydrants or storage tanks incorporated in the Water Supply system, without the written permission of the Council, shall be guilty of an offence.

An authorized
connexion.

27. No person shall cause or suffer any newly laid service pipe to be covered in the course of the installation or alteration of a service unless such pipe has been examined and approved by the manager and any person who contravenes this by-law shall be guilty of an offence.

Covering of
service:

28. No person shall connect or cause any service to be connected with the main or for any additional fitting to be connected with an existing service which is already connected with the main unless such service and additional fittings have been inspected by the manager and a certificate of approval obtained and any person who contravenes this by-law shall be guilty of an offence.

Inspection.

29. A consumer shall provide at his standpipe (if any) a concrete basin and, for the disposal of all waste water from the connexion, a drain provided with a suitably trapped gully as required by the medical officer of water until such works have been completed and approved by the medical officer of health.

Concrete basin.

30. No consumer shall install or have installed a service connexion with materials which in the opinion of the manager are unfit for the purpose and which in his opinion would give trouble or cause leaks in the supply or in any way endanger, detract from the usefulness of, contaminate or in any other way affect the Water Supply, and any consumer who, when aware of the opinion of the manager, contravenes this by-law shall be guilty of an offence.

Materials to
be used.

31. The diameter of all pipes installed on consumer's premises shall be determined by the manager and any person who installs or causes to be installed any pipe other than of the size approved by the manager shall be guilty of an offence.

Sizes of pipes
to be installed.

Leakage in service connexion.

32. (1) Every consumer shall take immediate steps to repair any leading tap, valve or connexion in his service supply and shall notify the Council immediately if he is for any reason prevented from effecting such repair within twenty-four hours of the occurrence of the defect and failure to take such steps, or alternatively, failure to notify the Council as aforesaid shall constitute an offence.

(2) The Council shall, by the manager, have power to enter the premises and repair any such defect at the expense of the consumer in the event of any delay or failure on his part to effect the repairs.

Cisterns, hot water installation, water closet, filters, scouring and washing plant.

33. (1) No person shall have a connexion made from the water supply to any cistern, hot water installation, water closet, filter, scouring or cleaning plant, or machinery of any description, without the written permission of the Council and such permission shall only be granted when full particulars of capacity and type of cistern, hot water supply, filter, scouring or cleaning plant or other machinery, and the estimated amount of water required to operate the same for twenty-four hours, is submitted together with the application. In any such case the Council reserves the right to install a meter should it deem fit.

(2) Any person who causes a connexion to be made from the Water Supply to any cistern, hot water installation, water closet, filter, scouring or cleaning plant, or machinery of any description, without the written permission of the Council shall be guilty of an offence.

Prohibition to use water.

34. (1) The Council may, with the approval of the Minister, by notice in the Gazette and in any two newspapers circulating in the City, prohibit the use of water from the Water Supply for all or any of the following purposes—

- (a) watering any garden, grounds, or plant;
- (b) supplying fountains;
- (c) washing paths, or pavements;
- (d) washing any vehicle or motor vehicle;
- (e) washing any floor, window or wall;
- (f) the supplying of swimming pools and fish ponds.

(2) Any person who, in contravention of prohibition advertised as aforesaid, uses any water from the Water Supply shall be guilty of an offence.

Removal of water outside the City.

35. Any person who removes for use outside the City any water from any pipe, tap, or cistern installed or maintained by the Council other than—

- (i) with the written permission of the town clerk; or
- (ii) in order to prevent or extinguish a fire, shall be guilty of an offence.

Deposits.

36. (1) A deposit shall be paid to the Council by the consumer before the supply is connected. The amount of the deposit shall be in accordance with the Third Schedule to these By-laws. The deposit shall be refunded to the consumer together with simple interest at the rate of three per centum per annum when the consumer gives notice in writing that the supply is no longer required, provided all accounts due have been paid. The amount of interest due shall be calculated

from the date of the deposit to the date of the cessation of supply and for the purposes of this calculation, cognizance shall only be taken of completed calendar months.

(2) The Council reserves the right to utilize the deposit in order to defray any debts due in the event of the default of the consumer.

37. (1) A consumer who wishes the supply of water to his premises to be discontinued shall give not less than twenty-four hours' notice to the Council.

Notice to
discontinue
supply.

38. Any person who obstructs or interferes with, or aids or encourages any other person to obstruct or interfere with, any inspector in the exercise of any of his duties under these By-laws, or gives false information to any inspector in respect of any matter which he is empowered under these By-laws, to investigate, shall be guilty of an offence.

Interference
with inspector.

39. (1) Any person who is guilty of an offence under these By-laws, shall be liable, on first conviction, to a fine not exceeding five hundred shillings or a term of imprisonment not exceeding two months or to both such fine and such imprisonment or, on second or subsequent conviction, to a fine not exceeding two thousand shillings or a term of imprisonment not exceeding four months or to both such fine and such imprisonment.

Penalties.

(2) In addition, in the case of a continuing breach of any of the provisions of these By-laws, there shall be imposed a fine not exceeding fifty shillings for every day during which the offence continues.

Provided that the maximum of any such fines imposed shall not in the case of any one continuing breach of these By-laws exceed two thousand shillings.

40. By-laws 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463 and 463A of the City of Nairobi (General) By-laws, 1948 are hereby revoked.

G.N. 1083/1949.

FIRST SCHEDULE

(By-law 6)

(a) Premises within the City, subject to the provisions of by-law 13 of these By-laws, a monthly charge payable in arrear on demand to be assessed on the reading of the meter at the rate of—

Six shillings and fifty cents per one thousand gallons or one shilling and forty-three cents per one thousand litres:

Provided that such monthly charge shall not be less than eight shillings.

(b) Premises outside the City, subject to the provisions of by-law 13 of these By-laws, a monthly charge payable in arrear on demand to be assessed on the reading of the meter at the rate of—

Six shillings and fifty cents per one thousand gallons or one shilling and forty-three cents per one thousand litres:

Provided that such monthly charges shall not be less than eight shillings TOGETHER with an additional twenty-five per centum of the monthly bill.

(c) A monthly meter rent payable in arrear on demand of shillings NIL for consumption of up to two thousand five hundred gallons per month or eleven thousand litres per month.

For consumption of over two thousand five hundred gallons per month or eleven thousand litres per month—

Monthly Rent		Inches		CMS		Meter Size	
Sh.							
2	..	..	..	up to ..	..	1½	1-27
3	larger than	..	½	1-27 up to ..	..	1½	1-905
4	..	..	¾	1-905 up to ..	..	1	2-54
8	..	..	1	2-54 .. ..	..	1½	3-81
11	..	..	1½	3-81 .. ..	..	2	5-08
20	..	..	2	5-08 .. ..	..	4	10-16
35	..	..	4	10-16 .. ..	..	6	15-24
—	..	..	6	15-24 .. ..	..	By Agreement	

(d) For turning on water at the request of a consumer whose supply has been turned off or disconnected whether at his own request or under by-law 7 of these By-laws twenty shillings.

(e) For a special reading of a meter taken at the consumer's own request ten shillings.

(f) For testing a meter pursuant to by-law 12 of these By-laws, in cases where it is found that such meter does not show an error of more than five per centum either way twenty shillings.

SECOND SCHEDULE

(By-law 25 (2))

(a) The sum to be deposited shall be assessed upon the basis of the estimated cost.

(b) The consumer shall pay to the Council the difference between the actual cost and the estimated cost of the installation or shall receive a refund from the Council of the difference between the estimated cost and the actual cost of the installation, as the case may be.

THIRD SCHEDULE

(By-law 36 (1))

A deposit of—

- (i) Forty shillings in respect of Eastlands Domestic Council Premises.
- (ii) One hundred shillings in respect of domestic premises other than Eastlands Domestic Council Premises.
- (iii) Two hundred shillings in respect of non-domestic premises.
- (iv) Such sum as may be determined by the Council where large consumption is anticipated.

Made this 4th day of June, 1974.

By Order of the City Council of Nairobi.

J. P. MBOGUA,
Town Clerk.

Approved this 13th day of June, 1974.

J. J. M. NYAGAH,
Minister for Agriculture.