

THE WATER ACT.

Statutory Instrument 152—2.

The Water (Water Supply) Regulations.

Arrangement of Regulations.

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THE WATER ACT.

Statutory Instrument 152—2.

The Water (Water Supply) Regulations. *(Under section 107 of the Act.)*

PART I—PRELIMINARY.

1. Citation.

These Regulations may be cited as the Water Supply Regulations.

2. Application.

These Regulations shall apply to a water supply area.

3. Interpretation.

In these Regulations, unless the context otherwise requires—

- (a) “Act” means the Water Act;
- (b) “authorised officer” means a person acting on behalf of a water authority;
- (c) “water authority” means a water authority established under section 46 of the Act; and
- (d) “water supply area” means an area declared as such under section 45 of the Act.

PART II—CONNECTION OF LAND TO WATER SUPPLY WORKS.

Division 1—Connections directed by an authority.

4. Connection of land to water supply at the request of a water authority.

(1) If a water authority exercises the powers conferred upon it by section 56 of the Act, any landowner who is served a notice in accordance with that section may—

- (a) prepare and submit plans for the works in accordance with regulation 9 of these Regulations;

- (b) request the water authority to carry out the works and pay to the water authority a reasonable amount of money for doing the work; or
- (c) apply to the Minister for exemption from the requirement of the water authority, in which case that landowner shall give reasons why he or she should be exempted.

(2) Where a landowner opts to request a water authority to carry out works under subregulation (1)(b) of this regulation, the water authority shall carry out the works within a specified period and upon payment of a reasonable amount of money for the work by the landlord.

(3) Where a landowner applies to the Minister for an exemption under subregulation (1)(c) of this regulation, a water authority shall not act on the matter until the authority is notified of the Minister's decision.

(4) The Minister shall, within fourteen days from the date of receipt of an application referred to under subregulation (1)(c) of this regulation, consider the application and communicate his or her decision to a water authority.

5. Connection of land to water supply works by a water authority.

(1) If a water authority wishes to connect any land, in its area, to its water supply works, the water authority shall—

- (a) give to a landowner reasonable notice of the works proposed to be carried out on the land;
- (b) carry out the proposed works subject to subregulations (2) and (3) of this regulation; and
- (c) recover from the landowner for the work done and services rendered the relevant charges determined by the authority.

(2) Where a landowner is unable to pay for the connection as required under subregulation (1) of this regulation, the landowner may apply to the Minister for an exemption.

(3) The Minister shall, within fourteen days from the date of receipt of the application referred to in subregulation (2) of this regulation, consider the application and communicate his or her decision to the landowner and the water authority.

- (4) Where the Minister exempts a landowner under subregulation (3) of this regulation, the water authority may—
 - (a) cancel or postpone the proposed works; or
 - (b) carry out the proposed works after making such alternative arrangements with respect to charges as may be agreed upon by the water authority and the landowner.

6. Combined connections.

(1) A water authority may, under section 56(3) of the Act, require a group of landowners to connect their land to a water supply works by a combined connection if it appears to the water authority that contiguous buildings, adjacent buildings or land may be connected to the water supply works more economically or advantageously in combination than separately.

(2) If it is necessary as part of a combined connection, for a connection to cross private land, the respective landowners may construct and maintain the connection upon such terms and conditions as may be agreed upon by the landowners and approved by the water authority.

(3) A water authority may, where the landowners referred to in subregulation (2) of this regulation are unable to agree on the terms and conditions—

- (a) construct and maintain the connection; and
- (b) carry out any other work it considers necessary to provide and maintain the connection to the water supply works.

(4) After the water authority has constructed a connection under subregulation (3) of this regulation, it may apportion the costs and expenses of construction and maintenance of the connection among the landowners in such manner as is just and reasonable.

Division 2—Connections made at the request of landowners.

7. Construction, etc. of buildings in a water supply area without approval prohibited.

(1) No person shall construct or reconstruct a building in a water supply area unless that person installs a water connection, private water pipe and other connected fittings.

(2) Before a person referred to in subregulation (1) of this regulation constructs or reconstructs a building in a water supply area, he or she shall first submit the building plans to a water authority for approval of the plans.

(3) No person shall carry out any installation referred to in subregulation (1) of this regulation without first obtaining the written consent of the water authority.

(4) Any work in respect of which the consent of a water authority is required shall be carried out in accordance with the code of workmanship made under section 70 of the Act.

8. Application to install connection, etc.

(1) A person who wishes to install a water connection, private water pipe, or connected fittings or to connect to the water supply works of a water authority may apply in the prescribed form to a water authority for the consent referred to in regulation 7(3) of these Regulations.

(2) The application referred to in subregulation (1) of this regulation shall be in the form set out in the Schedule to these Regulations and be accompanied by the application and installation fees determined by the relevant water authority.

9. Plans to be lodged with the water authority.

(1) A water authority may require a person who makes an application to the water authority under regulation 8 of these Regulations, or who is directed under regulation 4 of these Regulations, to connect any land to the works of the water authority to lodge with the water authority two copies of plans of plumbing and drainage on the land within one month or such longer period as the water authority may allow.

(2) A copy of the plan referred to under subregulation (1) of this regulation shall be signed by the applicant and be certified by the person who prepared the plan.

(3) Any plan lodged with a water authority under this regulation shall conform to the following—

- (a) it shall contain a site plan of existing or proposed buildings on the land;

- (b) it shall contain a description of the boundaries of the applicant's land;
- (c) it shall indicate the location of any adjoining roads;
- (d) it shall show the position, level and dimensions as appropriate, of—
 - (i) any existing or proposed sewer or connected fittings;
 - (ii) any kitchen, bathroom, rainwater channel, proposed water supply pipe or drainage pipe;
 - (iii) any sink or proposed sink, gully, inspection chamber, manhole and appurtenant work on the land;
 - (iv) any connection or proposed connection to the water authority's sewer;
 - (v) the proposed location of the connection to the water authority's main and of any meter;
- (e) it shall show the nature and location of any pavements or exposed surfaces;
- (f) it shall show the diameter and gradient of any proposed pipes and functions and the levels of any points which may be necessary to determine the gradient;
- (g) it shall show the proposed method by which any connection to the water authority's main is to be made;
- (h) each plan shall be drawn or printed at a scale, and on a paper or cloth, of suitable dimensions to the satisfaction of the water authority; and
- (i) it shall comply with such other requirements as the water authority may prescribe.

10. Examination of plans.

A plan referred to under regulation 9 of these Regulations, shall be examined and verified by an authorised officer who may make such alterations or corrections to the plan as are necessary.

11. Approval of plans, etc.

- (1) A water authority may—
 - (a) approve any plan verified under regulation 10 of these Regulations; or
 - (b) consent to any application made under these Regulations, upon such conditions as are necessary.

(2) Where the water authority approves any plan under subregulation (1) of this regulation, it shall return a copy to the applicant and retain a copy for its use.

(3) Except as provided in subregulation (4) of this regulation, work described in any plan approved by the water authority shall be executed in accordance with the plan.

(4) An authorised officer may, in writing, consent to any proposed deviation from the plan approved by the water authority.

(5) Where an authorised officer consents to a proposed deviation from the plan, he or she shall clearly mark the proposed deviation and his or her initials on the copy of the plan kept by the applicant and the one kept by the water authority.

(6) Where the water authority refuses to approve any plan or to give consent to any application under subregulation (1) of this regulation, it shall—

- (a) return all copies of the plan or application to the applicant;
- (b) inform the applicant, in writing, of the reasons for its decision; and
- (c) return to the applicant any connection fee paid by the applicant.

12. Costs of work undertaken by a water authority.

(1) A water authority shall not, where as a condition for its consent the water authority has to carry out some or all the work, commence that work unless the applicant pays it the minimum connection fee specified in the tariff structure as predetermined by the authority, with the approval of the Minister, in respect to that work or the authorised officer's estimated cost of executing the work.

(2) In case the actual cost of doing the work exceeds the estimated cost paid to the water authority under subregulation (1) of this regulation, the applicant shall, after the work is completed, pay to the water authority the balance of the actual cost of the work.

(3) In case the actual cost of doing the work is less than the estimated cost paid to the water authority under subregulation (1) of this regulation, the water authority shall credit the difference to the applicant's account with the

water authority.

13. Security deposit.

(1) A water authority may require a landowner whose land is, at the coming into force of these Regulations, connected to a main of the water authority to deposit with the water authority a security determined by the authority.

(2) Where there is any doubt in respect of the type of security deposit that has to be deposited in respect of any land, an authorised officer shall determine the matter.

(3) The security deposit referred to under subregulation (1) of this regulation shall be refunded when the supply agreement is terminated, or the water supply is disconnected or restricted under section 82 of the Act; except that the water authority may deduct from the security deposit—

- (a) any outstanding charges for water supplied; and
- (b) any other outstanding charges, fees and interest payable to the water authority or penalties.

14. Provision of technical information.

A water authority shall keep plans showing the location and details of all mains and sewers in the area of the water authority at its office, which plans and information shall be made available for inspection by the public free of charge.

15. Duty to provide water connection.

A water authority shall, whenever it requires a person to connect land to a main under regulation 4 of these Regulations or consents to an application made under regulation 8 of these Regulations, ensure that the water connection is made to the relevant land.

16. Execution of works without approval prohibited.

(1) No person shall construct a water connection, private water pipe or connected fittings without written approval of a water authority.

(2) Any construction of work referred to in subregulation (1) of this

regulation shall be carried out in accordance with—

- (a) any conditions attached to the water authority's approval of the plans;
- (b) the code of workmanship made under section 70 of the Act; and
- (c) any technical specifications prescribed by the water authority.

(3) The applicant shall inform, in writing, the water authority of the proposed commencement date of any work referred to in subregulation (1) of this regulation.

17. Inspection of works.

(1) The applicant shall, before any work executed in accordance with regulation 16 of these Regulations is concealed, apply to the water authority to inspect the work.

(2) The application referred to in subregulation (1) of this regulation shall be in the form set out in the Schedule to these Regulations.

(3) An authorised officer shall, within two days from the date of receipt of notice by the water authority, inspect and test the work.

- (4) Where the authorised officer finds that there has been—
 - (a) any unauthorised deviation from the approved plans;
 - (b) any failure to observe a condition attached to any approval or consent; or
 - (c) any departure from the technical specifications or the code of workmanship,

the applicant shall execute such alterations to the work as the authorised officer may direct before the works can be concealed.

- (5) Where a person—
 - (a) fails to apply to the water authority in accordance with subregulation (1) of this regulation; or
 - (b) conceals any work after applying to the water authority but before inspection and testing is carried out,

that person shall, at the request of the authorised officer and at his or her own expense, immediately uncover the work.

(6) Where an authorised officer inspects, tests and approves any work under this regulation, he or she shall immediately issue a certificate of

completion to the applicant, and the applicant shall thereafter conceal or cover the work.

18. Extension of water authority works.

(1) A landowner who owns land which is not supplied with water from the existing works of the water authority, within a water supply area, may apply to the water authority to extend its works in order to supply the water to that land.

(2) An application made under subregulation (1) of this regulation shall include such information and be in such form as the water authority may require.

(3) The water authority may extend its works on such terms and conditions as are necessary.

PART III—METERING.

19. Installation of water meters.

- (1) No water meter shall be installed under section 58(1) of the Act—
- (a) unless it has been tested and found to be accurate; and
 - (b) unless, wherever it is practicable, an authorised officer has consulted the landowner about the proposed location of the meter.

(2) The authorised officer shall, subject to subregulation (1) of this regulation, install the meter in a convenient and accessible location close to the boundary of the land nearest to the main.

20. Charges for water meters.

(1) Except as provided in subregulation (2) of this regulation, a landowner with land upon which a meter is installed shall pay to a water authority for installing the meter, the relevant fee determined by the water authority.

(2) A water authority shall not, on the coming into force of these Regulations, impose any fee in respect to any meter installed on land to which water is supplied from the main.

(3) A person who wishes to have a meter removed or the position of the meter altered shall pay to the water authority the fee determined by the authority or the actual cost of removing or altering the meter.

(4) A person who wishes to have a meter tested pursuant to section 59(2) of the Act shall pay to the water authority the fee determined by the water authority.

(5) The water authority may remit any fee referred to in subregulation (4) of this regulation if, in the opinion of an authorised officer, its payment may cause undue hardship to the person required to pay the charge.

21. Estimating water supplied.

(1) A water authority may estimate the amount of water supplied through a water meter in a given month if—

- (a) the water authority, due to reasons beyond its control, is unable to arrange for a water meter to be read in any month; or
- (b) any water meter—
 - (i) becomes defective;
 - (ii) registers incorrectly;
 - (iii) is tampered with;
 - (iv) is damaged; or
 - (v) is removed from a water service pipe.

(2) The water authority shall, in estimating the amount of water supplied in accordance with subregulation (1) of this regulation, carry out the estimate in any of the following ways—

- (a) by comparing the quantity of water supplied under similar conditions during some other period;
- (b) by comparing the quantity of water supplied after the meter has been restored to proper order;
- (c) by comparing the registration of a temporary meter installed in place of the defective meter;
- (d) by applying a correction factor, if the meter is found to have a consistent error of registration.

(3) The water authority shall not impose a charge for water based on an estimate under subregulation (1) of this regulation for more than two months.

PART IV—TEMPORARY SUPPLIES.

22. Temporary supply of water.

(1) A person who wishes to be supplied with water to any land for the purpose of constructing any building or other works may apply to the water authority.

(2) The application referred to under subregulation (1) of this regulation shall be—

- (a) in the form set out in the Schedule to these Regulations; and
- (b) accompanied by the relevant application and connection fees determined by the authority.

(3) The water authority may approve the application referred to under subregulation (1) of this regulation upon such conditions as are necessary.

(4) Where the authority approves an application under subregulation (3) of this regulation, the applicant shall deposit with the authority such amount of money as may be determined by the authority.

(5) The authority shall, after deducting any outstanding charge, refund the balance of the deposit referred to under subregulation (4) of this regulation to the applicant.

PART V—INTERRUPTIONS TO SUPPLY.

23. Temporary interruption of water supply.

(1) A water authority may, at any time and for such period as it thinks fit, interrupt a supply of water to any land when it is expedient to do so in order to—

- (a) comply with any restriction, prohibition or regulation imposed in that water supply area under section 61 of the Act;
- (b) install, maintain or repair any works;
- (c) make any connection to or disconnection from the authority's works; or
- (d) prevent the waste of water.

(2) The water authority shall, before interrupting a supply of water

under subregulation (1) of this regulation, give adequate notice of the likely duration of the interruption to the consumers who are to be affected by the interruption.

(3) A notice issued under subregulation (2) of this regulation may be published—

- (a) in a newspaper circulating in the area to which the notice relates;
- (b) by radio, television or mobile loud speaker in the area to which the notice relates.

24. Payment of outstanding dues.

A water authority shall not, whenever a water supply has been disconnected or restricted under section 82 of the Act, restore the water supply until—

- (a) it is paid any outstanding rates, charges, fees, interest or penalties payable in respect of any water or sewerage services supplied;
- (b) it is paid the reconnection fee specified in the tariff structure as predetermined by the authority, with the approval of the Minister;
- (c) any security deposit specified in the tariff structure as predetermined by the authority, with the approval of the Minister, is deposited with the authority; or
- (d) the landowner or occupier of land has reached agreement with the authority for the future payment of any of the monies specified in this regulation.

25. Temporary disconnection of water.

(1) A person seeking temporary disconnection of a water supply to any land shall give a water authority at least seven days' notice in writing indicating the date upon which the disconnection and reconnection is required.

(2) The authority may require the applicant to pay the cost of disconnecting and reconnecting the water supply from and to the land, as estimated by an authorised officer before the water supply is reconnected to the land.

PART VI—WASTE OR MISUSE OF WATER.

26. Misuse of water prohibited.

No person shall cause any private water pipe or connected fittings to be out of repair, or to be used or contrived so that—

- (a) water supplied by a water authority is likely to be wasted, misused or unduly consumed; or
- (b) any water contained in any main or other works of a water authority or pipe connected to it is likely to be polluted.

27. Unauthorised use of water prohibited.

(1) No person shall take or use water from a main or other works of a water authority except in accordance with the Act and these Regulations.

(2) A person who reconnects or restores the supply of water which had been disconnected or restricted pursuant to section 82 of the Act without the consent of a water authority shall pay to the authority a sum equivalent to double the amount of water charges which would be payable in respect of the class of land concerned for unmetered supply.

(3) A person who contravenes subregulation (1) of this regulation commits an offence and is liable upon conviction to a fine not exceeding five hundred thousand shillings.

PART VII—CHARGES.

28. Charges for water supply.

- (1) A landowner or occupier of land within a water supply area—
 - (a) which land is connected to a water authority's water supply, shall pay to the authority the relevant charge determined by the authority;
 - (b) which land is supplied with water by a water authority, shall pay to the water authority the relevant charges determined by the authority,

within fourteen days from the date of receipt of notice from the water authority.

(2) A water authority may determine how any land is to be classified for the purposes of charges determined by the authority.

29. Penalty payable on overdue accounts.

Where a charge remains outstanding for more than thirty days from the date specified in the bill, the person liable to pay the charge shall, in addition to the payment of the charge, pay a penalty of 10 percent of the outstanding amount.

30. Recovery of administrative expenses.

If a person issues a cheque to a water authority in payment of any charges under these Regulations and that cheque is dishonoured, the water authority shall recover the amount due from the drawer plus such sum as the authority may specify to cover bank charges and administrative costs incurred by the authority.

Schedule.

regs. 8(2), 17(2), 22.

Forms.

reg. 8(2).

Form A.

Application to Connect Residential Premises.

Official use only: Application No. _____ Date received _____

Complete this form if you want to connect a house or apartment to a water authority's supply, or to change a temporary supply to a permanent one.

Address of house _____

Name of occupier _____

Name of owner _____

Address of owner _____

Do you want:

_____ a new connection?

_____ to convert a temporary connection to a permanent one?

Signed by Applicant Date

Signed by Owner Date

(Make sure that the owner signs this form.)

When you have completed this form you must attach cash or a cheque of _____ shillings to process the application and make the connection and send it to:

(Authority's name)

(Authority's address)

No connection will be made until the plumbing has been inspected and approved by the authority.

If the building is new, the authority may require you to submit two copies of plans, clearly showing the location, gradients and depths of all water pipes, building sewers and connected fittings.

Form B.
Application to Connect Industrial Premises.

Official use only: Application No. _____ Date received _____

Complete this form if you want to connect industrial premises to a water authority's supply or to change a temporary supply to a permanent one.

1. Premises to be connected—

Type of premises	
Type of industry	
Address of premises	

Do you want:

_____ a new connection?

_____ to convert a temporary connection to a permanent one?

2. Details of use—

How many people will work on the premises?	
How much water will you want each day?	
What will be the maximum rate of flow you will need?	
Other relevant information	

3. Names and addresses—

Name of occupier	
Name of owner	
Address of owner	

4. Name and address for correspondence—

Name	
Address	

5. Who accepts responsibility for paying water charges?

Name	
Address	

(This person or an authorised representative must sign this form.)

Signed by Applicant

Date

Signed by Owner

Date

Signed by Person Responsible for Payment

Date

When you have completed this form, you must attach cash or a cheque of _____ shillings to process the application and make the connection, and send it to:

(Authority's name)

(Authority's address)

No connection will be made until the plumbing had been inspected and approved by the authority.

If the building has been newly constructed, the authority may require you to submit two copies of plans, clearly showing the location, gradients and depth of all pipes, building sewers and connected fittings.

Form C.
Application to Connect Commercial Premises.

Official use only: Application No. _____ Date received _____

Complete this form if you want to connect commercial premises to a water authority's supply or to change a temporary supply to a permanent one.

1. Premises to be connected—

Type of premises	
Type of business	
Address of premises	

Do you want:

_____ a new connection?

_____ to convert a temporary connection to a permanent one?

2. Details of use—

How many people will work on the premises?	
How many people will live on the premises?	
How much water will you want each day?	
What will be the maximum rate of flow you will need?	
Other relevant information	

3. Names and addresses—

Name of occupier	
Name of owner	

Address of owner	
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4. Name and address for correspondence—

Name	
Address	

5. Who accepts responsibility for paying water charges?

Name	
Address	

(This person or an authorised representative must sign this form.)

Signed by Applicant	Date
Signed by Owner	Date
Signed by Person Responsible for Payment	Date

When you have completed this form, you must attach cash or a cheque of _____ shillings to process the application and make the connection and send it to:

(Authority's name)
(Authority's address)

No connection will be made until the plumbing had been inspected and approved by the authority.

If the building has been newly constructed, the authority may require you to submit two copies of plans, clearly showing the location, gradients and depth of all pipes, building sewers and connected fittings.

Form D.
Application for a Temporary Supply.

Official use only: Application No. _____ Date received _____

Complete this form if you want to connect land temporarily to a water authority's supply for construction purposes.

1. Land to be connected—

Address of land	
For how long will you require a temporary supply?	

2. Names and addresses—

Name of owner	
Address of owner	
Name of builder	
Address of builder	

3. Name and address for correspondence—

Name	
Address	

4. Who accepts responsibility for paying water charges?

Name	
Address	

(This person or an authorised representative must sign this form.)

Signed by Applicant

Date

Signed by Owner

Date

Signed by Person Responsible
for Payment

Date

When you have completed this form you must attach cash or a cheque of _____ shillings to cover the cost of processing the application, making the connection, and a security deposit for the water meter, and send them to:

(Authority's name)

(Authority's address)

Before any water is supplied to the land you must also pay a deposit equivalent to approximately one month's water charges. The water authority will advise you of this amount.

Form E.
Application for Plumbing Inspection.

Official use only: Application No. _____ Date received _____

Complete this form if you want plumbing to be inspected. A water authority cannot connect land to a supply until plumbing has been inspected.

1. Premises to be inspected—

Address of premises _____

Are the premises—

- _____ a house
_____ small commercial premises
_____ an apartment block
_____ large commercial premises
_____ industrial premises
_____ other (*please describe*)

2. Names and addresses

Name of occupier/ constructor	
Name of owner	
Address of owner	

3. Name and address for correspondence—

Name	
Address	

Signed by Applicant

Date

When you have completed this form you must attach cash or a cheque of _____ shillings to cover the cost of inspection and send it to:

(*Authority's name*)

(Authority's address)

History: S.I. 7/1999.
