

GOVERNMENT NOTICE NO. 21 published on 22/1/2010

THE WATER SUPPLY AND SANITATION ACT, 2009

(No. 12 OF 2009)

**REGULATIONS**

*Made under section 34(1))*

THE WATER SUPPLY AND SANITATION (REGISTRATION OF COMMUNITY OWNED WATER SUPPLY ORGANISATIONS) REGULATIONS, 2009

1. These Regulations may be cited as the Water Resources Management (Registration of Water Users Association) Regulations 2009.

Citation

2. In these Regulations, unless the context otherwise requires  
“Act” means the Water Supply and Sanitation Act 2009;  
“community organisation” means community owned supply organisation established under the Act;

Interpretation  
Act No.  
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2009

“consumer” means any person or body of persons supplied or applying to be supplied with or using water from waterworks or receiving sanitation services or who is liable for payment of any fees or other charges for the supply or use of water or sanitation services;

“Council” means District or an Urban Council established under the Local Government (District Authority ) Act and the Local Government (Urban Authority) Act respectively;

Cap. 287  
Cap. 288

“Executive Director” means any person appointed under Local Government Laws to manage the affairs of a Council;

“holder of a certificate” means any community organisation which has been granted a certificate of registration;

“Registrar” means any person appointed by the Executive Director for the purpose of registering community organisations within the Council,

“register” means a ledger maintained by the Council for keeping records, names and number of registered community organisation in the Council.

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- Registrar            3. Every Executive Director shall appoint from amongst public officers of the Council a Registrar of community organisation
- Functions of the Registrar            4. Fuction of the Registrar shall include to—  
(a) approve constitution or memorandum of agreement submitted by a proposed community organisations;  
(b) register community organisations ;  
(c) keep and maintain register of community associations;  
(d) keep records and reports regarding water users associations;  
(e) enquire into any matter regarding the perfomance of activities and management of community organisations; and  
(f) perform such other functions as may be assigned by the Basin Water Board.
- Register            5. There shall be astablished a register of community organisations to be entered all matters relating to the community organisation provided by the Act.
- Identification Community Organisation            6. A community organisation shall be identified by a certificate of registration issued by the Registrar.
- Registration requirement            7. —(1) A Community organisation shall be required to register with the Registrar pursuant to the provisions of the Act and these Regulations.  
(2) Any organisation regitered or established before coming into force of these Regulations pursuant to the provisions of any other written law for purposes of managing and operating water supply scheme or system shall be required to apply to the Registrar for a certificate of registration as a community organisation.  
(3) ~~To~~ community organisations include—  
(a) a water consumer association;  
(b) water trust;  
(c) a cooperative society;  
(d) a non-governmental organisation;  
(e) any other body or organisation established under any other written law.

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8. There shall be registration fees chargeable and be payable upon respect any application for a certification of registration of community organisation as may be determined by the Registrar and published in the *Gazette*.

Registra-  
tion fees

9.-(1) A group of persons wishing to apply for registration of a community organisation shall make an application to the Registrar in a Form one prescribed in the Schedule to the Regulations.

Applica-  
tion  
proce-  
dures

(2) An application for registration shall be submitted by one or more founder members and shall be accompanied by—

- (a) copy of constitution of the community organisation;
- (b) minutes containing full names and signature of founder members;
- (c) personal particulars of office bearer;
- (d) address and physical location of the head office of the community organisation;
- (e) application fee; and
- (f) any other particulars or information as may be required by the Registrar;

10.-(1) The Registrar shall within thirty days after receiving the application determine the application.

Determi-  
nation  
for  
applica-  
tion

(2) The Registrar may, subject to sub-regulation (1), register or refuse to registers a community organization.

11.-(1) The Registrar shall refuse to register any community organisation if he is satisfied that—

Refused  
to  
registra-  
tion

- (a) the activities of the proposed community organisation are not for public interest or are contrary to any written law; or
- (b) the applicant has given false or misleading information in any material particular.

(2) Where the Registrar refused to register a community organisation, he shall within twenty one days notify the applicant the reasons for such refusal in a manner prescribed in Form 2 the Schedule to these Regulations.

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Review  
by  
Registrar

12.-(1) Where an applicant is not satisfied with the decision of the Registrar made pursuant to regulation (1), he may within thirty days from the date of notification apply to the Registrar for review of its earlier decision in a manner prescribed in Form No. six of the Schedule to the Regulations.

(2) Where the applicant does not wish to apply to the Registrar for the review, he may appeal to the Executive Director against the decision of the Registrar in a manner prescribed in Form six of the Schedule to these Regulations.

Appeal  
against  
refusal

13.-(1) Any applicant who is not satisfied with the decision of the Registrar may appeal to the Executive Director in a manner prescribed in Form 6 of the Schedule to these Regulations.

(2) Upon receipt of the appeal the Executive Director shall within thirty days from the date of receiving the appeal consider and make determination of the appeal.

(3) In determining the appeal the Executive Director may—

- (a) upon, quash, or vary the decision of the Registrar;
- (b) require the Registrar to revise or review his decision; or
- (c) require the Registrar to inquire into specific information from the appellant and make further consideration of the application.

Certifi-  
cate of  
registra-  
tion

14. The Registrar shall, upon register a community organization, issue it with certificate of registration in a manner prescribed in Form three of the Schedule to these Regulations.

(2) The certificate of registration shall contain—

- (a) the name and address of the community organisation;
- (b) the area of operation of the community organisation; and
- (c) such terms and conditions in respect of which a certificate is issued.

(3) With effect from the date of registration a community organisation shall be responsible for the water supply scheme or system for which it was established.

(4) A water consumer with the area of a community organisation shall pay such charges as may be levied for the provisions of water supply.

15.-(1) A certificate of registration shall be conclusive evidence of a community organisation operate specific in the constitution or a memorandum of agreement, or in the certificate of registration. Effect of registration

16.-(1) A community organisation shall for every calendar year prepare— Annual reports

- (a) A report of its activities which shall be made available to the members, Registrar, Executive Director and other stakeholders;
- (b) Prepare an annual audited report and submit copies thereof to the Registrar and the Executive Director.

(2) The Director shall keep a register of all water users association registered by Registrar.

17.-(1) The Registrar may suspend or cancel a certificate of registration if he is satisfied that— Suspension or cancellation of certificate

- (a) the terms or conditions prescribed in the certificate have been violated;
- (b) the community organisation has ceased to exist;
- (c) the community organisation operates in variance to its constitutions; or
- (d) member of the community organisation or public have submitted to the satisfaction of the Registrar, recommendation for its suspension or cancelation.

(2) Where the certificate of registration is suspended or cancelled, the Registrar shall in a manner prescribed in Form Four of the Schedule to these Regulations –

- (a) notify the relevant community organisation ; or
- (b) order such community organisation to stop its operations; and
- (c) remove the name of such community organisation from the register.

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Procedure  
for  
suspension or  
cancellation

18.—(1) Where a community organisation holding a certificate is in default of the terms and conditions in respect of which the certificate was issued, the Registrar may served the organisation default notice in writing specifying the nature of the default committee by such organisation.

(2) Upon receipt of the default notice, the community organisation shall make representation in writting to the registrar regarding remedy or rectification of the default.

(3) Where the community organisation has failed to remedy or rectify the default within time specified in the default notice or has not made a representation satisfactory to the Registrar, the Registrar shall suspend or cancel the certificate.

(4) If the Registrar is satisfied that the community organisation is default as provided for in sub-section (1), he shall suspend or cancel the certificate.

(5) A community organisation whose certificate has been suspended or cancelled may apply to the Registrar for review of the decision to suspend or cancel the certificate.

(6) A community organisation which is dissatisfied by the decision of the Registrar to suspend or cancel a certificate may appeal to Executive Director.

Appoint-  
ment of  
care taker  
commit-  
tee

19.—(1) Where a community Organisation has been suspended or cancelled in accordance with these Regulations, the Executive Director shall appoint a care take committee to manage or operate the water supply scheme or system and provide water supply services for a period not exceeding six months.

(2) The composition of the care taker committee shall be determined by the Executive Director and it may be an individual persons or a firm.

Notifica-  
tion of  
change of  
particular

20.—(1) Any change in a constitution or memorandum of agreement, name or names of office bearers by any community organisation shall be notified to the Registrar in writing in a manner prescribed in Form five of the Schedule to these Regulations.

(2) A notice to the Registrar shall be accompanied by a copy of-

- (a) resolution certified by office bearers stating that the resolution complies with its governing documents; and;
- (b) certificate of registration.

- (3) The Registrar shall after receiving notification—
  - (a) enter into the register all changes as submitted in the notification;
  - (b) where necessary, issue a new certificate of registration; and
  - (c) remove from the register particulars of the community organisation as may be necessary.

(4) Where the Registrar has made changes in the register in respect of the particulars of the community organisation he shall inform the Executive Director.

21.—(1) Member of the public shall subject to payment of fees as may be prescribed by the Registrar, have the right to inspect any document of any community organization at the office of the Registrar.

Inspection of documents

22. No community organization shall manage or operate water supply scheme or system or engage in the provision of water supply services unless is registered under these Regulations.

Inspection of documents

23.—(1) Any Offence committed against these regulations for which no penalty is expressly provided for shall be punishable by a fine not less than fifty thousand shillings or to imprisonment for a term not exceeding one month.

Penalties

*Water and Sanitation (Registration of Community Owned Water Supply Organisations)*

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*GN. No. 21 (contd.)*

\_\_\_\_\_  
SCHEDULE

\_\_\_\_\_  
FORMS

\_\_\_\_\_  
FORM 1

\_\_\_\_\_  
( Regulation 9 )  
\_\_\_\_\_

APPLICATION FOR REGISTRATION  
COMMUNITY OWNED WATER SUPPLY ORGANISATION 9 COWSO

( To be completed in triplicate)

To: The Registrar

.....(council)

P.O.Box.....

.....

Application is hereby made for registration of Community Owned Water Supply Organisation under the Water Supply and Sanitation Act.

1. Name of the community organisation .....
2. Category/ type of the community organisation (state whether is a Water Consumer Association, Water Trust NGO, Company etc)  
.....
3. The principal office of the community organisation is situated at  
.....
4. The postal address of the community organisation.....
5. In case the community organisation has been registered under any other written law state the date of registration. The community organisation has been registered on the.....day of .....20.....
6. The purpose of the community organisation are:  
.....  
.....

7. We enclose herewith



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- (a) a copy of the constitution or memorandum of agreement of the association.
- (b) minutes containing full names and signature of founder members
- (c) personal particular of office bearers.
- (d) an application fee.
- (e) Other documents.

.....  
.....

Dated this .....day of  
.....20.....

Name and signature of two founding members

1. Name:.....	2. Name:.....
signature.....	Signature.....

FORM NO. 2

(Regulation 11)

NOTICE OF REFUSAL TO REGISTER COMMUNITY OWNED WATER SUPPLY ORGANISATION

TO .....(Application)  
P.O. Box-----  
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TAKE NOTICE that your application dated ..... for registering..... as a Community Owned Water Supply Organisation has been refused on the ground that.....  
.....

TAKE FURTHER NOTICE that you may within thirty days from the date of this notice apply for review to the Registrar or appeal to the Executive Director of the Council in case you are not satisfied with this decision.

*Water and Sanitation (Registration of Community Owned Water Supply Organisations)*

*GN. No. 21 (contd.)*

Dated this.....day of .....  
20.....

\_\_\_\_\_  
Registrar

*Community Owned Water Supply Organisations*  
.....*Council*

FORM 3  
\_\_\_\_\_

(Regulation 14)  
\_\_\_\_\_

CERTIFICATE OF REGISTRATION  
COMMUNITY OWNED WATER SUPPLY ORGANISATIONS

Certificate of Registration No.....  
It is hereby certified that on this..... day of .....20.....  
Owned Water Supply Organisation pursuant to the provisions of the Water  
Supply and Sanitation Act, 2009 and regulations made thereunder.

Particulars of the Community Owned Water Supply Organisation  
.....

Name.....

Address.....

Phone.....

Area of Operation

.....  
.....

.....  
Registrar

*Community owned Water Supply  
Organisations.....Council*

FORM NO 4

CERTIFICATE OF REGISTRATION

THE WATER RESOURCES MANAGEMENT ACT, 2009

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(Regulation 16)  
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NOTICE OF SUSPENSION/ CANCELLATION OF REGISTRATION  
OF COMMUNITY OWNED WATER SUPPLY ORGANISATION

To:.....  
P.O.Box.....  
.....

It is hereby notify you that the registration of .....XX.....  
Community Owned Water Supply Organisation is suspended/ cancelled  
on the ground that.....  
.....

Therefore it is hereby ordered that the community organisation shall stop  
its operation with immediate effect.

Date this.....day of .....20.....

*Water and Sanitation (Registration of Community Owned Water Supply Organisations)*

*GN. No. 21 (contd.)*

Dated this.....day of .....20.....

.....  
Registrar

*Community Owned Water Supply Organisations*  
.....Council

FORM NO. 5

(Regulation 20)

NOTICE OF CHANGE OF PARTICULARS OF A COMMUNITY OWNED WATER SUPPLY ORGANISATION

To: The Registrar,

.....council

P.O.Box .....

.....

Name of the Community organisation.....

This is to notify you that in its meeting held on.....the members of the community organisation have resolved that the particulars of the community organisation be changed as follows-

.....

1. The following persons have ceased to be office bearers of the community organisation:

<i>Full Name</i>	<i>Designations</i>	<i>Date of Vacating Office</i>
.....	.....	.....
.....	.....	.....
.....	.....	.....

2. The following persons have been appointed/elected office bearers of the organisation.

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Organisations)*

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*GN. No. 21 (contd.)*

<i>Full Name</i>	<i>Designations</i>	<i>Date of Vacating Office</i>
.....	.....	.....
.....	.....	.....
.....	.....	.....

3. The name of the community organisation be changed from.....  
.....

4. The following amendments be effected to the constitution or memorandum of agreement of the community organisation (if any)–

- (i) .....
- (ii) .....
- (iii) .....

5. We enclosed herewith a copy of resolution certified by office bearers, stating that the resolution complies with its governing documents.

- 1. Name.. ..... Signature.....
- 2. Name..... Signature.....

*Water and Sanitation (Registration of Community Owned Water Supply Organisations)*

GN. No. 21 (contd.)

FORM NO. 6

(Regulation 12 and 13)

NOTICE OF REVIEW/APPEAL

To: Registrar/ Executive Director  
P.O.Box .....

Take note that we intend to apply for review/appeal against the decision of the Registrar dated.....on the ground that:

- 1. ....
- 2. ....
- 3. ....
- 4. ....

That the reliefs sought in this application/appeal are:

- 1. ....
- 2. ....
- 3. ....

That the applicant/appellant will be represented by.....  
(mention the names of person who will appear before the Registrar/  
Executive Director)

Dated this .....day of .....20.....

.....  
*Applicant/Appellant*

Dar es salaam,  
25 November, 2009

MARK J. MWANDOSYA,  
*Minister of Water and Irrigation*