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ACT SUPPLEMENT

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THE WATER RESOURCES MANAGEMENT (AMENDMENT)
ACT, 2022

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THE UNITED REPUBLIC OF TANZANIA



NO.8 OF 2022

I ASSENT

SAMIA SULUHU HASSAN,

President

[30th September, 2022]

An Act to amend the Water Resources Management Act.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title
Cap. 331

1. This Act may be cited as the Water Resources Management (Amendment) Act, 2022, and shall be read as one with the Water Resources Management Act, 2009 hereinafter referred to as the “principal Act”.

PART II
AMENDMENT OF VARIOUS PROVISIONS

General
amendment

2. The Principal Act is amended generally by deleting the words “Basin Water Officer” wherever they appear in the Act and substituting for them the words “Basin Water Director”.

Amendment
of section 3

3. The principal Act is amended in section 3 by inserting in its appropriate alphabetical order the following new definition:

““court” means primary court, district court, resident magistrate’s court or the High Court;”.

Amendment of section 8

4. The principal Act is amended in section 8 by deleting the phrase “a major water project is planned” and substituting for it the phrase “water programmes and development plans are prepared”.

Amendment of section 21

5. The principal Act is amended in paragraph (b) of section 21 by deleting the words “investment priorities and financing patterns and coordinate and harmonise” and substituting for them the words “coordination and harmonisation of”.

Amendment of section 23

6. The principal Act is amended in section 23, by-

- (a) deleting the “full stop” appearing at the end of paragraph (o) and substituting for it a “semi-colon”;
- (b) adding immediately after paragraph (o), the following:
- “ (p) create awareness to stakeholders on matters relating to water resources conservation and management; and
- (q) perform any other functions necessary for the better implementation of the provisions of this Act.”

Amendment of section 24

7. The principal Act is amended in section 24, by-

- (a) adding immediately after subsection (1), the following:

“(2) A person shall not qualify to be appointed as a Basin Water Director unless such person-

 - (a) holds a degree in the field of hydrology, hydrogeology, environmental engineering, civil engineering, water resources engineering or a degree in any other related field;
 - (b) possesses at least five years experience in managerial position

- or such other additional qualification;
 - (c) has a demonstrated knowledge and experience in the water sector;
 - (d) possesses any other criteria as may be specified in that behalf.”;
- (b) renumbering subsections (2) and (3) as subsections (3) and (4) respectively.

Amendment
of section 37

8. The principal Act is amended in section 37, by-
- (a) adding immediately after subsection (3) the following:
- “(4) A person who contravenes the provisions of notice issued under subsection (3) commits an offence and shall, on conviction, be liable to pay a fine of not less than three hundred thousand shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months or to both.”; and
- (b) renumbering subsections (4), (5) and (6) as subsections (5), (6) and (7) respectively.

Amendment
of section 43

9. The principal Act is amended in section 43 by inserting the word “impounds” between the words “dams” and “stores” appearing in subsection (1).

Repeal and
replacement
of section 44

10. The principal Act is amended by repealing section 44 and replacing for it the following:
- “Use of water contrary to permit
44. Any person who uses water in excess of amount authorised in the water use permit or uses water contrary to purpose authorised by water use permit commits an offence and shall, on conviction-
- (a) in case the offender is a natural person, be liable to a fine of not less than three hundred thousand shillings but not exceeding five million shillings or to imprisonment for a term of not less

- than three months but not exceeding six months; or
- (b) in case the offender is a legal person, be liable to a fine of not less than five million shillings provided that, in the case of a subsequent offence, the offender shall pay a fine of not less than one hundred thousand shillings for each day in which the offence continues and the Basin Water Board may revoke the water use permit issued to the offender.”

Addition of section 44A

11. The principal Act is amended by adding immediately after section 44 the following:

“Use of water without permit

44A. A person who diverts, dams, impounds, stores, abstracts or uses water without water use permit commits an offence and shall, on conviction, be liable-

- (a) in case the offender is a natural person, to a fine of not less than three hundred thousand shillings but not exceeding five million shillings or to imprisonment for a term of not less than three months but not exceeding six months; or
- (b) in case the offender is a legal person, to a fine of not less than five million shillings:

Provided that, in the case of subsequent offence, the offender shall pay a fine of not less than one hundred thousand shillings for each day in which the offence continues.”

Amendment
of section 56

12. The principal Act is amended in section 56 by adding the words “in a particular aquifer” immediately after the word “boreholes” appearing at the end of subsection (2).

Amendment
of section 65

13. The principal Act is amended in section 65, by-
(a) deleting subsection (1) and substituting for it the following:

“(1) Without prejudice to subsection (2), the Minister may, by order published in the *Gazette*, establish water quality laboratory responsible for water quality management for analytical and reference under this Act.”; and

(b) deleting the word “designated” appearing in subsection (2) and substituting for it the word “established”.

Amendment
of section 75

14. The principal Act is amended in section 75(2) by deleting the word “right” appearing between the words “water” and “and may” and substituting for it the word “permit”.

Amendment
of section 79

15. The principal Act is amended in section 79 by deleting the words “National Water Board” appearing in subsection (2) and substituting for them the words “Director of Water Resources”.

Amendment
of section 88

16. The principal Act is amended in section 88 by adding immediately after subsection (6) the following:

“(7) The Director shall, at owner’s costs, undertake dam site verification and review of design report in such manner as may be prescribed in the regulations.”

Addition of
section 97A

17. The principal Act is amended by adding immediately after section 97 the following:

“Summary
procedure

97A.-(1) Where, after the time fixed for the payment of any rate, a person fails to pay any rate due to him, the respective Basin Water Board shall cause a written demand to be issued to such person and require him to pay the

amount stated in such demand within thirty days after service of the demand.

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(2) The provisions of the Civil Procedure Act relating to summary procedure shall apply *mutatis mutandis* in respect of any person who has defaulted to settle water rates due under this Act.”

Addition of section 105A

18. The principal Act is amended by adding immediately after section 105 the following:

“General penalty

105A. A person who commits an offence under this Act, for which no specific penalty is provided shall, on conviction, be liable to a fine of not less than one hundred thousand shillings but not exceeding three hundred thousand shillings or to imprisonment for a term of not less than six months but not exceeding one year or to both.”

Amendment of section 107

19. The principal Act is amended in section 107 by inserting the words “Without prejudice to the provisions of section 105,” at the beginning of subsection (1).

Amendment of section 111

20. The principal Act is amended in section 111(2), by-

- (a) deleting the word “or” appearing at the end of paragraph (i);
- (b) deleting “full stop” appearing at the end of paragraph (j) and substituting for it a “semi colon” and the word “or”; and
- (c) adding immediately after paragraph (j) the following:
 - “(k) permit transfer of water or waste water from one basin to another basin.”.

Amendment of Third Schedule

21. The principal Act is amended in the Third Schedule-

- (a) in paragraph 1, by deleting subparagraph (2) and substituting for it the following:

“(2) All members under items (b), (c) and (d) shall be appointed by the respective Basin Water Board.”; and

(b) in paragraph 2, by deleting the word “Minister” appearing in subparagraph (4) and substituting for it the words “Basin Water Board”.

Amendment
of Fourth
Schedule

22. The principal Act is amended in the Fourth Schedule in paragraph 5(1) by adding the phrase “and at least two members shall be women” immediately after the word “members”.

Passed by the National Assembly on the 15th September, 2022.

NENELWA JOYCE MWIHAMBI
Clerk of the National Assembly