



THE WATER ACT, 2006
ARRANGEMENT OF SECTIONS

SECTIONS

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ACT NO. 4 OF 2006

I ASSENT

A handwritten signature in red ink, appearing to read "Amani Abeid Karume".
{ AMANI ABEID KARUME }
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL

.....10TH APRIL....., 2006

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF
WATER MANAGEMENT AUTHORITY IN ZANZIBAR
AND OTHER MATTERS CONNECTED THEREWITH**

ENACTED by the House of Representatives of Zanzibar.

PART I
PRELIMINARY

Short title and commencement.

1.(1) This Act may be cited as the Water Act, 2006 and it shall come into operation on such a date as the Minister may by notice in the Gazette appoint.

(2) The Minister may appoint different dates for commencement of different parts or provisions of this Act, by notice published in the Gazette.

Interpretation.

2. In this Act, unless the context requires otherwise.



"aquifer" means any geological formation from which water in usable quantities can be extracted and or formation capable of yielding water in substantial quantities to wells and springs;

"Authority" means the Zanzibar Water Authority established by section 3 of this Act;

"beneficial use" means the use of water in such a quantity as is necessary for economic and efficient utilization, of public interest, with regard to prevention, and conservation of environment purposes;

"Board" means the Board of Directors of the Authority established under section 10 of this Act;

"building" includes any superstructure or substructure or erection of a permanent or semi permanent nature on earth;

"catchments area" means any area of land or of water delimited by the Minister, which its water contributes to the supply of any waterworks;

"Chairman" means Chairman of the Board.

"chargeable water" means the total consumption of water in any premises, house, building or vessel;

"connection to the mains" includes the stop cock and length of pipe between the stop cock and the main;



"consumer" or "customer" includes any person or body of persons supplied, or applying to be supplied with, or using water from the waterworks or who is liable for payment of any fees or other charges for the supply or use of water;

"contravention" includes failure to comply with the provision of this Act;

"cut off" or "disconnection" in relation to water supply, means to stop the supply whether by operating a stopcock or by disconnecting pipes, or in any other manner;

"Director General" means the Director General of the Authority appointed under Section 4 of this Act;

"domestic supply" in regard to any premises means supply of water necessary for the health and reasonable domestic comfort of any person residing upon or resorting to the premises during the period of that residence or resorting and includes all pipes and fittings beyond the connection to the main;

"fittings" includes all taps, stop cocks, ball cocks, cold water cisterns, hot water apparatus, flushing apparatus, or any other apparatus or appliances other than above mentioned used on an internal waterworks;

"fresh water" mean water which has been gathered and supplied to consumers which is colorless, tasteless and



odourless which contains no harmful bacteria or any other effects;

"Government" means Revolutionary Government of Zanzibar;

"ground water" means water located below the surface of the ground in the natural strata thereof and not apparent on the surface of the ground;

"internal supply" means the supply of water service to any premises, building or house;

"license" means a right granted or deemed to have been granted by this Act to abstract or use of water;

"mains" includes any pipe owned and maintained by the Authority, including connection to the main;

"member" in relation to the Board means a member of the Board and includes the Chairman;

"Meter" means an appliance, apparatus or device used to measure, ascertain or regulate the amount of water taken or used from the waterworks, and includes any meter box, meter box cover and indicator marking the position and size of the meter;

"Minister" means the Minister responsible for Water in Zanzibar;

"misuse" means the use of water against the contract or license;



"non-domestic supply" includes the supply of any water from the waterworks for the purpose of, or in carrying on, any trade, business or manufacture and construction of buildings, or for watering fields or gardens cultivated or occupied as a means of pecuniary profit, or for watering cattle, horses, donkeys, mules, sheep, goats, pigs, or other animals, kept for pecuniary profit, or for private fountains or for any ornamental purposes, or for the supply of ponds and tanks, or for laundries, vessels, ships, boats, or machinery, and included the supply of water for use by any person residing in or occupying any premises where a non-domestic supply is given;

"occupier" means any person in occupation of the premises;

"owner" in relation to any premises means the person who owns or for the time being receiving the rent in respect of the premises in question, whether on his own account or as agent or trustee or who would so receive if the premises were let at a rent;

"permit" means the permission of drilling and using traditional well without any payments;

"pollution" means any physical, chemical or biological alteration in the composition or quality of waters of the country, through the introduction, by man, directly or indirectly, of substances,



species or energy which results in effects detrimental to human health, safety or well being or detrimental to the use of water for any beneficial purposes or to the conservation and protection of the environment, including the safeguarding of the fauna, the flora, and other natural resource including the marine environment, its flora, fauna and morphology;

"premises" means any structure, building or part of a building, and includes any land with or without buildings held or occupied as a distinct or separate holding or tenancy, and any pier, or wharf;

"public standpipe" means any fountain, standpipe, tap, trough, or other appliance or structure erected, provided or maintained by or on behalf of the Authority for the purpose of supplying water to the public from the waterworks;

"safe yield" means the sustained pumping rate from an aquifer of water bearing formation in which the yield does not exceed the water in storage in that aquifer plus recharge during some defined period;

"service" means pipes, cisterns, cocks, fittings and other appliances or infrastructure, other than a meter, through which water flows or is intended to be used for the purpose of supplying of water to any premises from the waterworks;



"street" includes highway, road, lane, footway, square, court, alley or passage;

"surface water" means water located above the ground including river, lakes, sea and ponds;

"traditional well" means any well which has been drilled in the village in the open space for the purpose of the public use without being owned by any person and includes a well from which water is drawn by buckets or tin vessel;

"water right" means legal authorization to use a predefined quantity of public water for a designated purpose;

"waterworks" means all gathering grounds, reservoirs, dams, weirs, tanks, cisterns, tunnels, filters beds, conduits, aqueducts, mains, pipes, meters, fountains, sluices, valves, hydrants, pumps, prime movers and all other structures or appliances used for regulation of water, which are used or have been constructed by or on behalf of the Authority;

"well" means any natural well, borehole, edit; tunnel, gallery or other excavation constructed or used for the abstraction of ground and underground water or for the introduction of fluids directly into groundwater;



PART II **THE ZANZIBAR WATER AUTHORITY**

Establishment of
Zanzibar Water
Authority.

3.(1) There is hereby established an authority to be known as the Zanzibar Water Authority or "ZAWA" in its acronym hereinafter referred to as the Authority.

(2) The Authority shall be a body corporate with a perpetual succession and a common seal capable on its name of:-

- (a) suing and being sued;
- (b) borrowing and lending money; and
- (c) taking, purchasing or otherwise acquiring, holding, changing and disposing of movable and immovable properties.

(3) The Authority shall have jurisdiction in the management of water in Zanzibar.

(4) The Authority shall be responsible to the Minister.

Composition of
Authority.

4. The Authority shall consist of: -

- (a) Director General who shall be the Chief Executive Officer appointed by the President and shall have the following qualifications:
 - (i) he is a Degree holder of the University;
 - (ii) he has the experience on waterworks of not less than five years.



- (b) Directors of the Departments of the Authority established by Regulations under this Act and appointed by the Board.

Functions of the Authority.

5.(1) The functions of the Authority shall be:-

- (a) to control, manage and protect all catchments areas and shall have mandate to take legal actions against any person or body of persons in violation of, or disturbing or encroaching the catchments areas;
- (b) to secure the continued supply of water in the country;
- (c) to develop and maintain waterworks plan and execute new projects for supply of water;
- (d) to promote the conservation and proper use of water resources;
- (e) to manage production and distribution of water on sustainable basis;
- (f) to advise the Government in formulation of policies relating to the development and conservation of water;
- (g) to collect fees for water supplied and services offered to consumers;
- (h) to specify standards of water quality, effluent and water equipments as specified in the Regulations of this Act;



- (i) to enter into any transaction which in the opinion of the Board will facilitate the proper exercise of the functions of the Authority;
- (j) to propose to the Board amendments of water tariffs and water service charges as considered necessary;
- (k) to perform any other function in pursuit of the provisions of this Act.

(2) The Authority upon the approval of the Board and in accordance with the staff regulations as established under this Act, shall recruit or hire or second any qualified staff from any Public or private Institution whether permanent or temporary, based on the requirement of the Authority.

Powers and operations of the Authority.

6.(1) For the proper performance of its functions in relation to any specified area, the Authority may, on the advice and recommendation of the Board, establish a branch or sub-branch or Water Committees of the Authority in the specified areas in question.

(2) The Authority shall acquire land over which a branch or sub-branch of the Authority is established subject to the provision of Land Tenure Act 1992.

(3) The Authority may restrict, diminish, withhold or suspend, stop, turnoff or divert the supply of water through or by means of any mains, internal supply or standpipe, either wholly or in part, and without prejudice to any water rate, meter rent or other sum due, and without compensation for any damage or loss which may result:-



when the available supply of water from the waterworks of the Authority is insufficient;

- (b) for the purpose of extending, altering, testing or repairing the waterworks or for the connection of internal supply or fire service;
- (c) wherever any public standpipe or public fountain is damaged or its water is polluted or wasted;
- (d) in case of outbreak of fire or breakdown in the waterworks;
- (e) when a customer fails to pay water bill or any sum due under this Act within twenty one days after notice of demanding payment has been given;
- (f) upon Interferences, tampering, or infliction of the waterworks;
- (g) in case of any breach by the customer under this Act.

(4) The Authority may, on the application or request by any person to whom it supplies or it proposes to supply water, supply to him, by way of either sale or hire, any such water fittings or appliances as required or allowed by rules or regulations made under this Act or by any other written law, and may on such application or request, install, repair or alter any such water fittings or appliances whether supplied by them or not, as the case may be, and may provide any materials and do any work required in connection with such installation, repair or alteration of water fittings or appliances, as the case may be.



(5) The Authority may make such charges as may be agreed on or, in default of agreement, as may be reasonable for any fittings or appliances supplied, or any materials provided or work done, under subsection (4) of this section and may recover those charges summarily as a civil debt.

(6) All fittings or appliances let for hire by the Authority shall:-

(a) notwithstanding that they are fixed to some part of the premises in which they are situated or are laid in the soil under the premises, continue to be the property of, and removable by, the Authority; and

(b) not be subject to distress or the landlord's remedy for rent, or be liable to be taken in execution under any process of court or in any proceedings in bankruptcy against the persons in whose possession they may be, so however that nothing in this subsection shall affect the valuation for rating of any ratable hereditament.

(7) The Authority may, after giving reasonable notice in writing to the owner or occupier, pass or lay any water pipes through, across or under any lands of any kind and at any time, upon giving such reasonable notice as the circumstances permit, or in case of a serious emergency without giving notice, enter upon any such lands for the purpose of repairing, maintaining, renewing, removing, inspecting, attending to or testing any such water pipe on the land, without paying any compensation but making good or, at the option of the owner or occupier, paying for any damage done or



occasioned through the operations under this section.

(8) The Authority, may, subject to the approval of the Board, guarantee the repayment of interest on a loan made to any person or body of persons or institution engaged in the development, conservation or extraction of water.

(9) With the prior approval of the Board, the Authority may invest any part of the moneys available in any fund of the Authority and which is not for the time being required for the purposes of the business of the Authority.

The Power of the Authority's staff.

7.(1) Any authorized officer may, at any reasonable time, or in the case of urgency at any time, enter into and upon any premises, into or upon which any internal supply is being or has been laid for the supply of water from the waterworks, for the purpose of:-

- (a) inspecting any internal supply and to ascertain whether there is any wastage, leakage, obstruction, alteration, interference, or damage to internal supply or meter and or anything in connection therewith;
- (b) regulating or repairing any internal supply or meter;
- (c) ascertaining the consumption; or

disconnecting the internal supply to any premises or diminish, withhold or suspend, stop, turnoff or divert the supply of water to any premises through or by means of any internal supply either wholly or in part.

(2) For the purpose of this section "authorized



officer adjoined with the officer adjoined with the officers of the Authority or other person or institution authorized in writing by the Authority for the purpose of exercising the power of entry conferred by this section.

Custody and management of water.

8. Subject to the provisions of this Act, and any direction by the Board, management of the waterworks, water in those waterworks, its supply and distribution shall be under the Authority.

Water rights.

9.(1) Upon commencement of the Authority, every person or institution owning a well or owner of water rights in any water supply area previously granted under any provisions shall, within six months after the commencement of the order, shall register such ownership of well and the right of water with the Authority.

(2) The Authority shall not supply water to any customer, unless the later shall sign an agreement to take the supply subject to the Rules and upon the terms and conditions and at the charges therein.

(3) Water rights shall terminate:-

- (a) due to the total depletion of the source of supply;
- (b) upon declaration of total depletion by the Minister; and
- (c) due to the completion of the term during which the right was granted.



PART III THE BOARD OF THE AUTHORITY

Establishment of the Board.

10. There shall be established a Board of Directors of the Authority which shall, subject to this Act, be responsible for supervisory affairs of the Authority.

Composition of the Board.

11.(1) The Board of Directors shall constitute of a Chairman, Director General and three other members.

(2) The Chairman shall be appointed by the President and other Members shall be appointed by the Minister.

(3) The Board shall have Secretary who shall be a lawyer for the Authority.

(4) The Board shall be answerable to the Minister.

Tenure of appointment.

12. The Chairman and any member shall hold office for three years but shall be eligible for reappointment.

Suspension or termination of Members.

13. The Minister may terminate or suspend any member appointed by him under section 11(2) of this Act:-

- (a) for the member's inability of performing the functions of his office; or
- (b) for misbehavior or misconduct; or
- (c) if the member is convicted of a criminal offence involving fraud, dishonesty or moral turpitude; or



- (d) if the member fails to comply with the regulation relating to disclosure of interest on a particular case; or
- (e) if the member absents himself from three consecutive meetings of the Board without the leave of the Chairperson; or
- (f) for any other sufficient reason to be recorded in writing.

Functions of the Board.

14. Subject to any directions which may be given by the Minister, the Board shall:-

- (a) approve any capital works of the Authority, not included within any program of works approved by the Minister of which the estimated cost shall not exceed such amounts as the Minister shall determine;
- (b) consider legislative proposals relating to water supply and recommend enactment of regulations to the Minister;
- (c) give directives to the Director General;
- (d) from time to time approve amendments of water and water tariffs made for the services provided by the Authority;
- (e) approve recruitment or suspend or dismiss any staff of the Authority;
- (f) approve remuneration for staffs of the Authority upon the recommendation of the Authority.

Powers of the Board.

15.(1) The Board shall not delegate its power to approve the annual budget, the annual balance sheet or any statement of accounts.



(2) A person or body of persons or institution giving a loan or other credit facility to the Authority or, as the case may be, giving a loan to any person or body of persons, the repayment of which is guaranteed by the Board, shall not be bound to enquire whether the Board has obtained the approval of the Minister for the purposes of that loan or other credit facility or the guarantee.

Meeting of the Board.

16.(1) The Board shall ordinarily meet at least once every three months for the transaction of its business at the times and at the places determined by it.

(2) The Chairman, may at any time call a special meeting of the Board, upon a written request by a majority of the members.

(3) The Chairman shall preside at every meeting of the Board and in his absence one member shall be appointed to preside at the meeting.

(4) The quorum at the meeting of the Board shall be more than half of the members in office.

Decisions of the Board.

17.(1) Issues proposed at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes the person presiding shall have a second or casting vote.

(2) The validity of any act or proceeding of the Board shall not be affected by any vacancy among its member or by any defect in the appointment of any of them.



Minutes of meetings.

18.(1) The Board shall record or cause to be recorded and kept minutes of all business conducted or transacted in its meeting, that shall be read and confirmed, or amended and confirmed, at the next meeting of the Board and signed by the Secretary and the person presiding at the meeting.

(2) Any minute purporting to be signed by the Secretary and the person presiding at meeting of the Board shall, in the absence of proof of error, be deemed to be a correct record of the meeting.

Remuneration of the Board.

19.(1) The members of the Board shall be paid such allowances as the Board may, with prior consent of the Minister determine.

(2) Every member of the Board is to be paid remuneration limited to those set out in section 10 of the Public Investment Act, 2002.

PART IV WATER RESOURCES

Water Resources ownership.

20. Water situated within the territory of Zanzibar, in what so ever-form, location or state including fresh, saline, marine, surface, ground, flowing or dormant water is hereby declared to be owned by the Government.

Uses of water.

21. As provided under section 20 of this Act public water cannot be abstracted, used, diverted or stored, except in accordance with a license granted under this Act.

License.

22.(1) Any person may:-

- (a) dig or construct well, borehole or other work for the purpose of extracting surface or ground water; or
- (b) extend any existing well, borehole or other work for the purpose of abstracting



additional quantities of surface or ground water,

provided that he has been licensed by the Authority, which except traditional which well shall not be charged any fee.

(2) Before any person, or body of persons or institution begins to construct any new boring for the purpose of research or prospecting or extracting minerals, he shall give notice of his intention in the prescribed form to the Authority, and shall take such measures as may be required by the Authority for conserving water.

(3) The issue of a license to abstract and or use of surface or ground water shall not authorize the abstraction of water in excess of the rate and quantity which is specified in the license.

(4) The authority shall fix the rate and quantity of water and give the person applying for a license an opportunity to make representations thereon and the Authority may take into consideration any such representation.

(5) The Authority can revise the quantity and rate of abstraction at any time deems fit, even prior to expiry of the duration of the license.

Applications and grant of licenses.

23. Applications for obtaining a license to abstract surface and or ground water shall be made and submitted to the Authority in the manner to be prescribed by the Regulations:-.

Provided that:-

- (i) any person wishing to object to the granting or renewal of a license shall be given an opportunity to do so; and



- (ii) in the issuance of a license for the abstraction of surface and or ground water, the Authority may, having regard for the preservation of water quality and the protection of the water supply from contamination or depletion, impose particular conditions and requirements; and
- (iii) the granting of a license for any water construction works shall not have the effect of dispensing with the necessity for obtaining other permit when such permit is required by specific institution or other legislation; and
- (iv) a license granted under this section and any variations or revision made by the Authority in the manner to be prescribed in the regulations to be made thereof shall register termination or diminution.

Variations.

24. The Authority may, on the application of the holders of licenses, terminate or diminish the right granted thereunder or vary any of the conditions thereof.

Termination.

25.(1) Where the holder of a license has:-

- (a) failed to comply with any condition, express or implied, subject to which the license was granted; or
- (b) abstracted or used water in excess of that authorized or has used water for a purpose not authorized by the license; or



(c) committed an offence against this Act;

the Authority may by notice in writing addressed to the holder declare the license to be terminated.

(2) Where the default is one capable of being remedied, the Authority shall first serve on the holder notice in writing specifying the default and requiring the holder to remedy the same within such time as may be specified in the notice and if the default is so remedied the Authority shall not declare the license terminated.

(3) In the case where a breach under paragraph (b) of subsection (1) of this section occurs, the license holder shall be guilty of an offence under section 36 of this Act on account of his wasteful use.

Preferences of uses.

26. Public water shall be used in accordance with the following order of preferences:-

- (a) domestic supply;
- (b) agriculture and livestock uses;
- (c) development of tourism;
- (d) industrial use; and
- (e) other uses.

Scarcity of water.

27. If scarcity of water is of such gravity that some uses have to be suspended, the process of suspension shall respect the order of preferences determined by section 26 of this Act or directive of the Minister.



Excessive use.

28. Where in the opinion of the Authority the abstraction of the surface or ground water from any source or in any area is or is likely to:-

- (a) become insufficient for the needs of the persons using it on account of excessive use, drought or an emergency; or
- (b) deteriorate in quality on account of abstraction in excessive quantities or at an excessive rate;

the Authority at any time may suspend or vary, by notice to the holders of water licenses, all or any licenses to abstract or use water from that source, or in that area, for such period as they may deem necessary, and upon such notice being given by the Authority, such licenses shall cease for the period of suspension or shall be exercisable only as so varied, as the case may be.

Reducing quantity.

29.(1) If at any time in any specified area, the quantity of water to which licenses are entitled is insufficient to satisfy all such licenses, the Authority may review the allocation of water in that area, and in so doing it may reduce the quantity allowed by any license and the terms and conditions thereof.

(2) The Authority shall have a regard to the principles that where full use of water has been maintained to the extent permitted by a license, no license shall be cancelled or reduced except in proportion with all other licenses in the same area.

PART V FINANCIAL PROVISIONS

Funds of the Authority.

30. The funds and resources of the Authority shall consist of:-



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

Charges for water and services.

31.(1) The Authority shall charge rates, fees, or other charges for water supply, and other services rendered and facilities availed to consumers as the Board may from time to time, with the consent of the Minister, by notice published in the Official Gazette determine.

(2) When any premises is occupied by two or more persons shall be jointly and severally be liable for the payments referred to in this section.

(3) The payments referred to in this section shall be paid to an office as the Authority may order and notify in the Gazette.

(4) The Authority shall not provide with any person or body of persons, water, fittings, appliances, facilities, or services ancillary to them,



either gratuitously or at a rate or charge which is insufficient to meet the cost involved in the provision of the water, fittings, appliances, facilities or services ancillary to them by the Authority unless a person or body of persons concerned undertakes to make good the amounts of the loss incurred by reason of the provision of the water or fittings, facilities or services.

Annual and supplementary budget.

32.(1) Financial year in this Act means any period not exceeding twelve consecutive months designated by the Board as the accounting period of the Authority in accordance with the government budget.

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

(3) Not less than two months before the beginning of every financial year (other than the first financial year) the Board shall at a meeting, pass a detailed budget (in this Act called the "annual budget") of the accounts:-

- (a) expected to be received; and
- (b) expected to be disbursed,

by the Authority during that financial year, and whenever circumstances so require, the Board may pass a supplementary budget in any financial year.

(4) Upon passing any annual budget or any supplementary budget, the Board shall forthwith submit to the Minister for approval of the annual budget or, as the case may be, for the supplementary budget.



(2) Where the Minister approves the annual or any supplementary budget, with or without amendment, the budget so approved by him, shall be bound on the Board which shall confine the disbursements of the Authority within the items and amounts contained in the applicable estimates as approved by the Minister.

Accounts and audit.

33.(1) The Board shall provide or cause to be provided and kept proper books of accounts and records with respect to:-

(a) the receipt and expenditure of moneys by, and financial transactions of the Authority; or

(b) the assets and liabilities of the Authority, and shall cause to be made out for every financial year a balance sheet showing the details of the income and expenditures and all its assets and liabilities of the Authority.

(2) Within six months of the close of every financial year the accounts including the balance sheet of the Authority in respect of that financial year shall be audited by the Controller and Auditor General or Auditors authorized by the Board.

(3) Every audited balance sheet shall be placed before a meeting of the Board and, if adopted by the Board, shall be endorsed with a certificate indicating such adoption.

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



of the report on the statement made by the auditors.

Annual report.

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

- (a) a copy of the audited accounts of the Authority, together with the auditors' reports on the accounts;
- (b) a statement of all directives given by the Minister to the Authority under this Act during the year;
- (c) such other information as the Minister may direct.

(2) The Board shall also submit to the Minister such other reports on its financial affairs as the Minister may, by writing reasonably, request from time to time.

(3) The Minister, shall lay before the House of Representatives the annual report with the audited accounts and report of the Authority.

PART VI OFFENCES AND PENALTIES

Damage to or alteration of waterworks or internal supply.

35. Any person who willfully or negligently damages the waterworks, or unlawfully draws off, diverts or takes water from the waterworks or from any stream or waters by which the waterworks are supplied, or alters or causes or permits any internal



supply to be altered without the approval of the Authority, shall be guilty of an offence and shall be liable on a conviction to a fine not less than five hundred thousands shillings or imprisonment for a period of one year or to both such fine and imprisonment.

Misuse or waste
of water and
unauthorized
connections.

36. Any person who:-

- (a) willfully or negligently misuses or wastes, or causes or allows to be misused or wasted any water passing into through or upon or near any premises from the waterworks except for the purpose of testing the extent or quality of the supply or of cleaning, sterilizing, examining or repairing the source of supply;
- (b) without the prior permission of the Authority takes any water from or makes any connection with the main pipe, reservoir, conduit pipe, cistern or other place containing water belonging to the Authority;
- (c) affects any connection with or injures or in any way interferes with any main pipe, communication pipe, stop valve, meter, instrument or valve of any kind whatsoever in relation to waterworks;

shall be guilty of an offence and on conviction shall be liable to a fine of not less than five hundred thousand shillings or to imprisonment for a period of six months or to both such fine and imprisonment.

Fraudulent
measurement.

37.(1) Any person who alters or causes or permits to be altered any service with intent to avoid the accurate measurement or registering of water by means of any meter or to obtain a greater



supply of water than he is entitled to, or to avoid payment for the water supplied, or willfully or negligently interferes with or damages any meter, shall be guilty of an offence and shall be liable on conviction to a fine of not less than four hundred thousand shillings or to imprisonment for a period of six months or to both such fine and imprisonment.

(2) Any service so altered or meter damaged or interfered with shall be replaced or repaired by the Authority at the expense of a person convicted under this section and the cost incurred by the Authority may be recovered from that person summarily as a civil debt.

Using water other than for purposes supplied.

38. Any person who uses water for purposes other than those applied for, shall be guilty of an offence and on conviction shall be liable to a fine of not less than one hundred and fifty thousands shillings or to imprisonment for a period of six months or to both such fine and imprisonment without prejudice to the right of the Authority to recover the value of water improperly used.

Bathing or washing in waterworks.

39. Any person who:-

- (a) washes or bathes in any part of the waterworks or catchment's area or in any vessel used by the Authority for supplying water from any public standpipe;
- (b) washes, throws or causes or permits to enter in any part of the waterworks or catchment's area or into any vessel used by the Authority for supplying water from any public standpipe, any animal, clothing, material or thing;



(c) wrongfully opens or closes any lock, valve, sluice or manhole belonging to the waterworks;

shall be guilty of an offence and upon conviction shall be liable to a fine not less than three hundred thousand shillings or an imprisonment for a period of six months or to both such fine and imprisonment.

Pollution.

40. Any person who deposits or allows or causes to be deposited any solid or liquid materials in such a manner or place that it may be washed, fall or be carried into the waterworks shall be guilty of an offence and on conviction shall be liable to a fine not less than one million shillings, and if that earth, material or liquid remains so deposited after an order from the court requiring to be removed has been given to that person, he shall be liable to a further fine of fifteen thousand shillings for each day during which the offence continues or an imprisonment not exceeding one year or both further fine and imprisonment.

Illegal construction and inhabit.

41. Any person who erects or inhabits or allows to be erected or inhabited any structure, whether of a permanent or temporary nature, on any part of the waterworks or inhabits any cave, cavity, depression or hole in any part of the waterworks, shall be guilty of an offence and on conviction shall be liable to fine not less than two million shillings or an imprisonment not exceeding one year or both further fine and imprisonment and demolish the structure and upon default to demolish, the Authority shall apply before the court to demolish such structure.

Offences under other laws.

42. When any act or omission punishable under this Act or any rules made under it is also



punishable under any other law for the time being in force, the offender shall be prosecuted and punished either under the Act or under the other law, but shall not be liable to be punished twice for the same offence;

Liability to employer or Principal.

43. Where an offence under this Act or any subsidiary legislation made under it is committed by a person as an agent or an employee, employer shall be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

Illegal sell of Water.

44. Any person without the permit of the license granted under this Act, sell or cause another person to sell abstracted water, shall be guilty of an offence and liable upon conviction to a punishment provided under section 46(1) of this Act, and upon repetition shall cause revocation of license herein granted.

False statement.

45. It is an offence for a person to make any statements which he knows to be false for the purpose of procuring, either for himself or any other person, a license, permit, franchise license or authority being granted under this Act and any person committing such an offense shall on conviction be liable to the penalty prescribed in section 46 (2) of this Act.

Penalties.

46.(1) A person guilty of an offence under section 44 shall be liable to a fine not less than One hundred thousand shillings or imprisonment of up to six months or to both such fine and imprisonment.

(2) A person guilty of an offence under section 45 shall be liable to a fine not less than two hundred thousand shillings or imprisonment of up to six months or to both such fine and imprisonment.



(3) Every breach of this Act for which no penalty is provided by this Act, shall be punished by a fine not less than one hundred thousand shillings.

(4) Where an offence committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect or default on the part of a Director, Manager, Secretary or other similar officer of the body corporate, or any person who is purporting to act in any such capacity, he as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

Clandestine Uses
of water.

47. Uses of water without authorization is subject to the following penalties:-

- (a) stoppage of the uses, fine and compensation to the amount of the profit obtained through the clandestine use of the water; or
- (b) six month imprisonment;

Unauthorized
well digging.

48. Any person or group of persons or institution who shall dig or drill well for the purpose of abstracting water without permit or license or cause another person to dig or drill shall be guilty of an offence and on conviction shall be liable to a fine not less than two million shillings or one year imprisonment or both fine and imprisonment.

Unlawful acts by
the employees of
the Authority.

49. Any person who, being employed by the Authority in connection with supply of water or any works:-



- (a) knowingly or by negligence permits any unauthorized person to interfere in any way with any works of the Authority; or
- (b) with intent to defraud or deceive, prepares, alters, secretes or destroys any documents in connection with the water supply; or
- (c) knowingly demands or receives from any other person any sum of money in respect of the use by such other person of water where such sum of money is not chargeable under this Act.

shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or both such fine and imprisonment.

Unlawful being in premises used for waterworks.

50. Any person who:-

- (a) without permission of the Authority, knowingly enters any premises or land used for water supply and waste water to which the public has no right of access; or
- (b) refuses or fails to leave any such premises or land when called upon to do so by an authorized officer; or
- (c) willfully or unlawfully obstructs or impedes any authorized officer lawfully discharging any duties in connection with waterworks or any other duties under this Act;

shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding eight hundred thousands shillings or imprisonment for a term not exceeding one year and six month or to both such fine and imprisonment.



PART VII MISCELLANEOUS

Responsibilities
of the Authority.

51.(1) The Authority shall be responsible for all matters relating to water coordination with other bodies for the interests and benefits of consumers and the people of Zanzibar.

(2) The Authority shall prepare the annual estimates for revenues and expenditures for the twelve months of each financial year and such estimates shall be approved by the majority of Board members voting and shall be forwarded to the Minister for approval.

(3) The Authority shall subject to the approval of the Board, employ officers and other staffs to work in the Authority and shall allocate duties and responsibilities as they deem fit and set remunerations, terms of service, allowances and other benefits relating to their duties and responsibilities.

Protection from
Personal liability.

52. No act, matter or thing done or omitted to be done by:-

- (a) any member of the Board;
- (b) any member of the staff or other person in the service of the Authority;
- (c) any person acting under the direction of the Authority;

shall if that act, matter or thing done or omitted in good faith in the execution of his duty or under direction, render that member or person personally liable to any civil action, claim or demand.



Recovery of expenses.

53.(1) All moneys, other than penalties or fines, payable under this Act, shall be recoverable together with interest on them at such rate as the Board may propose to the Minister.

(2) Notwithstanding the proceeding provision of sub section (1), no sum shall be recovered in accordance with the provisions of this section which was due and owing for more than two calendar months before the demand was made.

Transfer of assets and liabilities.

54.(1) All properties and assets which were vested in the Department of Water immediately after the commencement of this Act shall be vested in the Authority subject to all interests, liabilities, charges, obligations and trust affecting that properties.

(2) Any pending Court proceedings, Court duties, Judgments or Court orders which were enforceable by or against Department before the coming into force of this Act, and or connected with the assets vested in the Authority or the functions and powers of the Authority, shall be enforced by or against the Authority as it would have been enforced by or against the Department before the commencement of this Act.

Regulations.

55. The Minister may make and amend regulations in general to give effect to the purposes and provisions of this Act, including the variations of fees, funds and standards provided in this Act.

Correspondence with the Authority.

56. All correspondences between the Government, Institutions and the Authority shall be addressed to the Director General, who shall be regarded as principal means of consultation between the Government, institution and the Authority.



Reserve declaration.

57.(1) The Minister can declare reserves of water and set them aside for future uses.

(2) Sufficient compensation shall be paid to any person or group of persons suffering from that declaration.

State of emergency.

58. At a state of emergency the Minister shall proclaim the control and use of available water supplies.

Provided that just refund is paid and could never be more than the price that the water would have if it had been supplied under normal conditions.

Temporary occupation.

59.(1) Any land may be temporarily occupied by the Authority when needs arise on water use, conservation and research.

(2) Compensation is paid to the person affected by the temporary uses and the amount of compensation shall never exceed the actual damage suffered by the affected person through loss of use, loss of production, or actual destruction of his property or parts therefrom.

Meter, repair, substitution and safe keeping.

60.(1) Every consumer shall fix a meter on his services at his own expenses and on the event of any repair being found necessary shall immediately give notice thereof to the Authority that shall effect such repairs as may be found necessary to such meter at its earliest convenience.

(2) The Authority may, at its own expenses, disconnect and remove any meter, affix and substitute any other meter at its discretion.



(3) The meters together with fittings connected therewith shall remain the absolute property of the Authority and the consumer shall be responsible for the safe keeping and condition of any meter or stopcock fixed on his service and shall be answerable to the Authority, any damage or injury which may be done to or sustained by them.

Repeals.

61. The Towns Water Works Rules, 1940, are hereby repealed and anything or matter done under the repealed Rules shall be deemed to have been performed under the provisions of this Act.

PASSED in the House of Representatives of Zanzibar on the 3rd day of April, 2006.

KJChande
KHAMIS JUMA CHANDE
CLERK OF THE HOUSE OF REPRESENTATIVES