



UGANDA GOVERNMENT

THE WATER BOARDS ACT.

CHAPTER 138.

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## CHAPTER 138.

## THE WATER BOARDS ACT.

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## CHAPTER 138.

## THE WATER BOARDS ACT.

[6TH FEBRUARY, 1958.]

Ord. 3  
of 1958.  
Act 15  
of 1965.  
L.Ns.—  
67 of 1962.  
224 of 1962.

Short title.  
Cap. 15.

Interpreta-  
tion.

Cap. 137.

Cap. 29.

An Act To Make Provision For The Establishment Of  
Water Boards And For Matters Incidental Thereto And  
Connected Therewith.

1. [Omitted—Acts of Parliament Act, section 12.]
2. In this Act, unless the context otherwise requires—
  - “board” means a water board appointed under the provisions of section 3 of this Act;
  - “defined area” means an area prescribed as a defined area under the provisions of section 3 of the Waterworks Act;
  - “financial year” means in relation to any board such period of twelve months as the Minister may by statutory instrument appoint for such board;
  - “occupier” has the same meaning as in the Waterworks Act;
  - “owner” has the same meaning as in the Waterworks Act;
  - “valuation officer” means a person appointed to be a valuation officer under the provisions of section 11 of this Act;
  - “valuation roll” means the valuation roll, as amended by any supplementary valuation roll, in force under the Local Government (Rating) Act when any rate levied under the provisions of section 15 of this Act is due;
  - “value of improvements” means the value of improvements as shown on the valuation roll or assessed in accordance with the provisions of section 11 of this Act;
  - “Water Authority” has the same meaning as in the Waterworks Act;
  - “waterworks” has the same meaning as in the Waterworks Act.

3. (1) The Minister may by statutory order appoint a water board for any defined area, and may by such order specify the corporate name by which the board is to be known.

Appoint-  
ment of  
water  
boards.

(2) Every board so appointed shall be deemed to be the Water Authority appointed under section 4 of the Waterworks Act for the defined area in respect of which it is appointed, and shall have all the powers conferred on a Water Authority by such Act save as the same are herein modified or extended.

Amended  
L.N. 224  
of 1962.

(3) Every board so appointed shall be constituted in accordance with the provisions of this Act, and the provisions of this Act shall apply to every such board.

4. (1) A board shall consist of such number of members as the Minister may appoint. At least one member so appointed shall be representative of local government interests within the defined area for which the board is appointed. The members of a board shall hold office for such period and subject to such conditions including remuneration as the Minister may direct.

Constitu-  
tion of  
boards.

Amended  
L.N. 224  
of 1962.

(2) The Minister shall appoint a member of the board to be chairman of the board.

(3) The chairman shall preside at all meetings of the board at which he is present.

(4) A board shall appoint a member of the board to be deputy chairman of the board, and in the absence of the chairman the deputy chairman shall preside at meetings of the board.

(5) In the absence of both the chairman and deputy chairman from any meeting of a board, the members of the board who are present shall elect one of their number to preside at the meeting.

(6) The deputy chairman or the member of the board elected to preside under subsection (5) of this section shall, when presiding at a meeting, have all the powers and be charged with all the duties of the chairman of the board.

(7) The chairman of a board shall have a casting as well as a deliberate vote.

5. All acts, matters and things authorised or required by this Act to be done by a board and all questions that may come before a board shall be done and decided by the majority

Power of  
majority  
and quorum  
of boards.

of the members present at any meeting at which there are present not less than one-third of the members.

Boards to  
be bodies  
corporate.

6. (1) A board shall be a body corporate with perpetual succession and a common seal, with power to enter into contracts, to borrow and lend money, to acquire and to dispose of land and other property, and to sue or be sued, and to perform such other acts as bodies corporate may by law perform.

(2) The seal of a board shall be authenticated by the signature of the chairman or any member of the board authorised to act in that behalf.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of a board may be signed by or signified under the hand of the chairman or any member of the board authorised in that behalf.

Functions  
and duties  
of boards.

7. The functions and duties of a board shall be to take over the waterworks of any Water Authority replaced by such board, to manage, maintain, extend and alter such waterworks and to manage and distribute a supply of clean and wholesome water therefrom.

Revenues  
of boards.

8. The revenues of a board shall consist of—

Amended  
L.Ns.—  
67 of 1962.  
224 of 1962.

- (a) all rates levied under the Waterworks Act in respect of the defined area for which any such board is appointed and all rates levied by the board under this Act;
- (b) all fees, charges, dues and rents recoverable by the board or to which the board is entitled under this Act or any other written law;
- (c) all charges or profits arising from any trade, service or undertaking carried on by the board under the powers vested in it;
- (d) interest on moneys invested by the board except where other provision is made in regard thereto under this Act or any other written law;
- (e) all revenues accruing to the board from the Government as contributions, grants-in-aid, endowment or otherwise;
- (f) such other revenues as the Minister may with the approval of the National Assembly signified by resolution declare to be revenues for the purposes of this section.

9. With effect from the date of publication of the statutory order appointing a board under section 3 of this Act any property or rights in property used or enjoyed by a Water Authority replaced by such board shall vest in the board, and the Minister may transfer to it any other property which he considers to be necessary for the proper functioning of the board.

Property of  
Water  
Authority  
to vest in  
board.

Amended  
L.N. 224  
of 1962.

10. Without prejudice to the generality of the powers conferred by sections 6 and 7 of this Act and in addition to the powers conferred on a Water Authority by the Waterworks Act, a board may—

Powers of  
boards.

- (a) appoint and employ such persons as it may deem requisite, pay them such remuneration and allowances as it may deem fit, grant them such leave as it may deem fit and dismiss them:

Provided that the appointments of the Secretary, the Treasurer and the Chief Water Engineer and the terms and conditions of such appointments shall in all respects be subject to the approval of the Minister and none of such officers shall be dismissed from the office held by him without the consent of the Minister;

- (b) provide for, or join with other authorities in providing for persons in its employ or their dependants, by means of insurance with an insurance company or a pension or provident fund or otherwise, pecuniary benefits upon retirement, death, or termination of service, or in the event of sickness or injury;
- (c) insure with any company or person against any losses, damages, risks, or liabilities which the board may incur;
- (d) carry on all such activities as may appear to it requisite, advantageous or convenient for or in connection with the exercise and performance of its powers, functions and duties;
- (e) appoint agents, with the approval of the Minister, to collect all or any of the revenues of the board; any agent so appointed shall be deemed to be a collector appointed under the provisions of section 20 of the Waterworks Act

(the last line is half missing)

Appoint-  
ment of  
valuation  
officer and  
valuation of  
premises.  
Cap. 29.

11. (1) A board may appoint a person approved by the Minister to be a valuation officer for the purposes of this Act.

(2) A valuation officer so appointed shall from time to time as may be deemed expedient by the board assess in the manner provided by the Local Government (Rating) Act the value of improvements of any premises to which water is supplied by the board and which are—

- (a) not separately shown on the valuation roll; or
- (b) for any reason not included in the valuation; or
- (c) situated outside an area to which such Act applies.

Appeal  
from  
assessment  
of valuation.

12. Any person aggrieved by the assessment of a valuation officer made under section 11 of this Act may, within one month after notification of such assessment, appeal to the Minister.

Rates  
payable  
pending  
appeal.

13. Any rate levied by a board shall become due and payable upon the day fixed under the provisions of this Act notwithstanding that an appeal is pending from the assessment of a valuation officer, or from the decision of a Valuation Court under the provisions of the Local Government (Rating) Act, and should such appeal result subsequent to the date of the payment of such rate in alteration of the valuation, either by way of increase or decrease, the board shall collect or refund the difference, as the case may be, without interest.

Valuation  
officer to  
have power  
of entry  
and inspec-  
tion.

14. (1) A valuation officer provided with written authority signed by the chairman or deputy chairman of a board shall in respect of any premises he is required to value under the provisions of this Act have the same powers as a valuer under the provisions of section 9 of the Local Government (Rating) Act.

(2) Any person who, within thirty days after being called upon so to do, neglects to furnish to a valuation officer any particulars required by such valuation officer, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings.

(3) Any person who—

- (a) wilfully obstructs a valuation officer in the exercise of the powers conferred on him under this section; or
- (b) furnishes a false statement of value or of any other  
particulars

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings.

15. Notwithstanding anything contained in the Waterworks Act, a board at its option may by statutory order—

Boards may levy rates and impose charges.

- (a) direct that a rate of such amount as the board with the approval of the Minister may determine shall be levied on the value of improvements in respect of any premises or class of premises in substitution for the rates and charges prescribed by the Waterworks Act:

Cap. 137.

Provided that such rate shall not exceed ten cents for each twenty shillings of the value of improvements for each and every financial year without the consent of the Minister;

- (b) direct that in respect of any premises or class of premises or in respect of any specified use of water, the charges for water supplied shall be assessed on consumption as registered by a meter, and in such order may prescribe—

- (i) the charges to be made in respect of any such premises or class of premises or specified use of water:

Provided that such charges shall not exceed <sup>six</sup> shillings per thousand gallons without the consent of the Minister;

- (ii) a meter rent;

- (c) prescribe a minimum charge;

- (d) direct that any rate, charges and meter rents payable under the provisions of this Act shall become due and payable monthly, quarterly, half-yearly or yearly on such dates as the board may declare.

16. (1) Notwithstanding the provisions of section 15 of this Act and the provisions of the Waterworks Act, a board may, with the consent of the Minister, supply water for any purpose to any person, body of persons or corporation on such terms and conditions as to payment or otherwise as the ministers may approve.

Supply of water by agreement.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section a board may with

(the first line is half missing)

Renewals,  
capital and  
other  
funds.

20. (1) A Board shall establish and maintain—
- (a) a renewals fund for the purpose of the renewal, when necessary, of the board's machinery, plant or equipment, into which shall be paid such sums in such manner as the Minister may approve;
  - (a) where no corporate name is specified in the order of appointment made under the provisions of section 3 of this Act, the corporate name by which the board is to be known;
  - (b) the proceedings and business of the board;
  - (c) the procedure to be followed in the matter of the letting of contracts, and limitation of the power of the board's officials to make local or other purchases of stores;
  - (d) the duties, remuneration and conditions of service of persons in its employ, including the delegation of powers of appointment and dismissal to any particular officer;
  - (e) the establishment and control of a pension or provident fund, the contributions to be paid by itself and persons in its employ, respectively, into any such fund or under an insurance scheme undertaken by the board under the provisions of paragraph (b) of section 10 of this Act and the pecuniary benefits which are upon sickness, injury, death, retirement or termination of service to accrue to such persons or their dependants;
  - (f) generally for better carrying into effect the provisions of this Act.

Vesting of  
property on  
termination  
of appoint-  
ment of  
board.

Amended  
Act 15 of  
1965, s. 2.

26. The Minister may by statutory order terminate the appointment of a board and with effect from the date of publication of such order any property or rights in property used or enjoyed by such board shall, subject to the provisions of any written law relating to public land, vest in the Government.

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24. No act done or omitted by any member of a board or by an officer or servant of a board in good faith in the execution of his duty shall subject him personally to any liability, action, claim or demand whatsoever.

Protection  
from  
personal  
liability  
for members  
and servants  
of boards.