

THE WATERWORKS ORDINANCE

(CAP. 281)

RULES

Made under section 38

THE WATER WORK (WATER SUPPLY) (DESIGNATED AND DECLARED AREAS) RULES, 1997

Citation

1. These Rules may be cited as the Waterworks (Water Supply) (Designated and Declared Areas) Rules, 1997.

Application

2. These Rules shall apply to any area designated and declared to be a Water Supply and Sewerage Authority and the Dar es Salaam Water Supply and Sewerage Authority.

Interpretation

3. In these Rules -

“approved” means approved by the Water Authority;

“authorized officer” means any officer or servant of a Water Authority authorized by the Water Authority;

“Authority” means Water Authority for any Water Supply and Sewerage area under the Waterworks Ordinance, or Dar es Salaam Water Supply and Sewerage Authority, or any person ordered by the Minister under the Waterworks Ordinance, to exercise and perform any of the powers, duties, and functions of a Water Authority for any Water Supply area, and includes any officer or servant of a Water Authority subject to the general authority of the Water Authority;

“consumer” means any person supplied with or intended to be supplied with or using or intending to use the water supply of a Water Authority; “consumer’s service” means any service not being part of a waterworks through which water flows or is intended to flow from a waterworks to any consumer or which is or may be used for the purpose of supplying water to any consumer from a waterworks, and includes a consumer’s pipe, cistern, cock, fittings, and other appliances, but not a meter;

“misuse” in relation to water means any use of water in disobedience to the terms of any notice given under rule 36 of these Rules;

“Ordinance” means the Waterworks Ordinance;

“Waste” in relation to Water means the consumption of water due to any failure on the part of a consumer to comply with any provision of the Ordinance or these Rules which is applicable to consumer’s services.

“Minister” means the Minister responsible for water.

Obedience to Rules

4. These Rules in so far as they may be capable of application to any consumer whether as owner or occupier of premises or services or otherwise shall be obeyed by such consumer, and if made applicable to any person shall be obeyed by every person.

Application for supply

5 (1) No consumer or other person on behalf of a consumer shall commence to lay, alter, remove or extend any consumer’s service unless there has previously been made in writing to the Authority by or on behalf of the consumer an application for supply containing an application for permission to lay, alter, remove, or extend the said service and until the said permission shall have been granted and the place, fittings, and arrangements for laying, removing, altering or extending the said service shall have been approved by the Water Authority.

(2) Applications for supply under this rule shall be made in the form contained in the First Schedule to these Rules.

Agreement for water supply

6. (1) Before any water of the Authority is supplied to a consumer, the latter shall make an application to take the supply accordance to these Rules and upon the terms, conditions and at the charges prescribed and applicable to the purpose for which the water is required and in respect of which the consumer has agreed to pay for the charges.

(2) No supply shall be taken from the waterworks of the Authority unless and until such agreement shall have been signed by the consumer and the performance of the terms and conditions thereof and any matters required by these Rules have been complied with to the satisfaction of the Authority.

Price of water and terms and conditions of supply

7. (1) The water supplied by the Authority shall be charged for and supplied at the price and upon terms and conditions as may, be fixed by the Authority. The adjusted charges shall be published in the Gazette.

(2) Except where it is otherwise provided, the quantity of water registered by a meter as having been supplied to any consumer shall be deemed to be the quantity supplied.

(3) When any consumer is supplied with an unmetered supply of water by the Authority, such consumer shall be charged at a flat rate per month, irrespective of the amount of water consumed, which rate shall be fixed by the Authority.

Use of water

8. The water supplied by the Authority to any consumer shall be used only for the purposes specified in the application for supply, or, in the case of public fountains, for the purposes notified by the Authority.

Restriction of non-domestic purposes

9. (1) The supply of water for purposes other than domestic purposes shall be granted and continued to any consumer conditionally upon the sufficiency of the water supply for domestic purposes.

(2) Wherever the Authority, having regard to the state of the water supply and other water resources in the area and the demands made or likely to be made by the supply for domestic purposes shall deem it expedient to discontinue or otherwise to reduce or restrict the supply to or the taking or use by any consumer of water for non-domestic purposes it shall be entitled to do so with or without notice and without responsibility for loss, inconvenience or injury arising to any person thereby.

(3) It shall be the duty of every person to comply with the terms of any notice which may be given by the Authority under this rule and any disobedience to the terms of the notice shall constitute a breach of these Rules.

(4) Any notice which may be given under this rule may be given by advertisement in the *Gazette* or any local newspaper or by such other means as the Authority may deem sufficient to bring the information to the knowledge of any consumer likely to be affected.

Consumer leaving premises

10. If and whenever any consumer ceases to occupy any premises supplied by or to use the water of the Authority he shall give not less than three days prior notice in writing to the Authority in the form contained in the Second Schedule to these Rules, save that notice may be given by posting to or leaving the same at the local office of the Authority and disconnection shall be at the expense of the consumer.

Public fountains

11. The Authority may supply water to public fountains wherever the Authority shall think fit in any water supply area and shall be entitled to charge for the water so supplied at the prices fixed by the Authority and to control the supply to such public fountains by notifying to the public in any manner it thinks fit any limitation of the hours during which the water shall be available or of the purposes for which it may be used.

Services and connection of services

12. (1) Every consumer's service and the place, fittings and arrangements for connecting any such service with the waterworks shall be approved in writing by the Authority as being in conformity with these Rules and no consumer shall be entitled to a supply of water unless and until every such service and the place, fittings and arrangements for connecting any such service as provided in this rule.

(2) No consumer or other person shall connect or cause to be connected any consumer's service to the waterworks without having obtained the approval in writing of the Authority as is provided under sub-rule (1).

(3) Every consumer requiring a connection or the renewal of any connection with the waterworks shall make application thereof to the Authority in the form contained in the Third Schedule to these Rules and shall pay a deposit to the Authority at least two days before the commencement of any work: Provided that the deposit shall be equivalent to the estimate of recoverable expenditure made by the Authority and the Authority shall be entitled to recover from the consumer any excess of actual overestimated recoverable expenditure, and in case the estimate shall exceed the actual expenditure the balance shall be credited to the consumer.

(4) for the purpose of this rule, recoverable expenditure shall include-

- (i) providing and fixing a ferrule on the Authority's mains.
- (ii) providing and fixing a stop valve;
- (iii) cost of excavation and all material required to connect, renew or replace a consumer's service;
- (iv) maintaining surface and permanent reinstatement;
- (v) providing any additional labour and material;
- (vi) departmental charges equivalent to 20 per cent of the total cost of items (i) to (iv).

Nature, quality, fitting and repair of services Prevention of waste

13. (1) Every consumer's service shall be of such nature, quality, size and pattern and shall-

- (a) comply with any specification contained in these Rules and be approved by the Authority; and
- (b) be laid, installed, maintained, repaired, renewed or removed so as to conform with these Rules by and at the expense of the consumer.

(2) No consumer's service shall at any time be in such defective a condition or shall be laid or fixed in such position or manner as to involve damage or obstruction to any service or waste or pollution of water supplied by the Authority.

(3) A consumer shall not be required under and by virtue of sub-rule (1) of this rule to alter or renew any consumer's service lawfully existing and lawful use on any premises or to construct or provide any addition thereto unless and until an authorized officer deems any such service to be in such defective a condition or laid or fixed in the position or manner as to be likely to cause or involve damage or obstruction to any service or waste or pollution of water supplied by the Authority.

(4) For the purposes of this rule an authorized officer may have and every consumer shall permit him to have access to any consumer's premises as is provided for in the Ordinance, and such authorized officer may inspect and test any consumer's service upon the said premises in order to ascertain whether the same conforms with these Rules or is in such condition as to be likely to cause damage, obstruction, waste or pollution of water supplied by the Authority.

(5) If in the opinion of an authorized officer any consumer's service is in such defective a condition or is laid or fixed in such position or manner as to involve damage or obstruction to any service or waste or pollution as aforesaid he may by notice in writing require such consumer to take such measures as are specified in the said notice in order to prevent such damage, obstruction, waste or pollution and conversely, it shall be the duty of the consumer to comply with such notice to the satisfaction of the Authority, and any consumer who fails or neglects to do so shall commit a breach of this rule and may be guilty of wasting or polluting the water of the Authority.

(6) Any notice given under this rule shall be in the form prescribed in the Fourth Schedule to these Rules or substantially to the like effect.

Connection to pipe of authority

14. The connection of every consumer's pipe with any pipe of the Authority shall be made by means of an approved clamp saddle or hard brass ferrule or stop ferrule with union and shall be made so as to have a clear waterway of approved size.

Stop valve

15. Every consumer shall procure to be fitted outside any premises owned or occupied by him a stop valve with an area of waterway not less than of a one and half centimetres pipe and not greater than that of the pipe of the Authority: Provided that the stop valves shall be supplied and fitted at the consumer's expenses and shall be of approved size and every stop valve shall be fitted below the surface of the ground, as close to the boundary wall as practicable, and shall be suitably protected by an approved surface box at the consumer's expense.

Bends in pipes

16. Bends in pipes shall not in any case diminish or alter the bore of the pipes.

Support for pipes

17. Every pipe used in connection with the water of the Authority shall be adequately supported and shall be fixed as far as possible so as to avoid air locks.

Accessibility of pipes

18. Every pipe or fitting within a building shall so far as practicable be so placed as to be readily accessible for examination and repair.

No connection with other water

19. No pipe for the conveyance of or in connection with water supplied by the Authority shall communicate with any pipe, cistern, butt or other receptacle used or capable of being used for the conveyance or reception of any water other than water supplied by the Authority.

No pipe to laid through drain

20. (1) No pipe shall be laid so as to pass into or through any sewer or drain or any manhole connected therewith or into or through any septic tank, refuse pit or ash pit.

(2) No pipe shall be laid or allowed to remain in contact with any foul soil or with any injurious material: Provided that if the laying of such pipe through foul soil cannot be avoided such pipe may be so laid if it is sufficiently protected from contact with soil either by being carried through an exterior tube of approved material or by some other approved suitable means.

Warning pipe

21. (1) Every storage cistern or flushing cistern shall be provided with an overflow or waste pipe so arranged as to act as a warning pipe.

(2) Every warning pipe shall be placed in such a situation as will admit of the discharge of water from such warning pipe outside the building being readily ascertained by an officer of the Authority.

(3) No overflow or waste pipe other than a warning pipe shall be attached to any storage cistern or flushing cistern supplied with water of the Authority and every such overflow or waste pipe not being a warning pipe shall be removed or converted into a warning pipe.

Buried cisterns prohibited

22. No cistern buried or excavated in the ground shall be used for the reception or storage of water supplied by the Authority unless the use such cistern for the said purpose has been previously approved in writing by the Authority.

Cisterns supply to boilers

23. No steam boiler or other hot water apparatus in which water supplied by the Authority is used shall be supplied otherwise than through a cistern and ball tap of approved pattern.

Depth of pipes

24. Every pipe laid in connection with water supplied by the Authority when not beneath a building shall be laid at a depth of not less than 60 cm below the surface of the ground and in the case of any pipe laid under any road, street or pavement or in any other situation where it is exposed to the risk of damage shall be

laid not less than 90 cm below the surface of such road, street or pavement or shall be protected to the satisfaction of the Authority.

Removal of unnecessary services

25. Any consumer's service which is out of use or no longer necessary shall be removed and the service properly sealed by the consumer to the satisfaction of an authorized officer. Should the consumer fail to comply with this rule an authorized officer may enter the premises and execute the necessary work and the expenses thereof shall be recoverable by the Authority from the consumer.

Cistern if required

26. If so required by the Authority, any consumer using or intending to use water supplied by the Authority for other than domestic purposes shall install a cistern for the storage of water to be used for such purposes of such type, capacity and specification as may be approved by the Authority.

Meter rent

27. In addition to the charge for the water used the consumer shall pay such rent for the use of any meter as may be prescribed. All meters shall be provided by the Authority.

Fixing and repair of meters

28. The cost of fixing and connecting any meter with the waterworks, including the requisite valves and other apparatus, shall be paid by the consumer. The meter will be maintained by the Authority in proper repair and good working order, but the cost of repairs thereto necessitated by damage caused by fire, negligence, or defect of any consumer's service shall be paid by the consumer.

Position of meter

29. Every meter shall be placed in such a positions as an authorized officer shall determine in consultation with the owner of the premise and as close as possible to the boundary of the premise and shall be so placed as to be open to open inspection by an authorized officer, who shall be entitled to have free access thereto for any purpose provided for in the Ordinance or these Rules.

Inaccurate meters

30. No meter shall be used or continue to be used for the measurement of water supplied by the Authority if it is found on being inspected and tested by any authorized officer to be inaccurate and that a meter shall be deemed to be inaccurate if any error shown is more than five per centum either way: Provided that a meter so found in error shall be deemed to have acquired that error not more than three months from the date it was reported.

Charging in case of inaccurate meters

31. If from any cause any meter shall cease to indicate correctly the quantity of water passing though it the authority shall estimate the correct registration in any of the following ways.

- (a) by comparison with the quantity of water supplied under similar conditions during some other period; or
- (b) by comparison with the quantity of water supplied after the meter has been restored to proper order; or
- (c) by comparison with the registration of a substitute meter used temporarily in place of the defective meter; or
- (d) by applying a correction factor if the meter is found to have a consistent error of registration; or
- (e) by whatever basis is considered equitable by the Authority, having regard to the circumstances of the case.

Inspection and removal of meters

32. The Authority may, from time to time, by an authorized officer inspect any meter and may remove the same for the purpose of testing the accuracy thereof, or for the examination or repair, or for the purpose of substituting another meter, or in case of the discontinuance of the supply of water.

Meters may be tested

33. Any consumer may require a meter to be tested by the Authority at all reasonable times. If the meter is found to be accurate the consumer shall pay the whole of the expense so incurred. A meter shall be deemed to be accurate if any error shown is less than five per centum either way.

No disturbance of meters

34. No meter shall be moved, disconnected, or in any way altered or interfered with, except by the Authority. When any alteration is necessary or repair required notice to that effect must be given to the Authority.

Suspension of supply

35. Without prejudice to the generality of any power in that regard conferred by the Ordinance or these Rules the Authority may suspend the supply of water without notice either wholly or partly to any consumer in any of the following circumstances-

- (a) in case of the refusal by any consumer of lawful access to any authorized officer or workman bearing the authority of an authorized officer into any premises;
- (b) in case any consumer's service or connection with the waterworks shall not conform with these Rules or be so constructed and used as effectively to prevent waste, or pollution of water;
- (c) in case of any waste, misuse or pollution by any consumer of water supplied by the Authority;
- (d) in case of any insufficiency of the supply of water;
- (e) in case of any repair or readjustment to the waterworks or any meter; and
- (f) in case of any breach by a consumer of any of these Rules.

Prevention of misuse

36. (1) It shall be lawful for the Authority at any time, when it shall deem it necessary and expedient to do so, by notice in the *Gazette* and three consecutive issues of a local newspaper.

- (a) to require consumers to conserve the water supply of the Authority by any measures of whatsoever kind therein directed to be taken; and
- (b) to prohibit or restrict the use of water supplied by the Authority for all or any of the following purposes:-
 - (i) for watering a garden, recreation ground, road or pathway, unless such water has already been reasonably used for any other legitimate purpose;
 - (ii) for washing motor vehicles or any kind of wheeled vehicle;
 - (iii) for washing any other implement, article or thing specified in the said notice.

(2) On the publication of such notice and until the same has been cancelled it shall be the duty of every person to comply with the terms thereof and any person who shall fail to conserve the water of the Authority, shall use or permit to be used any water of the Authority in any way contrary to any prohibition or restriction specified or shall otherwise disobey the terms of the said notice shall commit an offence against these rules and shall be guilty of misusing the water of the Authority.

37. Any person who commits an offence against these Rules, for which no punishment is specially provided under the Ordinance, shall upon conviction be sentenced to pay a fine not exceeding one hundred thousand shillings or to imprisonment to a term not exceeding twelve months or to both.

38. The following Government Notices are hereby revoked-

- (a) No. 254 of 1949,
- (b) No. 478 of 1962,
- (c) No. 113 of 1975.

FIRST SCHEDULE

Rule 5

The waterworks Rules

APPLICATION FOR SUPPLY

To: The.....Water Authority.

(1) I/we.....make application for a supply for water to the under-mentioned premises subject to the Waterworks Rules, and at the charges imposed and fixed by the Water Authority and applicable to the purpose for which the supply is required, and I/we agree to pay for the charges.

FIRST SCHEDULE - (contd.)

(2) I/we apply for permission to lay/remove/alter/extend the services in relation to the water supply at my/our premises.

N.B. - Cross out the words above which do not apply and give full particulars hereunder).

A. Premises:

Address of premises

Description of premises

(residential, business, trade)

No. of water closets

No. of urinals

No. of baths

No. of stand-pipes

No. of wash basins

No. and size of other draw-off

B. Service:

Nature of Service in respect of which application is made

purpose for which water required, stating full particulars of any non-domestic purpose

Name of plumber or Contractor employed to fix pipes, taps and other apparatus.

I undertake not to have the work begun before the consent of the Water Authority is received and to have the work carried out in accordance with the waterworks Rules to the satisfaction of the water Authority. I further undertake to notify the water Authority as soon as the work is complete and to give facilities for its inspection by the Water Authority whose proper charges in connection with the work I undertake to pay in advance.

Signature of Applicant.....

Address (in full).....

Date of Application.....

FolioEntered by.....

FIRST SCHEDULE - (contd.)

C. CERTIFICATE

The Certificate must be signed by the owner of the premises concerned. I certify that I am the owner of the premises referred to in the application and agree that the premises be supplied with water from the waterworks as from

Signature of Owner

Address

SECOND SCHEDULE

(Rule 10)

NOTICE OF DISCONTINUANCE OF WATER SUPPLY

To: TheWater Authority.

I/we hereby give you notice that I/we wish the meter to be removed and the supply cut off at the premises at on .. in accordance with Rule 10 and undertake to pay all your charges for disconnection.

Signature.....

Address.....

.....

Entry in Waterworks Notice Book

Folio.....Entered by

THIRD SCHEDULE

(Rule 12)

The Waterworks Rules

NOTICE OF CONNECTION OR RENEWAL OF CONNECTION TO PREMISES

To: The.....Water Authority

The pipes and fittings in the undermentioned premises are now ready for inspection, and I request to have the necessary connection made with the Waterworks.

Street and No.

Belonging to

Occupied by

No. of houses or description of premises

Purposes for which water is required

THIRD SCHEDULE - (contd.)

Cistern.....No.....Capacity.....

Water Closets.....No.....Hose pipes.....No.....

Standpipes.....No.....

Baths.....No.....Engines.....No

Wash Basins.....No

Urinals.....No

Heating Apparatus.....No

Washing apparatus.....No.....

Diameter and type of pipe.....No.....

Description of Cooks (Maker's name or Trade Mark).....

Description of Taps (Maker's name or Trade Mark).....

Signature.....

Address.....

Examined on the.....day of..... and found to be in accordance with the Rules.

Signed..... Water Supply Inspector.

Entry in Waterworks Notice Book

Folio.....Entered by.....

FOURTH SCHEDULE

(Rule 13)

The Waterworks Rules

To:.....

Sir or Madam,

I hereby give you notice that the services at your premises at.....
(Strike out words not applicable)

are in a defective and/or so laid or fixed as to involve—

- (i) damage or obstruction to pipes, fittings, etc.