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STATUTES SUPPLEMENT

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THE WATER STATUTE, 1995.

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THE WATER STATUTE, 1995.

A Statute to provide for the use, protection and management of water resources and supply; to provide for the constitution of water and sewerage authorities; and to facilitate the devolution of water supply and sewerage undertakings.

DATE OF ASSENT: 14th December, 1995.

Date of Commencement: 22nd December, 1995.

BE IT ENACTED by the President and National Resistance Council as follows:

PART I—PRELIMINARY.

1. (1) This Statute may be cited as the Water Statute, 1995.

Short title and commencement.

(2) This Statute shall come into force on a date that the Minister may, by Statutory Instrument appoint provided that—

(a) different sections may come into force at different times; and

(b) no date shall be appointed to bring into force Division 5 of Part II unless the delegation referred to under subsection (3) of section 3 has been effected.

2. (1) If this Statute, unless the context otherwise requires—

Interpretation.

- “Action Plan” means the National Water Action Plan prepared under Section 16;
- “aquifer” includes a geological structure or formation and an artificial land-fill permeated or capable of being permeated permanently or intermittently with water;
- “area” includes a water supply area and sewerage area or either of them as the case may be;
- “authorised person” means a person acting on behalf of the Minister or the Director to whom powers have been delegated under section 11 and includes an officer, servant or agent of an authority or any person acting on behalf of the authority;
- “authority” includes a water authority or sewerage authority or either of them as the case may be;
- “borehole” includes borehole, well, excavation or other opening in the ground or any natural or artificially constructed or improved underground cavity which is used or extends to an aquifer—
- (a) for intercepting, collecting, obtaining or using ground water; or
- (b) for disposing of any water or waste below the surface of the ground;
- “building sewer” in relation to land means any pipe conduit, underground gutter or channel provided on that land to convey sewage or trade waste, but does not include a sewer connection;
- “connected fittings” include any water closet, urinal, sink, lavatory, bath cistern or other sanitary fittings;
- “Construct” includes alter, improve, maintain and repair;

“Director” means the Director of Water Development;

“domestic sewage” includes faecal matter, urine, household slops and other liquid house refuse;

“domestic use” includes use for the purpose of—

(a) human consumption, washing and cooking by persons ordinarily resident on the land where the use occurs,

(b) watering not more than thirty livestock units,

(c) irrigating a subsistence garden, and

(d) watering a subsistence fish pond;

“easement” means a right to enter on land owned or occupied by another person for all or any of the following purposes—

(a) to construct works on or in that land,

(b) to store water on or in that land, or

(c) to carry water, drainage or waste under, through or over that land;

“environment” means all aspects of the surroundings of man including the physical, biological, economic, cultural and social aspects;

“ground water” means all water occurring or obtained from below the surface of the ground other than water contained in works, not being a borehole, for the distribution, reticulation, transportation, storage or treatment of water or waste and includes water occurring in or obtained from any borehole or aquifer;

“hydrological station” includes gauging, recording, or monitoring station or investigation or monitoring borehole or ancillary works constructed or installed on land;

“land” includes premises;

“livestock unit” means a mature animal with a live-weight of 500 kilograms and for the purposes of this definition—

(a) one head of cattle shall be deemed to be 0.7,

(b) one horse shall be deemed to be 0.6,

(c) one donkey shall be deemed to be 0.4,

(d) one goat shall be deemed to be 0.15,

(e) one sheep shall be deemed to be 0.15,

of a livestock unit.

“main” means a main pipe forming part of the water supply system owned, operated, or constructed by a water authority and includes any valves, meters, hydrants, access shafts, chambers and other fittings as it may be necessary for proper functioning of the main pipe;

“Minister” means the Minister responsible for water or natural resources;

“occupier” means any person in occupation of the land or any part of the land or premises;

“owner” includes—

(a) the person for the time being receiving the rent of the land in connection with which the word is used, whether on his own account or as agent or trustee for any other person; or

(b) the person who would receive the rent if the land were let to a tenant;

“performance contract” means a contract made under section 48;

“person” includes any corporation, authorised officer, public authority, other legal entity or water users’ group constituted for the purpose of acting as an authority under this Statute;

“pollute” means directly or indirectly to alter the physical, thermal, chemical, biological or radioactive properties of any water so as to render such water less fit for any beneficial purpose for which it is, or may reasonably be used, or to cause a condition which is hazardous or potentially hazardous to public health, safety or welfare, or to animals, birds, fish or aquatic life, or other organisms or to plants and “pollution” has a corresponding meaning;

“premises” includes any building or structure whether of a temporary or permanent nature and any vehicle, or vessel;

“private sewer” includes a privately constructed pipe, conduit, underground gutter or channel, other than a building sewer, which may be connected to a private sewerage installation —

(a) for the conveyance of sewage or trade waste, or

(b) for other private purposes and not being part of a public sewerage system vested in or constructed by a sewerage authority;

“private sewerage installation” includes privately constructed latrine, septic tank or other sewerage system and all fittings connected thereto but does not include a building sewer;

“private water pipe” means any pipe provided by the owner or occupier of land for the receipt of water supply but does not include a water connection or main;

Statute No
15 of 1993

“public authority” includes Government Minister, government department, statutory authority or any local government body, including any body provided for in the Local Governments (Resistance Councils) Statute, 1993;

“sewer connection” means a connection provided, by the sewerage authority or at the authority’s directions for the conveyance of sewage or trade waste between a building sewer and a sewer at or near the boundary of that land;

“sewerage area” means an area declared as such under section 69;

“sewerage authority” means a sewerage authority appointed under section 46;

“subsistence fishpond” means a fish pond appurtenant to, or used in connection with a dwelling or group of dwellings for subsistence of the residents thereof, the produce of which is predominantly consumed by the residents and is not sold or bartered;

“subsistence garden” means a garden, not exceeding 0.5 hectare in area, appurtenant to, or used in connection with, a dwelling or group of dwellings for the subsistence of the residents thereof, the produce of which is predominantly consumed by the residents and is not sold or bartered;

“trade waste” means waste declared to be waste under section 68;

“trade waste agreement” means an agreement made under section 69 and includes a trade waste consent;

“use” in relation to water, includes to withdraw, pump, extract, take, use or re-use or to divert for the purpose of using or re-using, that water;

“water” includes—

- (a) water flowing or situated upon the surface of any land;
- (b) water flowing or contained in—
 - (i) any river, stream, watercourse or other natural course for water,
 - (ii) any lake, pan, swamp, marsh or spring, whether or not it has been altered or artificially improved;
- (c) ground water;
- (d) any source of water referred to in section 26 of the Public Lands Act , 1969;
- (e) such other water as the Minister may from time to time declare to be water;

“water permit” means permit issued under Division 3;

“Water Policy Committee” means the Committee established under section 9;

“waste” includes sewage and any other matter or thing whether wholly or partly in solid, liquid or gaseous state, which if added to any water, may cause pollution;

“waste discharge permit” means a permit granted under section 29;

“water authority” means a water authority appointed under section 46;

“water connection”, means a connection provided by a water authority, or at its direction, for the conveyance of a water supply between a main and any private water pipe constructed on land, at or near the boundary of that land;

“water supply area” means an area declared as such under section 45;

“works” includes any works whatever which are related to or may affect the investigation, use, control, management or administration of any water or waste and any works, excavations or boreholes—

(a) water or waste may be used, extracted, collected, diverted, stored, conducted, regulated, controlled, supplied, discharged, treated or measured;

(b) where land may be drained;

(c) where flooding or erosion of land or siltation of water may be mitigated or prevented;

(d) partly or wholly situated within or on—

(i) the bed or banks of any watercourse, or

(ii) any other source of water,

whereby any structure may be constructed or protected.

(2) In this Statute, unless the contrary intention appears, a reference to the Statute includes regulations made under the Statute.

(3) In interpreting this Statute, an interpretation which promotes the purposes of the Statute must be preferred to one which does not.

Application
of the
Statute.

3. (1) The Minister may from time to time, by notice in the *Gazette* declare part of this Statute not to apply to an area defined in the notice for a purpose defined in the Water Action Plan.

(2) Division 5 of Part II shall not be applied until the National Environment Management Authority, acting under subsection (2) of section 7 of the National Environment Mana-

gement Statute, 1995, has delegated to the relevant authorities referred to in that Division and on terms acceptable by the Minister, its functions—

Statute
No 4
of 1995

- (a) under section 27 and subsection (2) of section 35 of that Statute; and
- (b) in relation to water, of granting pollution licences under Part VIII of that Statute.

(4) After delegation has been made as is provided under subsection (3) and Division 5 has come into effect, if there is any conflict between this Statute and the provision of section 27, subsection (2) of section 35 or Part VIII of the National Environment and Management Statute, 1995, the provisions of this Statute shall prevail.

4. The objectives of the Statute are—

Objective.

- (a) to promote the rational management and use of the waters of Uganda through—
 - (i) the progressive introduction and application of appropriate standards and techniques for the investigation, use, control, protection, management and administration of water resources;
 - (ii) the co-ordination of all public and private activities which may influence the quality, quantity, distribution, use or management of water resources;
 - (iii) the co-ordination, allocation and delegation of responsibilities among Ministers and public authorities for the investigation, use, control, protection, management or administration of water resources;
- (b) to promote the provision of a clean, safe and sufficient supply of water for domestic purposes to all persons;

- (c) to allow for the orderly development and use of water resources for purposes other than domestic use, such as, the watering of stock, irrigation and agriculture, industrial, commercial and mining uses, the generation of hydroelectric or geothermal energy, navigation, fishing, preservation of flora and fauna and recreation in ways which minimise harmful effects to the environment;
- (d) to control pollution and to promote the safe storage, treatment, discharge and disposal of waste which may pollute water or otherwise harm the environment and human health.

PART II—WATER RESOURCES.

DIVISION 1—RIGHTS IN WATER AND WATER ADMINISTRATION.

Rights in Water.

Rights in
water
vested in
Government

5. All right to investigate, control, protect and manage water in Uganda for any use, is vested in the Government and shall be exercised by the Minister and the Director in accordance with the provisions of this Part of the Statute.

Interests to
be in accor-
dance with
the Statute

6. (1) Notwithstanding any other law to the contrary, no person shall acquire or have a right to—

- (a) use water;
- (b) construct or operate any works; or
- (c) cause or allow any waste to come into contact, whether directly or indirectly, with any water; other than under the provisions of this Part of the Statute.

(2) At the commencement of this Statute—

- (a) no person shall sink any well or use any water pursuant to section 33 of the Mining Act without a permit to undertake works or a water permit as

may be required by the Minister or Regulations made under this Statute;

- (b) no consent for alluvial or river locations under Section 43 of the Mining Act shall be given without the prior written approval of the Minister and any consent given shall be subject to conditions that the Minister may require;
- (c) reference to the Minister under section 58 of the Mining Act shall be deemed to be a reference to the Minister under this Part of the Statute;
- (d) all powers to grant any permit or right to use water under Part IV of the Mining Act shall be revoked and any permit or right purported to be granted under that Part shall thereafter, have no effect;
- (e) the provisions of section 42 dealing with works and uses existing before the commencement of this Statute shall apply to existing permits and rights to use water granted under Part IV of the Mining Act exercised by the Minister and the Director in accordance with the provisions of this Statute.

7. (1) Subject to Section 8 a person may—

(a) while temporarily at any place; or

(b) being the occupier of or a resident on any land,

where there is a natural source of water, use that water for domestic use, fighting fire or irrigating a subsistence garden.

(2) In addition to the right to water under subsection (1) the occupier of land or resident on land may, with the approval of the authority responsible for the area, use any water under the land occupied by him or is resident on or any land adjacent to that land.

(3) The rights under subsections (1) and (2) do not *per se* authorise a person to construct any works.

General
rights to use
water.

Limitation
on use of
water

8. (1) The Minister may, in relation to any water source, where the situation so requires, by notice published in a manner appropriate for the area as the Minister may see fit—

(a) prescribe places from which water may be extracted for use;

(b) prescribe the time and manner in which water may be used;

(c) at times of shortage or anticipated shortage—

(i) regulate water to be used for particular purposes; or

(ii) regulate, restrict or prohibit the application of a water permit, waste discharge permit or other permit or licence issued under this Part of the Statute;

(iii) on the advice of the water Policy Committee, declare any part of Uganda to be a controlled area and establish a comprehensive and integrated plan for managing land, water and other natural resources within that area;

(d) temporarily or permanently prohibit the use of water from a given source on health grounds;

(e) require any person to take measures, as may be specified in the notice, to avoid, reduce or repair damage to a source of water or neighbouring land from the watering of stock.

(2) No person shall extract water unless authorised under this Part of the Statute.

(3) Water shall be deemed to have been extracted if there exists on the land in question any pipe, channel, tank or other means of extracting water.

Water Policy Committee.

9. (1) There shall be a Water Policy Committee consisting of—

Water
Policy
Committee

- (a) the Permanent Secretary in the Ministry responsible for Water Resources;
- (b) the Executive Director, National Environment Management Authority;
- (c) the Director responsible for irrigation;
- (d) the Director responsible for Animal Industry and Fisheries;
- (e) the Commissioner responsible for Industry;
- (f) the Commissioner responsible for hydro-power;
- (g) one District Resistance Council Chairman;
- (h) one Chief Administrative Officer;
- (i) the Managing Director, National Water and Sewerage Corporation;
- (j) two persons having special qualifications or experience relevant to the functions of the Water Policy Committee;
- (k) the Director of Water Development.

(2) The Minister shall appoint the members specified under paragraphs (g) (h) and (j) of subsection (1) who shall hold office for a period of three years.

(3) The officers who are members of the Water Policy Committee by virtue of their offices shall not delegate their powers under this Committee.

(4) The Permanent Secretary of the Ministry responsible for Natural Resources shall be the Chairman of the Water Policy Committee.

(5) The Director shall be the Secretary of the Water Policy Committee.

(6) The Minister shall appoint a Deputy Chairman of the Water Policy Committee from among the members of the committee.

(7) The Water Policy Committee may co-opt any person to the committee as it may require for the proper discharge of its functions.

(8) The Directorate of Water Development, Ministry of Natural Resources shall be the Secretariat of the Water Policy Committee.

**Functions of
Water
Policy
Committee.**

10. The functions of the Water Policy Committee shall be—

- (a) to assist the Minister in the co-ordination of hydrological and hydrogeological investigations;
- (b) to co-ordinate the preparation, implementation, and amendment of the Water Action Plan and to recommend the same to the Minister;
- (c) at the request of the Minister, to advise any other Minister who may request advice on—
 - (i) issues of policy relevant to investigations, use, control, protection, management or administration of water;
 - (ii) any other issue that may be referred to it;
- (d) whether on request or otherwise, to review the law relating to water and advise the Minister on any amendments that may be required for the improvement or better administration of that law;
- (e) to advise the responsible Minister as the case may require, on any dispute between agencies involved in water management that may be referred to it;

(f) to undertake any other functions conferred upon it under this Statute or referred to it from time to time.

11. (1) The Minister may, in writing, delegate all or any of his powers or functions under this Part of the Statute other than—

Delegation
of powers
and func-
tions.

(a) powers conferred by this section;

(b) power to make regulations;

(c) power to fix charges or fees; and

(d) power to determine appeals.

(2) Delegation under subsection (1) may be in relation to a matter or class of matters or to a part of Uganda.

(3) The Minister may in writing, revoke a delegation under subsection (1) and the fact that the Minister has delegated a power or function shall not prevent him from exercising that power or function.

(4) Powers and functions delegated under subsection (1) shall be exercised or performed in accordance with the conditions set out in the instrument of delegation.

(5) A delegate under this section shall have all necessary power to exercise the powers or functions delegated notwithstanding that the delegate would not be legally empowered, were it not for the provisions of this section.

(6) A delegate exercising the powers and functions delegated under this section may receive written or oral submissions from any person on any matter within the delegation.

(7) Where in the exercise of a power or performing of a function the opinion or discretion of the Minister is required the delegate may, unless the contrary intention appears, exercise or perform the power or function upon his own opinion or discretion as the case may require.

(8) Where there is a conflict between matters to which regard has to be made under this Statute and the instrument of delegation, the person acting on behalf of the Minister or an authorised person may apply to the Minister for directions and the Minister shall issue directions within fourteen days of receiving the request and the directions shall be binding on the applicant who may publish such directions as he may see fit.

DIVISION 2—WATER RESOURCE PLANNING.

Inventory of Water Resources.

Water
resources
investiga-
tion

12. (1) The Director, may provide for—

- (a) the collection, collation and analysis of data concerning the occurrence, flow, characteristics, quality and use of any water or waste;
- (b) the systematic gauging and recording of rainfall and of the volume, flow and quality of other water or waste;
- (c) the construction, operation and removal of gauging, recording and monitoring stations and investigation and monitoring boreholes;
- (d) the sampling and analysis of any water or waste.

(2) The Director may do anything necessary or expedient for or in connection with the exercise of the powers conferred by subsection (1).

Minister's
Power to
require
records, etc

13. (1) The Director may, by regulation or by notice served on any person, require any class or type of persons, or the person on whom notice is served, as the case may be, to—

- (a) keep and maintain records;
- (b) install, operate and maintain equipment;
- (c) take samples, dispose of them in a manner and submit them to such analysis by such person or class of persons;

(d) provide information to a person,

concerning the investigation, use, control, protection, management or administration of any water or concerning any waste, as may be prescribed in the regulation or notice.

(2) Anything required to be done by a regulation made or a notice given under subsection (1) shall be done at the expense of the person to whom the notice or regulation applies, unless the Minister otherwise determines.

(3) A person who contravenes or fails to comply with or cause or allow any person to contravene or fail to comply with this section commits an offence.

(4) Any person who furnishes any information under this section or who causes or allows any statement or representation to be made, which he knows to be false or misleading in a material particular commits an offence.

14. (1) The Director, an authorised person or public authority may enter and remain on land for purposes of performing functions or exercising powers conferred under this Part of the Statute and may take such measures and construct or operate works as may be necessary for investigation, use, control, protection, management or administration of water.

Power to
enter land
and investi-
gate water
resources

(2) Subject to section 33 an authorised person may enter any land for the purpose of investigating water resources and may—

(a) construct works;

(b) install and equip gauging, recording and monitoring stations;

(c) investigate or monitor bores and ancillary works on any land;

(d) make surveys;

(e) take measurements or samples;

(f) make alterations or remove any of the above.

(3) Whatever is attached to land does not become part of land for the purposes of giving the owner or occupier of land a proprietary interest in it.

Obligations
on entry of
land.

15. In exercising the powers under subsection (1) of section 14 the authorised person shall—

- (a) co-operate as much as possible with the owner and occupier of the land;
- (b) cause as little harm and inconvenience as possible;
- (c) stay on the land only for as long as is reasonably necessary;
- (d) remove from the land, on completing any works, all plant machinery, equipment, goods or buildings brought on to the land, other than anything that the owner or occupier of the land agrees may be left there;
- (e) leave the land as nearly as possible in the condition in which it was prior to entry being made.

National Water Action Plan.

National
Water
Action Plan

16. (1) The Minister may, on the basis of data progressively generated under water resources investigations, require the Water Policy Committee to—

- (a) co-ordinate the preparation, revision, and keeping-up-to-date of a comprehensive action plan for the investigation, use, control, protection, management and administration of water for the nation;
- (b) recommend an action plan and revision of the same.

(2) The Minister shall submit the action plan recommended to him under subsection (1) to Cabinet with his recommendations within twenty one days of receiving it.

(3) The components of the action plan and procedures for its preparation, revision and recommendations to and consideration by the Minister may be as prescribed by the Minister and if the Minister does not prescribe, as may be determined by the Water Policy Committee.

17. (1) After approval by Cabinet, the Minister shall by legal notice issue the action plan which shall be binding to all persons and public authorities.

Action Plan to be adhered to

(2) The action plan may, from time to time specify the types of activities, developments or works which may not be done without—

- (a) prior approval of the Water Policy Committee; or
- (b) prior amendment of the action plan.

DIVISION 3—HYDRAULIC WORKS AND USES OF WATER.

18. (1) No person shall construct or operate any works unless authorised to do so under this Part of the Statute.

Construction of works

(2) A person wishing to construct any works or to take and use water may apply to the Director in the prescribed form for a permit to do so.

(3) The Director shall, on receipt of an application under subsection (1) give public notice of the application in the prescribed manner.

(4) The Director may, after taking into consideration any objection that may be raised and after consultation with any person or public authority as he may see fit, grant a permit to the applicant.

(5) The Director may grant the permit under sub-section (4) on conditions that he may think fit and such conditions may—

- (a) require the payment of fees or charges that may be prescribed under this Statute;

(b) specify the way in which land where water is used under the water permit is to be drained;

(c) require the person to whom the permit is granted to make compensation to any other person.

(6) Subject to article 26 of the Constitution compensation under paragraph (5) (c) shall be in a manner prescribed by the Minister.

(7) A grant of an application under this section does not imply any representation or guarantee by the Director, authorised person or public authority that water will be available at the place.

Exemption
of works

19. Subject to guidelines established by the Minister from time to time, the Director may exempt—

(a) a public authority; or

(b) a class of persons or works;

from all or any of the provisions of sub-section (1) of section 19 on such conditions as he may deem fit.

Standard
conditions

20. A holder of a permit issued under this Division of the Statute shall—

(a) not cause or allow any water to be polluted;

(b) prevent damage to the source from which water is taken, or to which water is discharged after use;

(c) take precautions to ensure that no activities on the land where water is used results in the accumulation of any substance which may render water less fit for the purpose for which it may be reasonably used;

- (d) observe conditions prescribed by regulations made under this Statute; and
- (e) observe any special condition that may be attached to the permit.

21. Where under section 18, a permit is granted subject to a condition that the works shall for purposes of this Statute be inspected and approved by an authorised person, the inspection, approval or certificate given by the authorised person shall not—

Inspection
of works

- (a) be deemed to imply that the works are properly designed or constructed; or
- (b) support or justify any claim against the Government, public authority or authorised person in connection with the works.

DIVISION 4—REVISION, VARIATION AND CANCELLATION OF WATER PERMITS.

22. (1) Where in the opinion of the Director the water available in an area is, or is likely to become, insufficient in quantity or quality for the needs of the persons using or seeking to use it from that source, the Director may, by notice in writing to the holder of a water permit for that area, suspend or vary the water permit.

Suspension
or variation
of water
permit

(2) The Director may impose conditions to any permit varied, suspended or granted under subsection (1) including requiring compensation to a holder of a water permit by another holder of a water permit.

(3) Subject to article 26 of the Constitution, compensation under subsection (1) shall be as is prescribed under this Statute.

23. The Director may specify the quantity of water that may be taken under a permit where the permit does not specify the quantity.

Quantifi-
cation for
water
permit

Duration
of water
permit

24. (1) The Director may specify the duration of a permit where it is not specified in the permit.

(2) Unless the Director determines otherwise, the Director shall not, under subsection (1) specify a date less than two years from the date of the Director's specification.

Cancellation
of a permit

25. The Director may cancel a water permit where in his opinion the holder of a water permit has—

- (a) failed to comply with any express or implied condition to which the water permit is subject;
- (b) taken or used more water than he is entitled to take in any period;
- (c) taken or used water for a purpose other than that for which he is entitled;
- (d) failed to comply with any provision of this Statute;
- (e) not made full beneficial use of the permit within the two preceding years.

Cancellation
or variation
of a permit
for a public
purpose

26. (1) Subject to section 33, where the Director is of the opinion that in order to make water available for a public purpose it is necessary to cancel or vary a water permit, the Director may cancel or vary the water permit.

(2) The Minister may, by notice in the *Gazette*, declare any purpose to be a public purpose for purpose of this section.

Surrender
of a water
permit

27. On the application of the holder of a water permit, the Director may vary the permit or any condition attached to a permit.

DIVISION 5—WASTE DISCHARGE PERMITS.

Declaration
of prohibited
waste
by the
Minister.

28. (1) The Minister may, in any area prescribe—

- (a) waste which may not be discharged; or
- (b) trades which may not discharge waste; or

(c) classes of premises or particular premises from which waste may not be discharged,

directly or indirectly into any water except in accordance with a waste discharge permit.

(2) A person who—

(a) is responsible for the production, storage, discharge or deposit of any waste;

(b) is engaged in any trade;

(c) owns or occupies any premises,

prescribed under sub-section (1) shall not cause or permit any waste to be discharged directly or indirectly, into any water, except in accordance with a waste discharge permit.

(3) A person who contravenes sub-section (2) commits an offence.

29. (1) A person wishing to discharge waste may apply to the Director for a waste discharge permit in the prescribed manner.

Application
for waste
discharge
permit

(2) The Director shall, on receipt of an application under subsection (1) give public notice of the application made in the prescribed manner.

(3) Any person with an interest in the outcome of an application made under this section may give notice of objection to the Director in a manner and within the time prescribed.

(4) The Director shall consider every application and objection thereto and, after consultations with any persons or public authorities which he sees fit, may grant the permit on such terms and conditions as he sees fit.

(5) The Water Policy Committee, at the request of the Minister or on its own initiative, may prepare guidelines or conditions concerning waste discharge permits and recommend them to the Minister.

(6) The Minister shall consider the recommendations made under subsection (5) and may prescribe the recommended guidelines or conditions as the case may require, with or without amendments.

(7) Without limiting the provisions of subsection (4), the conditions of any waste discharge permit may—

- (a) specify, restrict or prohibit certain types, volumes or concentrations of waste which may be produced, stored, discharged or deposited;
- (b) specify the manner in which waste is to be stored, treated, discharged or otherwise dealt with;
- (c) require the holder, at his own cost, to install pollution control or waste treatment equipment of a type specified by the Director and to operate that equipment in a manner determined by the Director;
- (d) require the holder to take measures specified by the Director for the purpose of minimising the possibility of pollution occurring as a result of any activity conducted or proposed to be conducted on land owned or occupied by the holder;
- (e) require the holder, at his own cost, to provide monitoring equipment specified by the Director;
- (f) require the holder, at his own expense, to carry out a monitoring programme specified by the Director and to provide the Director with information and data relating to the characteristics, volume and effects of waste being produced, stored, treated, discharged, deposited or otherwise disposed of;
- (g) require the holder to do or cause to be done any other act or thing specified by the Director which the Director considers necessary for protecting the environment or preventing, controlling or abating pollution.

(8) The Director may, at the request of a holder of a waste discharge permit, amend the terms of the permit.

(9) The Director may, at any time, amend the terms of, suspend the operation of, or cancel a waste discharge permit if, in his opinion, it is necessary to protect the environment or to prevent the pollution of any water.

30. (1) Where the Director proposes to amend the terms of a waste discharge permit, he shall refer the proposal, together with a copy or summary of the application and appropriate plans, specifications and other information—

Reference
of permits
to other
authorities.

(a) to public authorities or persons that may be prescribed by regulation; and

(b) to any other public authority which or person who may be directly affected by activities pursuant to the proposed amendment,

and shall take further steps that may be prescribed concerning the public advertisement of, and objections to, the proposed amendment.

(2) A public authority or person to which a proposal is referred under sub-section (1) shall inform the Director in writing within thirty days after the day on which the proposal was referred—

(a) whether the proposal is supported or whether there are objections to it;

(b) whether, and if so what, special terms should be included in the proposed permit or amendment.

(3) The Director shall—

(a) take into account any report and comments received under subsection (2); and

- (b) refuse to grant the proposed permit or make the proposed amendment if a competent public authority or person submits a written report objecting to the proposal on the grounds that public health is likely to be endangered by the proposed permit or amendment.

Prohibition
of pollution

31. (1) A person commits an offence who, unless authorised under this Part of the Statute, causes or allows—

- (a) waste to come into contact with any water;
- (b) waste to be discharged directly or indirectly into water;
- (c) water to be polluted.

(2) The provisions of subsection (1) shall apply to permits granted and works constructed before the commencement of this Statute.

(3) In any proceedings for an offence under sub-section (1) proof of the existence of a drain, pond, dump or other means whereby waste may be conveyed, retained or deposited as to come into contact, directly or indirectly, with water, shall be *prima facie* evidence of pollution of that water.

(4) A person or public authority contravening the provisions of subsection (1) through which damage is caused, shall be liable to pay the cost of remedying the damage caused and reinstating the environment, as far as is possible, to the condition that would have existed if the damage was not caused.

(5) Where a person or authority fails to comply with the provisions of subsection (4) the Minister may—

- (a) apply to court for an enforcement of the compliance with provision; or
- (b) enter any land and take such measures as may be necessary to ensure compliance with the provisions.

(6) In any proceedings under subsection (5) the court may, on application by the Minister, require that person or authority to pay into court a sum not being less than eighty per cent of the cost estimated by the Minister of remedying the damage caused and reinstating of the environment.

DIVISION 6—MISCELLANEOUS PROVISIONS FOR PART II.

32. (1) The Minister may, by notice in the *Gazette* fix fees and charges for—

Charges and fees.

- (a) services provided by the Minister, the Director, a public authority or authorised person under this Part of the Statute;
- (b) the taking or use of water under a water permit granted under this Part of the Statute; or
- (c) the discharge of waste under a waste discharge permit granted under this Part of the Statute.

(2) Charges and fees fixed under subsection (1) shall be in accordance with pricing policies established by the Water Action Plan or other policy as may be determined by the Government.

(3) The Director may levy and demand charges or fees fixed by the Minister under subsection (1).

33. (1) Where damage is caused to land through the exercise of powers conferred upon the Minister, the Director or an authorised officer by this Statute, Government shall compensate all parties having an interest in that land.

Damage caused by Minister etc, to be compensated.

(2) For purposes of this section damage to land includes—

- (a) deprivation of possession of the surface land;
- (b) damage to the surface of land and any improvements, trees or crops;

(c) damage to stock; and

(d) all consequential damage.

(3) Compensation under this section may be—

(a) in form of money;

(b) provision of alternative supply of water;

(c) exchange of land for another piece of public land if the land lost was under the Land Reform Decree 1975; or

(d) any other type of compensation which the Minister may consider appropriate.

(4) In calculating monetary compensation—

(a) for damage to land under this section;

(b) in respect of compulsory acquisition of any interest in land,

no amount shall be paid in respect of the taking or use of water on, adjacent to or beneath that land, unless the effect of that taking or use is to deprive the owner or occupier of the right to use water conferred by section 8; or any water permit granted under this Part of the Statute.

**Register of
permits.**

34. (1) The Director shall maintain a register of all permits granted and any works or uses of water registered under this Part of the Statute and shall record therein—

(a) any variation, modification, suspension or cancellation thereof; and

(b) any easement created over land.

(2) The Director may provide extracts from the register maintained under subsection (1) to any person who applies in the prescribed manner.

(3) An extract from the register, certified to be under the hand of the Director, shall be—

(a) admissible evidence in all court proceedings without further proof unless proved otherwise; and

(b) *prima facie* evidence of the facts recorded therein.

35. The Minister may, on the advice of the Water Policy Committee from time to time, prescribe guidelines to be followed by the Director, authorised person, or public authority while exercising their powers under this Part of the Statute.

Prescribed
guidelines.

36. (1) The holder of a water permit who wishes to bring water to, or drain water from, his land over land owned or occupied by another person may apply to the Director for the creation of an easement over that land if he has been unable to obtain easement by agreement with the owner or occupier of that land.

Easements.

(2) The holder of a waste discharge permit who wishes to drain waste from his land over land owned or occupied by another person may apply to the Director for the creation of an easement over that land if he has been unable to obtain easement by agreement with the owner or occupier of that land.

(3) On receiving the application under subsection (1) or (2) the Director shall in a prescribed manner, give notice to the owner, occupier or any other person having an interest in that land.

(4) A person having any objection to an application made under subsection (1) or (2) may give notice of objection to the Director in a manner and within the period that may be prescribed.

(5) Subject to section 35 and after giving a hearing to all persons having an interest in the land, including the applicant, who wish to be heard the Director may create an easement over that land in the prescribed form as may be appropriate.

(6) An easement under subsection (5) may make provision for—

(a) the construction of work necessary to carry water or waste across that land;

(b) construction of fences, bridges, crossings or other works on that land;

(c) the amount of compensation, if any, to be paid to the owner, occupier or other person having interest in that land;

and the person having the easement shall comply with the provisions.

(7) Any person aggrieved by the decision of the Director under subsection (6) may appeal to the High Court against the decision, if the decision was made without his consent.

(8) If a person having an easement fails to comply with the provisions of subsection (6) the Director may cancel the easement and notify that person and the Registrar of Titles.

(9) If the person having an easement fails to maintain any works he constructed under this section, the owner or occupier of the land on which the works are situated may maintain or repair the works and recover the reasonable costs as a civil debt from the person having the easement.

(10) Any compensation due under this section which remains unpaid for an unreasonable period may be obtained as a civil debt.

(11) An easement created under this section terminates six months after the date of creation, unless it is registered with the Registrar of Titles.

37. An authorised person may enter land for purposes of—

(a) inspecting works or use of water; or

(b) taking samples or making tests, to find out whether—

- (i) water is being wasted, misused or polluted;
- (ii) the terms of any water permit, waste discharge permit or any other permit granted under this Part of the Statute are being complied with;
- (iii) an offence is being committed against this Part of the Statute, or the Statute is otherwise being complied with.

38. (1) Except as otherwise provided under this Statute any person aggrieved by a decision of the Director, authorised person or public authority made under this Part of the Statute may within one month appeal to the Minister in a prescribed manner.

General
appeals

(2) A person who failed without reasonable cause or neglected to exercise his right of objection under this Part of the Statute shall not have a right to appeal under subsection (1).

39. (1) Any person who—

Offences.

- (a) causes or allows water to be wasted, misused, or without reasonable cause, excessively consumed;
- (b) takes or uses water for a purpose other than provided by the water permit;

commits an offence.

(2) A person commits an offence who—

- (a) assaults, threatens, resists, obstructs, hinders or delays the authorised person or a public authority in the performance of any function or duty under this Part of the Statute; or
- (b) allows or encourages another person to do any of the acts under paragraph (a).

(3) Where a person is convicted under sub-section (2) the Court may in addition to any other penalty, order that person to pay, by way of compensation, any person who may have suffered any damage as a result of the action for which that person is convicted.

(4) A person commits an offence who—

(a) interferes;

(b) attempts to interfere; or

(c) allows another person to interfere;

with any hydrological station.

(5) Any person who contravenes any of the provisions of this Part of the Statute commits an offence.

Penalties

40. (1) Any person convicted of an offence under this Part of the Statute for which no other penalty is provided shall be liable to a term of imprisonment of not more than five years or to a fine of not more than six million shillings and shall be liable to a fine of one million shillings for everyday during which the offence is continued.

(2) Where under this Part penalty is provided for a continuing or subsequent offence, the penalty shall apply—

(a) in the case of a continuing offence, if the person continues to contravene the provision for which he was convicted after the date on which he was convicted; or

(b) in the case of a subsequent offence if that person contravenes the same provision for which he was convicted earlier.

Protection from liabilities

41. Except as expressly provided under this Part of the Statute, the Minister, Director, or authorised officer shall not be personally liable for any act done or omission made in good faith in the exercise of the functions and duties under this Part of the Statute.

Transitional period and existing works and permits

42. (1) All works lawfully constructed and all permits dealt with under this Part of the Statute which were lawfully issued before the commencement of this Statute shall be deemed to have been issued under this Statute and any such works or permit shall be registered in the manner and within the period

prescribed by regulations and the Minister may, in relation to that works or permit exercise all powers conferred upon him under this Part of the Statute.

(2) Where a person fails to register his permit or works within the period prescribed by the Minister, his water permit or permit for works shall lapse and shall only use water or the works after obtaining a water permit or permit to construct works under this Part of the Statute.

43. While exercising his powers and function under this Statute, the Minister, Director, authorised person or any other person shall have regard to—

Decision to be in regard with objectives

- (a) the objective of this Statute.
- (b) any relevant international agreement regulating the use of water to which Uganda is a party;
- (c) the provisions of the Water Action Plan;
- (d) any policy of the Government concerning the decentralisation of administrative responsibilities;
- (e) any guidelines prescribed by the Minister under this Part of the Statute; and
- (f) any delegation that may have been made by the Minister.

44. (1) The Director may by notice in writing served on any person, require that person, within the period specified in the notice, to do or not to do any thing or to take such measures or construct or remove works that may, in the opinion of the Director, be necessary or desirable for the investigation, use, control, protection, management or administration of water.

Director's power to give direction

(2) Where a person fails to comply with a notice served under subsection (1), the Director may enter any land and take such measures, construct or remove such works as are necessary to ensure complete compliance with the notice and may recover reasonable costs of so doing from that person.

PART III—WATER SUPPLY AND SEWERAGE.

DIVISION 7—WATER AND SEWERAGE AREAS AND
AUTHORITIES, AND USER GROUPS AND ASSOCIATIONS.

Declaration
of water and
sewerage
areas

45. (1) The Minister may, for purposes of this Part, by notice published in the *Gazette*, declare any area to be—

- (a) a water supply area; or
- (b) a sewerage area.

(2) A notice made under subsection (1) shall declare the boundaries of an area by any means that is most descriptive of the area or by reference to either or both of—

- (a) survey coordinates, or
- (b) distances from one or more prominent physical features.

Appoint-
ment of
water or
sewerage
authorities

46. (1) The Minister shall by notice published in the *Gazette* or other form of publication most appropriate for the area, appoint any person or public body to be—

- (a) a water authority for any water supply area declared under section 45,
- (b) a sewerage authority for any sewerage area declared under section 45,

(2) The Minister may appoint under subsection (1) a person, or existing public authority together with any other person or persons named by the Minister.

Functions of
water and
sewerage
authorities

47. (1) The functions of an authority shall be—

- (a) to provide water supply services for domestic, stock, horticultural, industrial, commercial, recreational, environmental and other beneficial uses as is required by the declaration establishing the authority or the performance contract;
- (b) to manage the water resources entrusted to it;
- (c) to provide and manage sewerage services as may be required by the declaration or performance contract,
- (d) to give effect to any direction by the Minister relating to water or sewerage; and
- (e) to do anything connected or incidental to the above

(2) In the exercise of its functions, an authority shall endeavour to provide its services to the extent and standards determined by the Minister and provide those services—

- (a) in a manner which is most beneficial to the people of Uganda;
- (b) efficiently and economically;
- (c) in a socially and environmentally responsible manner; and
- (d) in consultation with appropriate public authorities and relevant community groups.

(3) In all its functions, an authority shall adhere to all relevant stipulations set out in Divisions 3, 4, 5 and 6 of Part II of this Statute.

48. (1) The Minister shall enter into performance contracts with each authority appointed by him and the contract shall include among other things—

- (a) terms of reference of the authority relating to its rights and obligations;
- (b) the extent of the authority's interest in any land, or works constructed or financed by the Government or works constructed by the authority;
- (c) terms of reference of the authority relating to the operations of the authority in the exercising of its functions;
- (d) provisions under this part of the Statute, if any, that will not apply to the authority;
- (e) the period of the contract; and
- (f) any other information or matter that the Minister and the authority may find necessary for the better operations of the authority.

(2) In the performance of the contract an authority shall make a report to the Minister on the achievements of the authority since the making of the contract or the last report by the authority at such intervals and in a manner that the Minister may prescribe in relation to that authority.

(3) The Director may exercise such functions in relation to a performance contract as may be specified:

- (a) in that performance contract; or
- (b) by the Minister,

including any power to supervise or inspect the activities of an authority and report his findings to the Minister.

(4) No contract shall dispense with or qualify any duty or obligation imposed upon an authority under Part II of this Statute or any other law.

(5) The Minister may, from time to time, give directions to any authority on general policy and the authority shall give effect to such policy.

49. The supply of any services by an authority to any person shall be a discretion of the authority but where the authority chooses to supply services the water or other service quality shall be that required by regulations or by a performance contract with the authority.

Service
discre-
tionary

Water User Groups and Associations.

50. (1) A set of individuals or households may form a Water User Group and collectively plan and manage point source water supply system in their area.

Water User
Groups and
Water and
Sanitation
Committee

(2) A Water User Group may collect revenue from persons using the water supply system for the maintenance of the system and the tariffs to be collected under this subsection shall be approved by the Director.

(3) A Water User Group shall operate through a Water and Sanitation Committee which shall be—

(a) the executive organ of the Group; and

(b) in addition to water supply, responsible for sanitation and hygiene in the area.

51. (1) Where a water supply system is established by and is serving more than one Water User Group, each operating through a Water and Sanitation Committee, the Committees involved shall form a Water User Association which shall consist of agreed representative of each Committee.

Water User
Associa-
tion

(2) Association formed under subsection (1) shall manage the water system and may with the approval of the Director set tariffs and collect revenue for the maintenance of the system.

Associa-
tions and
Committees
to work
under
Director

52. (1) Water and Sanitation Committees and Associations shall operate under the direction of the Director of Directorate of Water Development.

(2) Local authorities may organise the formation of Water User Groups and Associations within their jurisdiction.

DIVISION 8—WATER SUPPLY.

Supply for Private and Public Purposes.

Construc-
tion of
Water
Works

53. (1) A water authority may acquire, construct or operate works for the supply of water.

(2) Works acquired, constructed or operated under this section may be situated within or outside the area for which the authority is appointed.

(3) An authority may alter the capacity or location of any works and may temporarily or permanently discontinue the use of any works generally or for any specified purpose.

(4) Before discontinuing the use of any works the authority shall, where practicable, give notice to all persons likely to be affected by the non-operation of the works.

Recovery
of capital
costs

54. (1) With the approval of the Minister, an authority may recover the costs or any part of the costs of acquiring or constructing any works after considering the benefits from the works and any contribution that the authority may assess to be contribution from the owner of the land.

(2) Any amount to be recovered by the authority under subsection (1) shall be paid to the authority—

- (a) by the owner of the land; or
- (b) from such other fund as the Minister from time to time may establish for the purpose of defraying amounts payable to authorities by an owner excused from payment on the ground—
 - (i) of poverty of the owner of land, or
 - (ii) that payment would cause undue hardship.

55. (1) A water authority may, by notice published in a manner deemed appropriate by the authority, declare any works acquired or constructed by the authority to be effective in a given water supply area.

Declaration
of completed
water
supplies

(2) On the declaration of works to be effective in an area, the owner of any land within the water supply area shall if he benefits in any way from the works be liable to the rates or charges that may be prescribed by the water authority, whether or not the land is occupied or connected to the works.

(3) Where, in the opinion of the water authority, the cost of extending existing works to supply water to an applicant is not commensurate with sums likely to be recovered from water charges, the authority may require the applicant to meet the costs of extending the existing works as a condition of providing supply.

56. (1) A water authority may, by notice in writing, require an owner of land within the water supply area—

Requiring
owner to
connect to
works

- (a) to connect the land to the authority's works;
- (b) to remove any existing connection between that land and the authority's works; or
- (c) to carry out any works or repair that the authority considers necessary for the provision of the services.

(2) The owner of land or his agent may apply, in a manner and form prescribed by the water authority and the water authority may agree to connect that land to the works on terms and conditions as the authority may determine.

(3) A water authority may by notice in writing to a group of owners of land, require those owners to connect their land by a combined connection to the authority's works within a specified period.

(4) Any notice under this section shall be served on each owner whose land is required to be connected.

(5) Where the owner of land notified under this section fails to comply with the notice within the specified period or any longer period agreed to by the authority, the authority may connect the land as required by the notice and recover reasonable costs of doing so from the owner or under section 51.

(6) An application made under subsection (2) shall not be unreasonably refused.

(7) The authority may, as it may consider just and reasonable apportion the costs or expenses to be paid by each owner of land where a group of owners are required to make a combined connection.

Authority to
supply by
measure or
otherwise

57. A water authority may supply water to any person or land by measure or in any other manner, subject to terms and conditions that the authority may determine or as may be prescribed by the Minister.

Metering

58. (1) The water authority may install a meter for the purposes of measuring the amount of water supplied by it.

(2) The water authority shall keep a record of all meters installed by it.

(3) An authorised person may enter land for purposes of affixing, installing, maintaining, repairing, replacing, removing, testing, or reading any meter and may take such action and do such things as may be reasonably necessary.

(4) Where a meter is installed—

(a) the person supplied shall not cause or permit the meter to be tampered with, altered, damaged or destroyed;

(b) the meter shall be properly protected and shall remain accessible to an authorised person; free from soil, plants, vegetation or any other obstruction.

(5) Where a person fails to comply with subsection (4), an authorised person may enter the land where the meter is situated and repair any damage or remove any obstruction or alter the position of the meter and recover the cost involved from that person.

(6) A meter installed under this section remains the property of the water authority.

(7) Where a meter is not functioning properly, the authorised person may estimate the amount of water used for the period during which the meter was or is not functioning properly.

(8) A person requiring to remove or alter the position of a meter shall give seven days notice in writing to the water authority; and a reading of the water used shall be taken before any meter is removed or altered.

(9) No person other than an authorised person shall remove, disconnect, or alter the position of, or in any way interfere with, a meter.

Testing
meters

59. (1) The provisions of this section shall apply to those areas in which the Minister declares them to apply.

(2) Where a meter has been installed under section 60, the person supplied may request the water authority in writing to test the meter; and on receipt of the request and payment of a fee that may be prescribed, the water authority shall test the meter.

(3) If the meter registers above five per cent more than was actually passed through the meter at the test, the water authority shall return the fee.

Authority
to erect
hydrants
and stand
pipes

60. (1) The Minister may require a water authority to erect fire hydrants and standpipes for the supply of water for extinguishing fires.

(2) Hydrants shall be erected in conspicuous places and at convenient distances that a water authority considers appropriate and the authority shall keep them in effective order.

(3) Where it is impractical or inappropriate for a water authority to provide a reticulated supply of water to particular premises, it may supply water to those premises by a standpipe erected in such reasonably convenient location as the authority considers appropriate.

Water Restrictions.

Water
restrictions

61. (1) A water authority may prohibit, regulate or restrict the consumption of water supplied, by notice published as is provided under subsection (3).

(2) The following shall be specified in a notice made under subsection (1)—

(a) the area to which the notice applies;

(b) the period during which the restriction, prohibition or regulation shall last;

(c) the manner in which the notice shall be enforced,
and

(d) the purpose for the restriction, prohibition or regulation of the water.

(3) A notice issued under subsection (1) may be published—

(a) in a newspaper circulating in the area to which the notice relates;

(b) by radio, television or mobile loudspeaker in the area to which the notice relates.

(4) A person commits an offence who fails to comply with, or causes or allows any other person not to comply with, a notice under this section.

(5) In any proceedings for an offence under this section a certificate, signed by the person who, at the time of the broadcast, was in charge of the radio, television station or mobile loudspeaker from which publication was made, stating that the broadcast—

(a) was made at the time or times specified, in the certificate; and

(b) included a statement of specified restrictions for a given period and in the areas specified in the certificate,

shall unless the contrary is proved be evidence of the broadcast of the matter.

DIVISION 9—PUBLIC AND PRIVATE SEWERAGE WORKS.

62. (1) A sewerage authority may acquire, construct, operate or arrange for the construction or operation of works to provide sewerage services or to dispose of or treat any sewage or waste.

Construction of works

(2) The provisions of subsections (2) and (3) of section 53 and the provisions of section 54 shall apply to sewerage authority.

(3) A sewerage authority shall not temporarily discontinue or prohibit the use of any sewer unless it is expedient to do so in order to—

- (a) install, maintain or repair any works;
- (b) make any connection to or disconnection from a sewer; or
- (c) prevent the escape of sewage or the pollution of any water.

(4) Before permanently discontinuing or prohibiting the use of any sewer, a sewerage authority shall ensure that—

- (a) an alternative sewer exists which is capable of serving all land previously served by the existing sewer;
- (b) all affected land has been provided with a sewer connection to the alternative sewer, at the expense of the authority.

Declaration
of completed
sewerage
works

63. (1) Whenever it becomes possible to provide sewerage to land within any sewerage area from works acquired or constructed under this Part of the Statute, a sewerage authority may by notice declare the works to be effective in that sewerage area.

(2) On the declaration of works to be effective in an area the owner of any land in the sewerage area shall be liable to the rates or charges that may be prescribed by the sewerage authority whether or not the land is occupied or connected to the works.

(3) The sewerage authority may—

- (a) with the approval of the Minister and by notice in writing, require any owner of land in any sewerage area to connect that land to the works;

(b) connect any land to its works on application by the owner or his agent, in a form prescribed by regulation or the authority.

(4) Within one month of receipt of a notice under this section, the owner of land shall submit a plan for providing the land with a building sewer and other connected fittings to the authority; and the authority may approve the plan with or without conditions as it may see fit and where the plan is approved work shall be executed in conformity with the approved plan within such period as the authority may specify.

(5) An application made under paragraph (3) (b) shall not be unreasonably refused.

(6) Where in the opinion of a sewerage authority, the cost of extending the existing works to provide sewerage to an applicant is not commensurate with the sums likely to be recovered through sewerage charges, the sewerage authority may require the applicant to meet the costs of extending the existing works.

(7) Where the owner of land fails to undertake work required of him under this Part—

(a) the lessee or occupier of that land may, with the approval of the authority, execute the work and deduct the cost with interest at the rate of ten per cent per annum (or such other rate as may be specified from time to time by the Minister) until repayment is made, from any rent due from him to that owner, or may recover the costs directly from the owner; or

(b) the authority may execute the work and recover the cost as set out in section 51.

64. After the declaration of a sewerage area, no building shall be erected or re-erected unless it is connected to the sewerage authority's works and all sewerage work on the land shall be

Sewerage for buildings to be approved.

constructed with the approval of the authority in conformity with the code of workmanship that may be prescribed.

Application
for the con-
struction of
a private
sewer

65. (1) A person may apply to the relevant sewerage authority in a manner prescribed by Regulations or the authority, who wishes—

(a) to construct a private sewer within that sewerage area; or

(b) to connect a private sewer to the authority's sewer.

(2) The sewerage authority may, within one month, approve any application on conditions that it sees fit.

Incorpora-
tion with
public
sewerage
system

66. (1) Where in the opinion of a sewerage authority, it would be expedient if an existing or proposed private sewer were made part of or connected with a sewerage scheme proposed or operated by the sewerage authority, the sewerage authority may require the applicant to construct the private sewer in a manner and to specifications that the sewerage authority may direct.

(2) Subject to subsection (4), a person shall comply with any direction given by a sewerage authority under subsection (1).

(3) On the connection of a private sewer to an authority's works—

(a) all property, rights and liabilities of the owner in relation to the private sewer and any land necessary for the operation, maintenance, repair or removal of the sewer, vest in the authority; and

(b) the authority shall be solely responsible for operating, maintaining and meeting all outstanding or future costs of that sewer.

(4) A person aggrieved by a direction given by a sewerage authority under this section may within one month of being notified of the direction object in writing to the Minister.

(5) The Minister shall within fourteen days of receiving any objection made under subsection (4) consider the objection and decide whether to—

- (a) disallow the direction;
- (b) allow the direction subject to conditions or modifications; or
- (c) allow the direction.

(6) A sewerage authority shall pay to any person affected by a direction under this section—

- (a) any additional expenses incurred by that person in constructing or connecting the private sewer in the manner and to the specifications directed by the sewerage authority;
- (b) any additional costs of cleaning, repairing or maintaining the private sewer which are attributable to the direction.

(7) Any dispute or difference as to the amount of payment due from a sewerage authority to a person under this section may, at the election of that person, be determined either by a court or by arbitration.

67. (1) No person shall construct a private sewerage installation except in accordance with any relevant Code of Workmanship prescribed under section 68, provided that any private sewerage installation which was legally constructed prior to the commencement of this Statute shall be deemed to have been constructed under this Statute.

Proper construction and operation.

(2) An authorised person may enter any land to inspect and ensure the proper construction of, or the safe and proper operation of any private sewerage installation on that land.

(3) An authorised officer may take samples of such water or waste and submit them to analysis that he may see fit and the sewerage authority may recover the cost of that analysis from the owner of the land from which samples are taken.

(4) A sewerage authority may, by notice in writing, direct an owner of land within such period as may be specified in the notice—

(a) to empty, clean, maintain or repair;

(b) to temporarily or permanently cease using;

(c) to take such other action as the sewerage authority may specify in relation to,

any private sewerage installation on that land.

(5) A sewerage authority may, at the request of, and at the expense of the owner undertake such work as may be specified in the notice.

(6) Where the owner of land fails, within a specified period—

(a) to take the action specified in the notice; or

(b) to obtain the agreement of the sewerage authority to undertake the work specified in the notice and to pay to the sewerage authority the costs as estimated by the sewerage authority, the sewerage authority may enter the land and undertake work or other measures that may be necessary to ensure compliance with the notice and may recover the costs from the owner or under section 54.

DIVISION 10—TRADE WASTE AGREEMENTS.

68. (1) Regulations or a sewerage authority may declare—

(a) any type of waste to be trade waste which may not be discharged;

- (b) any type of trade, classes of premises or particular premises in which trade waste may not be discharged;

directly or indirectly into any sewer, sewer connection, building sewer or connected fittings except in accordance with a trade waste agreement.

(2) A person—

- (a) responsible for the production, storage, discharge or deposit of any waste;
- (b) engaged in any trade;
- (c) owning or occupying any premises;

shall not cause or permit waste declared under subsection (1) to be directly discharged into any sewer, sewer connection, building sewer or connected fittings except in accordance with a trade waste agreement

69. (1) A sewerage authority may enter into a trade waste agreement with any person for the discharge of waste into a sewer or the storage or treatment of waste by the sewerage authority, on terms and in a manner and for period that the sewerage authority may decide or as may be prescribed.

Trade waste agreements

(2) Unless the sewerage authority is of the opinion that the concentration of the waste at the point of discharge from land occupied by that person will not—

- (a) adversely affect—
 - (i) the life, health or safety of any person;
 - (ii) the works of the authority;

(iii) any sewerage treatment process employed by the authority; or

(b) after treatment by the authority, affect—

(i) the life, health or safety of any person; or

(ii) any part of the environment,

any trade waste agreement made under subsection (1) shall include a condition requiring the treatment of waste before it is discharged.

(3) A trade agreement may be amended by the parties to the agreement

(4) A trade waste consent may be amended by notice in writing given to the occupier by the sewerage authorities

(5) A trade waste agreement or a trade waste consent may be terminated in such circumstances and in a manner that may be provided by regulations or in the trade waste agreement or trade waste consent.

DIVISION 11—STANDARDS OF WORKMANSHIP

Codes of
workman-
ship

70. (1) The Minister shall prescribe codes of workmanship in respect of—

(a) works of water supply, sewerage or waste treatment to be constructed under this Part of the Statute;

(b) private sewerage installations;

(c) plumbing or drainage relating to water supply or sewerage to be executed on any land.

(2) A code of workmanship may include matters concerning the design, construction, alteration, maintenance or repair of works including the types of materials, fittings or appliances which may be used in works or any other thing connected thereto

(3) An authority may require that all or any part of the works referred to in a Code of Workmanship—

- (a) may only be executed by, or under the direct supervision of, a person holding the prescribed qualifications,
- (b) may only be executed after giving the authority notice that may be prescribed;
- (c) may only be executed after obtaining the approval of the authority in the prescribed manner;
- (d) may only be executed under the supervision and in the presence of an authorised officer and according to his direction;
- (e) be inspected and approved by an authorised person before the work is used.

(4) Any person who fails to comply with, or cause or allow another person to fail to comply with any lawful direction issued by an authorised person under this Division commits an offence.

71. The Director may, in association with any other body—

- (a) organise training courses for plumbers and drainers or other operators.
- (b) conduct examinations in relation to plumbing and draining;

Power to
conduct
training
courses for
plumbers
and
drainers

- (c) award certificate to persons who have attended training courses or passed examinations held under this section.

DIVISION 12 — GENERAL POWERS OF AUTHORITIES

Execution
of works on
request

72. (1) The owner of any land which cannot be—

- (a) supplied by water from any existing water supply works; or
(b) connected to any existing sewerage works,

under this Part of the Statute, may apply to the appropriate authority in writing for the extension of that existing works to extend services to that land.

(2) The authority may, at the cost of the owner, extend or arrange for the extension of existing works in order to serve that land.

Notice to
repair

73. (1) An authority may, by notice in writing to the owner of land, require the owner to repair, within the time specified in the notice any works connecting that land to the works of the authority, or do any thing necessary for the service provided to the land by the authority.

(2) If land is connected to the works of an authority by a combined connection, a notice to repair may be served on any or all of the owners of that land.

(3) Where the owner of land served by a notice fails to comply with the notice within the time specified, or any longer period allowed by an authority, the authority may carry out the necessary repairs and recover its reasonable costs from each owner on whom the notice was served under section 56.

Notice of
contraven-
tion.

74. (1) An authority may, by notice in writing to a person who contravenes—

- (a) a provision of this Part of the Statute;
- (b) a requirement made by the authority under this Part of the Statute; or
- (c) a term of any agreement for services under this Part of the Statute,

require that person, or the owner of the land in relation to which the contravention occurs, to take specified action within the time specified in the notice or any longer time allowed by the authority to remedy the contravention

(2) A person on whom a notice of contravention is served shall make sure that the notice is complied with within the time specified, or any longer time allowed by the authority

(3) If a notice of contravention is not complied with, within the time specified or any longer time allowed by the authority, the authority may

- (a) carry out the required works and take any other action necessary to remedy the contravention, and recover its reasonable costs from the person on whom the notice was served or under section 56;
- (b) remove or disconnect any service to the land in relation to which the contravention occurs, and recover its reasonable costs from the person on whom the notice was served or under section 54;
- (c) apply to court for an injunction restraining the person on whom the notice was served from contravening the notice;

75. (1) An authorised person may enter land for the purpose of—

- (a) reading, removing or repairing a meter;

Power to enter land for reading meter, etc

- (b) inspecting any works, installations or appliances or taking any samples or making tests to find out whether this Part of the Statute is being complied with

(2) An authorised person may, after an authority has given seven days' notice in writing to the occupier, enter any land and carry out on that land works that the authority is empowered to carry out.

(3) An authority may not give notice required under subsection (2)—

- (a) if the occupier consents to the entry and the carrying out of the works; or
- (b) in an emergency; or
- (c) if the purpose of entry is to prevent the waste, misuse or pollution of any water, or to enforce this Statute

(4) An authorised person shall not enter land which is used primarily for residential purposes under this section, except between 6 a.m. and 6 p.m, unless he has reasonable grounds to believe that—

- (a) water restrictions in force are not being complied with by the occupier;
- (b) water is being wasted, misused or polluted;
- (c) an offence under this Statute is being committed.

Powers to
undertake
works

76. Subject to the provisions of this Statute, the action plan, or the terms of any water permit or other permit which may be required under Part II of this Statute, an authority may—

- (a) enter upon any land, take its levels and set it out as the authority thinks necessary, dig, trench and break up the soil, and use or remove any material dug from the land;

- (b) sink such boreholes and construct, use or operate reservoirs, waterworks, cisterns, tanks, aqueducts, sewers, sluices, pipes, culverts, drains, machinery and other works relevant to supply water, sewerage, or waste treatment; and construct or use buildings as the authority thinks fit;
- (c) divert, extract and impound the water from any watercourse or borehole or alter the course of any watercourse;
- (d) blast with explosives or otherwise break up any rock, clay, stone, soil or other geological formation or artificial structure in any manner and remove or use all or any material obtained;
- (e) construct or operate any works for the conservation or supply of water, the provision of sewerage or the treatment of any water or waste.

77. (1) Land and works acquired or constructed by or on behalf of an authority

Land and works to vest in authority

- (a) prior to the commencement of this Statute; or
- (b) under this Part of the Statute,

are owned by that authority to the extent that is prescribed or directed by the Minister under section 48.

(2) Any main, water connection, sewer, or sewer connection provided at the direction of, but not by an authority, belongs to the authority.

(3) Water taken by a water authority in accordance with the water resources provisions in Part II of this Statute and contained for the time being in any works controlled by that authority belongs to the authority.

(4) Any waste for the time being contained in any works controlled by a sewerage authority belongs to that authority, and the authority—

- (a) shall comply with any requirement of Part II in relation to the treatment or disposition of that waste;
- (b) is liable to any penalty prescribed under section 106 for any offence relating to pollution.

(5) Where at the commencement of this Statute—

- (a) any main, water connection or related works (other than a private water pipe) which are part of a water supply operated by a water authority;
- (b) any sewer, sewer connection or related works (other than a building sewer) which are part of a sewerage system operated by a sewerage authority;

are on private land, such works shall be taken to have been installed with the consent of the owner and occupier for the time being of that land at the time they were installed and pursuant to a sufficient interest in the land created by that owner or occupier in favour of the authority to enable it to enter the land in order to repair, maintain, alter, extend, replace or remove works in perpetuity.

(6) Any main, water connection, sewer or sewer connection or related work attached to private land by, for, on behalf of or at the direction of an authority does not become part of the land for the purpose of giving the owner or occupier of land a proprietary interest in it.

(7) Works constructed by an authority on behalf of another person do not belong to the authority.

78. An authority shall not abandon any of its works without the Minister's approval.

79. (1) An authority may temporarily close all or any part of a road to traffic if it is necessary to carry out works on or adjacent to the road.

Power to
stop traffic

(2) An authority shall give notice to the Uganda Police Force—

- (a) in writing at least three days before the closure;
- (b) in an emergency, as soon as possible after the closure occurs.

80. (1) Where it is necessary for the construction or operation of any works, an authority may break up the surface of any road and open or break up any works under the road.

Works on
roads

(2) An authority shall—

- (a) while the surface is broken up, take appropriate safety precautions to minimise the possibility of injury to members of the public;
- (b) remove from the site all rubbish resulting from the works;
- (c) do as little damage as possible; and
- (d) carry out the work as quickly and efficiently as practicable.

(3) An authority shall—

- (a) return the site, so far as possible, to the state it was in before the work was started; and
- (b) pay compensation for any damage which may have been done to the works of any public authority in the exercise of the powers under this section.

(4) The obligations created under subsection (3) shall not apply to any structures or works of any type erected by a private person in or on a public road or adjacent road reserve.

Protected
zones

81. Subject to section 91, an authority may—

- (a) establish a protected zone on land adjacent to
 - (i) any water, borehole, treatment or other works forming part of a water supply or from which a water supply is drawn; or
 - (ii) any sewer, sewerage treatment works or out-fall;
- (b) erect and maintain fences on or enclose the land under the protected zone; and
- (c) prohibit activities within the protected zone, as it sees fit.

Restriction
or discon-
tinuation
of water
supply

82. (1) A water authority may, without prejudice to any other remedy it may have, restrict the quantity of water or discontinue the supply of water to any person if—

- (a) the water authority is unable to supply the quantity of water which would otherwise be supplied to the person;
- (b) the water authority believes that the reduction or discontinuance is necessary to avoid future water shortages;
- (c) any private water pipe or other works on land of that person for the supply of water or any connected fittings—
 - (i) are, in the opinion of the water authority, inadequate or not properly constructed; or
 - (ii) do not comply with the regulations or Code of Workmanship;

- (d) that person contravenes provision of this Statute through waste, misuse, or pollution of water supplied to that person by the water authority or through the taking or use of water;
- (e) that person contravenes any water restrictions in force;
- (f) that person refuses entry to an authorised person exercising powers conferred under this Statute to stop the committing of an offence under this Statute.

(2) If a water authority restricts or discontinues the supply of water to a person in accordance with subsection (1) that person shall have no claim against the authority.

(3) Where a water authority restricts or discontinues the supply of water to a person under paragraph (1) (c), (d), (e), or (f) it may charge a fee for restoring the supply.

83. (1) An authority may enter and remain upon land and may—

Power to enter land and take action.

- (a) take measurements and make estimates on the land as it thinks necessary or desirable;
- (b) construct or remove works as it thinks necessary or desirable for the exercise of its functions;
- (c) collect and take samples it may think necessary or desirable;
- (d) make investigations, inquiries or inspections as it thinks necessary or desirable to determine whether the provisions of this Statute are being complied with.

(2) The provisions of section 15 shall apply to any entry of land under this section.

(3) A water authority shall be liable for any nuisance or other injury done to any land other than the land entered under this Statute.

Power to
acquire
land

84. (1) The Minister or the authority, if authorised by the Minister, may acquire interest in land and any structures thereon for purposes of this Statute

(2) An acquisition under subsection (1)—

(a) may be by agreement or through lawful compulsory acquisition of land,

(b) shall be deemed to be for a public purpose within the meaning of Article 26 of the Constitution.

(3) Compensation payable to a person under this section shall be determined under the Land Acquisition Act, 1964 and section 93 of this Statute

Power to
deal with
land

85. An authority may, in the performance of its functions—

(a) exchange any land for any other land;

(b) grant leases, licenses or easements over its land;

(c) mortgage its land; or

(d) sell any of its land.

Notice of
intention to
affect
works.

86. Where an authority intends to do anything that will affect the works of another public authority, it shall give notice to that other public authority—

(a) in normal circumstances, of at least fourteen days before the work is effected; or

(b) in an emergency, as soon as is practicable before or after the work is affected.

DIVISION 13— COMMERCIAL POWERS AND FINANCIAL PROVISIONS.

87. The Minister may authorise an authority to exercise powers under Sections 88, 89 and 90 on such conditions as he may see fit.

Application
of sections
90, 91 and
92

88. (1) Subject to section 87 and for the better functioning of the authority, the authority may enter into contract with any person or public authority for the provision of equipment, facilities, expertise, services or staff or the joint use of the above.

Authority's
contracts

(2) An authority may, at the request of any person or public authority and at the expense of that person or public authority—

- (a) repair or alter any works;
- (b) carry out any survey or investigation; or
- (c) do anything else connected with, or incidental to, the functions of the water authority.

89. (1) An authority may subject to section 87—

- (a) participate in the formation of a corporation, trust, partnership or other body;
- (b) subscribe for or otherwise acquire, hold and dispose of, shares in debentures or other securities of a corporation;
- (c) become a member of a company limited by guarantee;
- (d) subscribe for or otherwise acquire, hold and dispose of, units in a trust;
- (e) acquire, hold and dispose of, an interest in a partnership or other body; and

Authority's
commercial
ventures.

- (f) enter into partnership or arrangement for sharing of profits, union of interest, co-operation, joint venture, reciprocal concession or other arrangement, with any person or body carrying on or engaged in any business or transaction (whether within or outside Uganda) to benefit of the authority.

**Industrial
property**

90. (1) An authority may subject to section 87—

- (a) apply for, obtain and hold, whether on its own behalf or jointly with any other person, industrial property rights;
- (b) assign or grant licences in respect of those industrial property rights, with or without charge; and
- (c) enter into agreements and arrangements for the commercial exploitation of industrial property rights.

**Compensa-
tion to be
paid**

91. (1) If damage is caused to land in the exercise of powers conferred on an authority by this Statute the authority shall if required, compensate all parties interested in the land for all damage sustained by them in consequence of the exercise of such powers, subject to the provisions of the Statute.

(2) For purposes of this section, "damage to land" means loss suffered as a result of—

- (a) deprivation of the possession of the surface of any land;
- (b) damage to the surface of land and to any improvements, crops or trees thereon;
- (c) damage to stock; and
- (d) all consequential damage.

(3) In calculating compensation under this section—

- (a) for damage to land payable under this section;
- (b) in respect of the compulsory acquisition of any interest in land for the purposes of this Statute,

no amount will be payable to the owner of any interest in, or the occupier of any land in respect of the taking or use of water on, adjacent to or beneath that land by an authority pursuant to a water permit granted under Part II of this Statute.

(4) Compensation shall not be paid under this section unless a written claim for compensation has been lodged with the responsible authority, within six months of either the claimant learning of the act giving rise to the claim, or the completion of any works in respect of which compensation is sought, whichever is later.

(5) A claim for compensation shall set out—

- (a) the claimant's name and address;
- (b) a description of the land in respect of which the claim is made;
- (c) the claimant's interest in the land;
- (d) the nature and extent of the interest of any other person in the land;
- (e) the damage caused to the land;
- (f) the particulars of any other damage; and
- (g) the total amount of the claim.

(6) An award of compensation may take the form of—

- (a) a payment of money;
- (b) the provision of compensation water to land on terms the authority may determine;

(c) the remission of rates, charges or fees payable to the authority;

(d) any other type of award which the authority considers appropriate.

(6) An authority shall notify the claimant of its decision on a claim made under subsection (5) as soon as is practicable and any person aggrieved by the decision of an authority may, within thirty days from the receiving of the notice of the decision, appeal to the Minister.

(7) The Minister shall consider an appeal made under subsection (6) within thirty days of receiving the notice of appeal and may grant the appeal and fix compensation as he may consider reasonable in the circumstances.

(8) An authority shall pay to the applicant all the difference, if any, between the amount already paid by it and the amount fixed under subsection (7) award seven days of getting notice of the Minister's decision

Cost of re-
location or
re-construction.

92. (1) Where it becomes necessary to re-locate or re-construct works vested in an authority as a consequence of the execution of work by any other public authority, the costs of the re-location or re-construction shall be paid to the authority by that public authority less such sum, if any, of any improvement to the works of the authority.

(2) An authority may, at the request of a person with an interest in land upon which works vested in the authority are located, agree to relocate those works at the cost of that person and upon such terms as the authority may determine.

Compensation
to
authority

93. If damage occurs to any works of an authority as a consequence of the commission of an offence under this Statute, the court may in addition to any penalty, order the offender to compensate the authority as the court may think fit.

94. (1) An authority may, by regulations and with the approval of the Minister—

- (a) fix rates with respect to land within the authority's area;
- (b) fix charges, fees or deposits for commodities, services or facilities provided or to be provided by the authority;
- (c) fix penalties for failure to pay any amount due to the authority when it falls due and payable and rates or interest on outstanding amounts due to the authority.

(2) An authority may levy and demand rates, and demand payments of charges, fees, deposits, interests or penalties fixed under this section.

(3) Charges for water supplied by a water authority may, at the option of the water authority—

- (a) be assessed on the quantity of water supplied as registered by a meter installed on the consumer's land by the water authority;
- (b) be assessed in some other manner approved by the Minister; or
- (c) be otherwise arrived at by agreement with the consumer.

(4) A water authority may, with the approval of the Minister, establish—

- (a) charges to be paid per unit of quantity for water supplied by metered or computed quantity;
- (b) minimum charges to be paid for water supplied;

- (c) rent to be paid for a meter installed by the water authority; and
- (d) the time within which charges and rent shall be paid, and the terms and conditions of payment, including the payment of deposits,

by consumers generally or by any class of consumers.

Recovery of
outstanding
rates, etc

95. (1) A rate, charge or fee levied or made under this Part of the Statute and any interest or penalty payable thereon is a charge against the land in respect of which the rate, charge or fee is levied or made.

(2) Without prejudice to any other remedy available to a water authority where any rate, charge, fee, or any interest or penalty payable in respect of—

- (a) any water supplied by the water authority; or
- (b) any sewerage services relating to land to which water is supplied by the water authority,

is outstanding for a period of thirty days from the day on which it became due, the water authority may—

- (c) restrict or disconnect the supply of water to the land in question;
- (d) demand the outstanding amount from the person and—
 - (i) if the amount demanded is not paid in full within seven days from the date of that demand, may recover any part of the amount which has not been paid by distress and sale of the goods of the person; or

(ii) by serving on any occupier paying rent in respect of the land a notice setting out the outstanding amount, and requiring the occupier, from the date that notice is served, to pay any rent or other amount he would otherwise be obliged by law to pay to that person, direct to the authority until the outstanding amount, any interest thereon, any penalty imposed or any reconnection fee have been recovered in full by the authority.

(3) Any amount paid to the authority under paragraph (2) (d) (ii) shall, for all purposes, be deemed to have been paid to the owner and the receipt of the authority shall be a sufficient discharge for the amount which would otherwise be payable to the owner by the occupier.

(4) The provisions of subsections (2) and (3) of section 84 shall apply to the restriction or discontinuation of water supply under this section.

DIVISION 14—MISCELLANEOUS FOR PART III.

96. (1) The Minister may authorise a water authority to execute works and to supply water outside its water supply area on terms prescribed by the Minister, including—

Supply outside water supply areas

(a) the charge to be paid for water supplied; and

(b) the conditions on which supply is authorised.

(2) Except in the case of water supplied in bulk to a public authority, a charge prescribed under this section shall not be less than for a similar supply within the water supply area.

97. No person within a water supply area and no person supplied with water under this Statute may supply water to any other person or cause or permit any other person to take water except—

Supply to certain persons prohibited

- (a) for use or consumption on those premises;
- (b) for the purpose of extinguishing a fire; or
- (c) with the approval of the water authority for that water supply area.

Unlawful
of taking
water

98. (1) A person shall not take or use, or cause or allow, or attempt to cause or allow any person to take or use water from works vested in a water authority except as provided under this Statute.

(2) A person shall not—

- (a) take, or cause or allow, or attempt to cause or allow any person to take water from a standpipe;
- (b) use, or cause or allow any person to use water from a standpipe,

except for human and household consumption or such other purposes as may be prescribed by the responsible authority from time to time.

(3) In any proceedings for an offence under this section, proof of the existence of a structure, obstruction or device on the land capable of allowing water to be taken or used is *prima facie* evidence that water was taken or used at the time that structure, obstruction or device is proved to have existed.

Interference
with works

99. (1) A person shall not cause or allow or attempt to cause or allow any works acquired, constructed or operated under this Statute to be interrupted, interfered with, altered, moved, damaged or destroyed, except as provided for in this Statute.

(2) A person who attaches or causes or allows any person to attach any hose, pipe, fitting or other device to a standpipe vested in an authority commits an offence.

(3) In any proceedings for an offence under this section, proof of the existence of any structure, obstruction or device on

land capable of causing an interruption, interference, alteration, movement, damage or destruction is *prima facie* evidence that an interruption, interference, alteration, movement, damage or destruction occurred at the time that structure, obstruction or device is proved to have existed.

(4) An authority may confiscate any structure, obstruction or device referred to under subsection (3).

100. (1) A person shall not—

Tampering
with works

- (a) uncover or expose any main, pipe, or other underground works vested in a water authority;
- (b) wilfully or negligently break, damage, injure, open, alter or obstruct any main, pipe, meter or other works vested in a water authority;
- (c) alter the index of any meter or prevent or impend any meter from duly registering the quantity of water supplied, except with the permission of the responsible water authority.

(2) Where any person is convicted of an offence under this section, the Court may, in addition to imposing the penalty, order that person—

- (a) to meet the cost of making good any damage caused;
- (b) to pay any other charges which by virtue of the offence it may assess the water authority to have lost,

as the case may require.

101. (1) A person shall not, without the consent of an authority cause or allow—

Structures
not to be
put on land,
etc

- (a) a structure to be built, or filling to be placed on land in which the authority has a proprietary interest;

- (b) a structure to be built or filling to be placed within four meters of any works of an authority;
- (c) any soil, rock, or other matter that supports, protects or covers any works of an authority to be removed.

(2) An application for an authority's consent under subsection (1) shall be made in the manner prescribed by the authority and shall be accompanied by plans and other information that the authority may require.

(3) A person, who, with the consent of an authority, causes or allows anything referred to in subsection (1) to be done shall make sure that it is done in accordance with any conditions which the authority gave with the consent if any.

(4) If a structure has been built or filling placed on land contrary to this section, an authority may, by notice in writing to the owner or occupier of the land, require the owner or occupier to alter, remove or relocate the structure or filling within the time specified in the notice, whether or not the structure was built or the filling placed by or on behalf of the owner or occupier.

(5) If the person to whom a notice is given under subsection (5) applies does not comply with the notice within the time specified, or any longer time allowed by the authority, the authority may—

- (a) carry out the requirements of the notice; and
- (b) recover from that person its reasonable costs of carrying out paragraph (a); or
- (c) exercise the powers conferred on it by section 95.

(6) Consent given by an authority under subsection (3) shall be binding upon the applicant, his heirs, successors and assignees and the owner or occupier for the time being of the land, whether or not that person has notice of the consent or the conditions thereof.

(7) A person who contravenes the provisions of this section or causes or allows any person to contravene provisions of this section or any condition attached to any approval of an authority commits an offence.

102. (1) Where trees, crops or shrubs are located within four metres of the centre-line of any sewer, pipe, or other works vested in an authority and the authority requires access to those works, an authorised officer may without notice to the owner or occupier of the land upon which the trees, crops or shrubs are located, cause them to be removed.

Trees and shrubs.

(2) Where a sewer, pipe or other works vested in an authority is damaged or blocked by any tree or shrub or the roots, an authorised officer may, by notice in writing to the owner or occupier, require the owner or occupier of the land on which the tree or shrub is located to—

(a) remove the tree or shrub or the roots thereof;

(b) make good any damage or blockage to the works;
and

(c) restore the service to the land,

in a manner and within the time specified in the notice.

(3) If the person to whom a notice is given fails to comply with the notice within the time specified, or any longer time allowed by the authorised officer, the authorised officer may—

(a) carry out the requirement of the notice; and

(b) any costs incurred in the carrying out requirements of the notice.

(4) A person contravening the provisions of this section commits an offence.

PART IV—GENERAL MISCELLANEOUS.

Obstruction
of an
officer

103. (1) No person shall assault, threaten, resist, obstruct, hinder, delay or allow any other person to do the above to an authorised officer or person in the performance of his powers, functions or duties under this Statute.

(2) Where a person is convicted of an offence under this section the court may, in addition to any penalty, order that person to pay compensation sufficient to cover any damage which the authorised officer or other person might have suffered as a result of commission of the offence and the sum awarded may be recovered in the same manner as the penalty.

Offences
and
penalties

104. (1) A person who contravenes any provision for which no offence is specified commits an offence and shall be liable on conviction to imprisonment for a term of not less than three months and not more than ten years or to a fine of not less than one hundred thousand shillings and not more than six million shillings or both.

(2) A person who commits an offence under any other section for which no penalty is specified shall be liable on conviction to imprisonment for a term of not less than twelve months and not more than ten years or to a fine of not less than one hundred and twenty thousand shillings and not more than ten million shillings or both, and shall be liable—

(a) for a continuing offence, to a fine of not less than one hundred and eighty thousand shillings and not more than eighteen million shillings for each day on which the offence is continued;

(b) for a subsequent offence, to imprisonment for a term not less than thirty-six months or to a fine of not less than three hundred and sixty thousand shillings and not more than thirty-six million shillings or both.

(3) In this section a "continuing offence" starts when the offence continues—

- (a) after the date on which the Court finds that the offence was committed; or
- (b) where there is no Court proceedings after the complaint alleging the commission of the offence has been issued.

105. (1) The Minister shall, from time to time, appoint an inspector to investigate the affairs of each authority and to report to the Minister in such manner as he directs.

Inspection
of author-
ities

(2) An authority, its officers, servants and agents shall if required by an inspector, provide the inspector with—

- (a) all information in its possession;
- (b) the books of account, records, other documents and other sources of information available to the authority.

(3) An inspector, and advisers or assistants as he considers necessary, may enter any land at any reasonable time for purposes of carrying out an investigation under this section.

(4) A person shall not —

- (a) assault, threaten, resist, obstruct, hinder or delay, or use foul, abusive or insulting language towards or at any inspector, his advisers or assistants in the exercise of an inspector's powers under this section; or
- (b) falsely hold himself out to be an inspector.

106. (1) Except as expressly provided in this Statute, the Minister, an authority, its servants or agents, or any authorised person, shall not be liable for any loss, injury or damage resulting

Protection
of author-
ities and
officers

from any act done or omission made in good faith in the exercising of any powers or functions or in discharging of any duty under this Statute.

(2) Without in any way limiting the generality of subsection (1), that subsection shall apply to—

- (a) any failure to make available or to continue to make available any service under this Statute;
- (b) any action taken in connection with the beneficial treatment of water for human consumption, including disinfection or fluoridation;
- (c) any data or information supplied;
- (d) any approval or permission given;
- (e) any inspection conducted; or
- (f) any requirement imposed or direction given,

by the Minister, an authority, its servants or agents, or an authorised person.

(3) Nothing in subsection (1) protects an authority from any liability it might otherwise have for supplying water which does not comply with any water quality or other standards prescribed under this Statute.

Regulations

107. (1) The Minister may make regulations not inconsistent with this Statute generally to give effect to the purposes and provisions of this Statute.

(2) Without limiting the generality of subsection (1), regulations may—

- (a) prescribe anything which, may be prescribed under this Statute;

- (b)** establish guidelines for the exercise of the functions or powers of the Director, any authorised person or public authority under this Statute;
- (c)** provide for the preparation, revision and approval of the Water Action Plan;
- (d)** provide for the membership, appointment, functions, powers and proceedings of the Water Policy Committee;
- (e)** provide for the registration of existing uses of water and structures;
- (f)** provide for means of exempting classes of uses, uses and the structures from same or all the provisions of Part II;
- (g)** provide for the de-centralisation or delegation of functions under this Statute;
- (h)** provide for the duration, granting, amending, renewing, suspending, varying or cancelling of permits;
- (i)** prescribe the registers and records to be kept under this Statute and the manner in which they are to be kept;
- (j)** prescribe the forms to be used and fees to be paid in respect of any matter required or permitted to be done under this Statute;
- (k)** provide for the advertisement of, and the giving of notice of, applications made under the Statute;
- (l)** provide for and regulate the making of objections, and the time in which objections must be made;
- (m)** regulate the conduct of appeals to the Minister;

- (n) prescribe standard conditions to be attached to water permits, waste discharge permits or other permits or different classes of any such permits;
- (o) classify water by reference to its quantity, quality or possible use;
- (p) prescribe standards or criteria for the design, construction or operation of works and means for enforcing the same;
- (q) fix rates, charges, fees, deposits, penalties and interest payable on outstanding amounts paid;
- (r) provide for the prevention of waste, misuse or pollution of water;
- (s) provide standards for the quality of water supplied for domestic use;
- (t) impose penalties not exceeding penalties imposed under subsection (2) of section 106, for contravening regulations made under this section.

(3) The Minister shall within three weeks after the publication of regulations made under paragraph (q) of subsection (1) or under section 94 or as soon as it resumes sitting lay the regulations before the Legislature for confirmation and if the regulations are not rejected within one month of their being tabled they will be deemed to have been confirmed.

Repeal Act
of 1969

108. (1) Section 27 of the Public Lands Act 1969 and the Water Rights Rules 1967 are repealed.

Cap 37

(2) The Waterworks Act and the Waterworks Rules are repealed.

