

# **THE WATERWORKS ORDINANCE**

(CAP. 281)

## **REGULATIONS**

*Made under section 38*

### **THE WATERWORKS REGULATIONS, 1997**

#### **PART I**

##### **PRELIMINARY**

##### **Citation**

1. These Regulations may be cited as the Waterworks Regulations, 1997 and shall be deemed to have come into operation on the first day of April, 1997.

2. In these Regulations-

“Act” means Waterworks Ordinance;

“Effective date” means.....

“Water Supply and Sewerage Area” means-

- (a) in urban area, the area of jurisdiction of a City Council, a Municipal Council, a Town Council and includes any Urban area other than a village, village settlement or a minor settlement,
- (b) in rural areas, the areas within 400 metres of the existing distribution network.

#### **PART II**

##### **DECLARATION OF A WATER AUTHORITY**

##### **Declaration of Water Supply & Sewerage Authority**

3. (1) Subject to section 3 of the Act, the Minister may designate and declare certain areas to become Water Supply and Sewerage Authority.

(2) The water Authority so declared may be managed as:

- (a) an autonomous body.
- (b) Public Company.
- (c) Private Company.
- (d) Water User Association.
- (e) Cooperative Society.
- (f) Non government Organisation.
- (g) Any other body as approved by the Minister.

(3) The declaration designating and declaring an area to become a Water Supply and Sewerage Authority shall be in a form prescribed in the First Schedule.

#### **PART III**

##### **ESTABLISHING OF AN AUTONOMOUS WATER AUTHORITY**

4. (1) The Water Supply and Sewerage Authority shall be in three categories namely:

- (a) those which can meet all of their direct and indirect costs of operation and maintenance;
- (b) those which can meet costs as in (a) except personal emoluments for permanent employed staff;

(c) those which can meet costs as in (a) except for electricity and personal emoluments for permanent employed staff.

(2) The Authorities failing under category (b) and (c) of subparagraph 1 shall be required to improve their performance to be measured as indicated in the performance evaluation prescribed in the Second Schedule to these Regulations, before they could qualify to category (a).

(3) Because of their continued dependence on government for electricity and personal emoluments the authorities falling under (c) will be subjected to the following:

(i) Have their annual budget endorsed by the Ministry after approval by their Boards.

(ii) If the performance of the Board is unsatisfactory, the appointing authority shall not consider any of the Board Members, including the Chairperson for reappointment.

(iii) The Managing Director shall be under a probation period of one year during which the performance of the Authority shall be evaluated and if not satisfactory the appointing authority shall appointment another person to become the Managing Director.

## **PART IV**

### **ESTABLISHMENT OF BOARD OF AN AUTONOMOUS WATER AUTHORITY**

#### **Establishment**

5. There shall be established to every area designated and declared to be Water Supply and Sewerage Authority, a Board of Directors hereinafter referred to as Board of the Authority which shall, subject to these Regulations, be responsible for the carrying out of the functions and managing the business and affairs of the Authority.

#### **Composition of the Board**

6. The Board shall consists of-

(a) Chairperson who shall be a resident of the municipality, township or locality in question;

(b) representative of the Ministry of Water;

(c) a representative of the regional/district administration;

(d) a Municipal Director or District Executive Director;

(e) a local Councillor;

(f) a Managing Director of the Water Supply and Sewerage Authority who shall be the Secretary to the Board;

(g) a representative of local commercial sector;

(h) a representative of the locally based large scale consumers of water;

(i) a representative of the domestic consumers of water;

(j) a representative of the women.

#### **Functions and powers of the Board**

7. The powers and functions of the Board shall be-

(a) to approve any individual capital work for the purpose of the Authority;

(b) to establish committees from among its members for the purposes of the Authority, and delegate functions to any of those committees;

(c) to consider legislative proposals relating to sewerage and water supply and recommend their enactment to the Minister;

(d) to give directions to the Managing Director;

(e) to approve alterations in water tariffs and other charges made for the services provided by the Urban Water and Sewerage Authority;

(f) to do anything or enter into any transaction which in the opinion of the Board, is calculated to facilitate the proper exercise of the functions of the Authority.

### **Appointment of the Board**

8. The Minister shall upon consultation with the regional administration or local Authority appoint the Chairperson of the Board and members.

### **Deputy to appoint able person**

9. In making appointments of members, the Minister shall have regard to desirability that every person appointed possess such technical qualifications or experience by virtue of his involvement in commerce, industry, agriculture, finance, public services or administration, as would enable that person to make a useful contribution to the deliberations of the Board and to assist it in the furtherance of the functions of the Authority.

### **Vice-Chairperson**

10. The members shall elect one of their number to be the Vice-Chair-person of the Board, and any member so elected shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election, and shall be eligible for re-election.

### **Tenure of appointment**

11. (1) Subject to sub-paragraph (2), a member shall unless his appointment is sooner terminated by the appointing authority or he otherwise ceases to be a member, hold office for a term of three years from the date of his appointment, and shall be eligible for re-appointment.

(2) In the case of a member appointed by virtue of the provisions or paragraph 6 (b) to (d) he shall cease to be a member upon his ceasing to hold office in the institution by which he was recommended for appointment.

(3) Any member, other than a member referred to in sub-paragraph (2), may at any time resign by giving notice in writing to the Minister, and from the date specified in the notice or if no date is so specified, from the date of the receipt of the notice by the Minister, he shall cease to be a member.

### **Absent member to be represented**

12. If a member who is a member by virtue of the provisions of paragraph 6 (b) to (d) is unable for any reason to attend any meeting, he may nominate in writing another person from the institution which recommended him, to attend that meeting in his place.

### **Casual vacancies**

13. Where any member ceases to be a member for any reason before the expiration of his term of office, the appointing authority may appoint another person in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

### **Absent member to cease to be a member**

14. Any member of the Board of his representative as the case may be who absents himself from three consecutive meetings without prior approval of the Chairperson shall cease to become a member of that Board.

### **Meetings of the Board.**

15. (1) The Board shall ordinarily meet for the transaction of its business at the time and at the place determined by it, but shall meet at least one every three months.

(2) The Chairperson, or in his absence, the Vice Chairperson may at any time call a special meeting of the Board, and can also call a special meeting upon a written request by a majority of the members in office.

(3) The Chairperson, or in his absence, the Vice-Chairperson, shall preside at every meeting of the Board. In the absence of both the Chairperson and the Vice-Chairperson the members present shall appoint one of their number to preside at the meeting.

(4) The Chairperson or, in his absence, the Vice-Chairperson, may invite any person who is not a member to participate in the deliberations at any meeting of the Board, but a person so invited shall not be entitled to vote.

### **Quorum**

16. The quorum at any meeting of the Board shall be half of the members in office.

### **Decision of the Board**

17. (1) Questions proposed at a meeting of the Board shall be decided by a majority of the votes present and in the event of an equality of votes the person presiding shall have a second or casting vote in addition to his deliberative vote.

(2) Notwithstanding sub-paragraph (1), under special circumstances a decision may be made by the Board without a meeting by circulation of the relevant papers among the members, and the expression in writing of the views of the majority of the members.

### **Minutes of meetings**

18. (1) The Board shall cause to be recorded and kept minutes of all business conducted at its meetings, and the minutes of each meeting of the Board shall be read and confirmed, or amended and confirmed, at the next meeting of the Board and signed by the person presiding at the meeting. All the pages of the minutes shall be initiated by the person presiding the meeting and the Secretary.

(2) Any minutes purporting to be signed by the person presiding at a meeting of the Board shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.

### **Vacancies not to invalidate proceedings**

19. No act or proceedings of the Board shall be invalid by reason of any vacancy among its members or by any defect in the appointment of any of them.

### **Orders, directions, etc. Quorum**

20. All orders, directions, notices or other documents made or issued by or on behalf of the Board shall be signed by-

(a) the Chairperson; or

(b) the Managing Director, or any other officer or officers of the Authority authorised in writing in that behalf by the Managing Director.

### **Seal of the Authority**

21. The seal of the Authority shall not be affixed to any instrument except in the presence of the Chairperson or the Vice-Chairperson or the Managing Director or some officer of the Authority and at least one other member of the Board.

22. Subject to the provisions of these Regulations, the Board may regulate its own proceedings.

## **PART V**

### **ADMINISTRATIVE AND FINANCIAL PROVISIONS**

#### **Appointment of Managing Director**

23. The Minister shall upon the advice of the Board appoint a suitable person to become the Managing Director.

## **Appointment of Departmental Heads**

24. The Board shall upon advice of and recommendation made by the Managing Director appoint suitable persons, to be the heads of various departments of the Authority.

## **Transfer of employees of the Authority**

25. (1) Every person who, immediately before the commencement of these Regulations, was employed by the previous Water Authority in connection with the administration and provision of water supply and disposal of sewerage in any urban water and Sewerage area in relation to which the Authority becomes the Water Authority shall in relation to that town, apply for employment in the Authority. The Authority shall have the right to accept or reject such application.

(2) After a person becomes an employee of the Authority by virtue of sub-paragraph (1), the terms and conditions of his employment shall not be lesser favourable than those offered by the previous Authority: providing that employment benefits which are due to employees by virtue of being employed by the previous Water Authority shall be paid to such employees by that previous Water Authority or employer.

## **Funds of the Authority**

26. The funds and resources of the Authority shall consist of:

- (a) such sums as may be provided by Parliament for the purposes of the Authority;
- (b) such sums or property which may vest in the Authority under the water ordinance; or any other written law or which may vest in the Authority in any other manner in the performance of its functions.
- (c) any sums which the Authority may receive as fees, rates or charges for water supplied and sewerage disposal or any services rendered by it;
- (d) such donations, grants, bequests and loans as the Board may, from time to time, receive from any person or body of persons.

## **Annual and supplementary budget**

27. (1) Subject to sub-paragraph (2), “financial years in this regulation means any period not exceeding twelve consecutive months designated as the accounting period of the Authority.

(2) The first financial year of the Authority shall commence on the effective date and may be of a period longer or shorter than twelve months.

(3) Not less than two months before the beginning of every financial year (other than the first financial year) the Board shall, at a meeting pass a detailed budget (in this regulation called the “annual budget”) of the amounts respectively-

- (a) expected to be received; and
- (b) expected to be disbursed, by the Authority during that financial year, and whenever circumstances so require, the Board may pass a supplementary budget in any financial year.

(4) For the purpose of sub-paragraph (2) the effective date of the Authority means the date of which the Minister designates and declares an area to area to become a Water Supply and Sewerage Authority.

## **Accounts and Audit**

28. (1) The Board shall cause to be provided and kept proper books of accounts and records with respect to

- (a) the receipt and expenditure of moneys by, and other financial transactions of, the Authority;
- (b) the assets and liabilities of the Authority, and shall cause to be made out for every financial year a balance sheet showing the details of the income and expenditure of the Authority and all its assets and liabilities.

(2) Within six months of the close of every financial year the accounts including the balance sheet of the Authority in respect of that financial year shall be audited by the recognised and reputed auditing firm appointed by the Board.

(3) Every audited balance sheet shall be placed before a meeting of the Board and, if adopted by the Board, shall be endorsed with a certificate indicating that it has been so adopted.

(4) As soon as the accounts of the Authority have been audited, and in any case not later than six months after the close of the financial year, the Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report on that statement made by the auditors.

### **Annual reports**

**29.** (1) The Authority shall cause to be prepared and submitted to the Minister within six months after the close of each financial year an annual report dealing generally with the activities and operations of the Authority during that year. The report shall be accompanied by-

- (a) a copy of the audited accounts of the Authority, together with the auditors' report on the accounts;
- (b) and any other information as the Minister may direct.

(2) The Authority shall also submit to the Minister such other reports on its financial affairs as the Minister may by writing request.

(3) The Minister shall, as soon as practicable after receiving the annual report, lay before the National Assembly, the audited accounts of the Authority together with the auditors report, if any, on the accounts and the annual report of the Authority.

## **PART V**

### **MISCELLANEOUS PROVISIONS**

#### **Board may make regulations**

**30.** (1) In performing administrative and financial duties by the Authority, the Board shall cause to be prepared and approve the following regulations-

- (a) financial regulations;
- (b) stores and purchase regulations;
- (c) staff regulations;
- (d) scheme of service;
- (e) any other matter as the Board may deem necessary.

(2) The regulations made under sub-paragraph (1) may not be published in the *Gazette* but the Board shall bring to the notice of such regulations to all persons or institution likely to be affected by the regulations so made.

#### **Revocation of Government Notices**

**31.** The following Government Notices are hereby revoked-

- (a) No. G.N. 478/62
- (b) No. G.N. 113/75

## **FIRST SCHEDULE**

*Made under Regulation 3(3)*

### **DECLARATION OF WATER SUPPLY AREA**

IN EXERCISE of the powers conferred upon me by section 3 of the Waterworks Ordinance and regulation 3(1) of the Waterworks Regulations, I....., the Minister for Water,  
do hereby declare.....

to be a Water Supply and Sewerage Authority Area effective on.....  
.....day of.....19....  
.....

Dar es Salaam,

Date .....

.....

*Minister for Water*

## **SECOND SCHEDULE**

*Under Regulation 4(2)*

(a) *Qualify of Service:*

- (i) Ratio of average water produced to water demand (minimum 50%).....
- (ii) Average hours of service per day (minimum 6 hours/day).....
- (iii) Ratio of population served to the total population in the water and sewerage Area (minimum 50%).....
- (iv) Water leakage as a percentage of water produced a maximum of 30%.
- (v) Qualify of Water produced:
  - Urban Areas: As per International Drinking Water Supply guidelines.
  - Rural Areas: As per Tanzania temporary standards.
- (vi) Quality of Effluents produced-as per Tanzania effluents standards contained in Water Utilization Control and Regulation (Amendment) No. 10 of 1981.

(b) *Financial assessment:*

- (i) Billing efficiency as a ratio of quantity of Water billed to the quantity of billable water (minimum 80%).....
- (ii) Revenue collection efficiency as a ratio of the amount of revenue collected in the current financial year to the amount of revenue of Water billed (minimum 65%).

(e) any other performance indicators as may be required by the Minister.

**Dar es Salaam,  
21st June, 1997**

**AMBASSADOR DR. PIUS Y. NG'WANDU,  
*Minister for Water***