

GOVERNMENT NO. 22 published on 22/01/2010

THE WATER RESOURCES MANAGEMENT ACT, 2009

(No. 11 OF 2009)

REGULATIONS

Made under section 81(1)

THE WATER RESOURCES MANAGEMENT (REGISTRATION OF WATER USERS ASSOCIATION) 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-

Interpre-
tation Act
11 of
2009

“Act” means the Water Resources and Management Act;

“a holder of a certificate” means any person or community water users association which has been granted with a certificate of registration;

“Board” means a Board established under section 22 of the Act;

“Basin Water Officer” means a person appointed under section 24 of the Act to be Basin Water Officer and the principal officer of the Board;

“Director” means the Director responsible for water resources;

“water users association” means an entity established by the users of water resources within a specified area pursuant to Part VIII of the Act;

“water basin” means an area of land in relation to any river or other water sources as described under this Act;

“Registrar” means the Registrar of water users association appointed under these Regulations;

“catchments” means the surface area and underground stratum of land that collects water to supply a source of water.

Water Resources Management (Registration of Water Users Association)

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Registrar 3. A Basin Water Officers shall be a Registrar of Water Users Associations in his respective water basin.

Functions and duties of the Registrar 4. The Functions and duties of the Registrar shall be to-

- (a) registrar water users associations;
- (b) keep and maintain register of water users associations;
- (c) keep records and reports regarding water users associations;
- (d) enquire into any matter regarding the performance of activities and management of such water users associations;
- (e) ensure that operations of water users associations are available for the Government and the public for consumption;
- (f) perform such other duties as may be assigned by the Basin Water Board.

Register of Water Users Association 5. There shall be a register of water users associations wherein shall be entered all matters relating to Water Users Associations provided by the Act and these Regulations.

Area of jurisdiction of Water Users Association 6. The area of jurisdiction of water users association may include administrative boundaries of one or more village, ward, district or regions.

Identification of Water Users Association 7. Each water users association shall be identified by a certificate of Registration issued to it by the Registrar.

Procedure for Registration of Water Users Associations 8.—(1) A water users association shall be required to register with the Registrar pursuant to the provisions of the Act and these Regulations.

(2) A water users association registered or established pursuant to the provisions of any other written law shall be required to apply for certificate or registration.

(3) The water users associations shall include water users association in the form of-

- (a) irrigators;
- (b) water consumer;
- (c) cooperative society;
- (d) non- government organisations;
- (e) company; or
- (f) any other body, association or organisation established under any other written law.

9.—(1) There shall be registration fees chargeable and payable upon respect any application for a certification of Registration. Registration fees

(2) The registration fees shall be determined by the Board and published in the *Gazette*.

10.—(1) An applicant for certificate of registration shall fill and submit to the register an application form in a manner prescribed in Form one of the Schedule to these Regulations and shall be accompanied by- Application procedures

- (a) a copy of constitution of water users associations;
- (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 water users association;
- (e) a letter of recommendation from relevant local government authority or district administration;
- (f) any other particulars or information as may be required by the Registrar; and
- (g) any other particulars or information as may be required by the Registrar.

(2) An application under these Regulations shall be submitted by the Chairman and secretary of the Association.

11. The Register shall with thirty days upon receipt of the application determine whether to grant or refuse to grant certificate of registration. Certificate of registration

Water Resources Management (Registration of Water Users Association)

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Refused
to
register

12.—(1) The Registrar may refuse to grant a certificate if he is satisfied that-

- (a) the activities of water users association are not for public interest or are contrary to any written law;
- (b) the applicant has given false or misleading information in any material particular; or
- (c) on the recommendation of local government authority or the district administration, the water users association should not be registered.

(2) Where the Registrar refuses to issue certificate of registration he shall inform the applicant the reason of such decision in a manner prescribed in Form two of the Schedule to these Regulations.

Applica-
tion for
review

13. Where the applicant is not satisfied with the decision of the Registrar made pursuant to regulation 12, he may apply to the Registrar for review of his earlier decision.

Appeal
against
refusal to
register

14.—(1) Any applicant who is not satisfied with the decision of the Registrar and does not wish to apply for review, may appeal to the Board within twenty one days from the date of receiving the decision by giving notice in a manner prescribed in form number three of the Schedule to these Regulations.

(2) Where the Board meets to determine an appeal arising from a decision of the Registrar, the Registrar shall not attend the meeting but the Board shall give him the right to explain the reason of his decision.

(3) The Board shall, upon receipt of the appeal, within sixty days from the date of receiving the appeal consider and make determination of the appeal.

(4) In determining the appeal, the Board may-

- (a) uphold, 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

15.—(1) The Registrar shall, upon registering a water users association, issue a certificate of registration.

(2) The certificate of registration shall contain-

- (a) the name and address of the water users association;

- (b) the area of operation of the water users association; and
 - (c) such terms and conditions in respect of which a certificate is issued.
- (3) The certificate of registration shall be as prescribed in form number four of the schedule to these Regulations.
16. A certificate of registration shall be conclusive evidence of the water users association to operate as specified in the constitution and in the certificate of registration. Effect of registration
- 17.—(1) The Registrar shall upon issuance of the certificate provide a copy of the certificate to the Director. Certificate to the Director
- (2) The Director shall keep a register of all water users association registered by Registrar.
- 18.— (1) The Registrar may suspend or cancel a certificate of registration if he is satisfied that-
- (a) the terms or conditions prescribed in the certificate have been violated;
 - (b) the water users association has ceased to exist;
 - (c) the water users association operates in variance to its constitution; or
 - (d) an interested person has submitted to the satisfaction of the Registrar recommendation for its suspension or cancellation.
- (2) Where a certificate of registration has been suspended or cancelled, the Board shall direct the Registrar to-
- (a) notify the relevant water users association in a manner prescribed in form Five of the Schedule to these Regulations; or
 - (b) order such water users association to stop its operations; or
 - (c) to remove the name of such water users association from the register.
- 19.—(1) Where the holder of the certificate is in default of the terms and conditions in respect of which a certificate was issued, the Registrar shall serve on the holder of a certificate a default notice in writing specifying the nature of the default. Procedure for suspension or cancellation

- (b) the area of operation of the water users association; and
- (c) such terms and conditions in respect of which a certificate is issued.

(3) The certificate of registration shall be as prescribed in form number four of the schedule to these Regulations.

16. A certificate of registration shall be conclusive evidence of the water users association to operate as specified in the constitution and in the certificate of registration. Effect of registration

17.-(1) The Registrar shall upon issuance of the certificate provide a copy of the certificate to the Director. Certificate to the Director

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

18.-(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 water users association has ceased to exist;
- (c) the water users association operates in variance to its constitution; or
- (d) an interested person has submitted to the satisfaction of the Registrar recommendation for its suspension or cancellation.

(2) Where a certificate of registration has been suspended or cancelled, the Board shall direct the Registrar to-

- (a) notify the relevant water users association in a manner prescribed in form Five of the Schedule to these Regulations; or
- (b) order such water users association to stop its operations; or
- (c) to remove the name of such water users association from the register.

19.-(1) Where the holder of the certificate is in default of the terms and conditions in respect of which a certificate was issued, the Registrar shall serve on the holder of a certificate a default notice in writing specifying the nature of the default. Procedure for suspension or cancellation

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(2) Upon receipt of the default notice, the holder a certificate shall make representation in writing to the registrar regarding remedy or rectification of the default.

(3) Where the holder of a certificate fails 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 submit to the Board recommendation for suspension or cancellation of a certificate.

(4) Where the Board is satisfied that the holder of a certificate is in default as provided for in sub-regulation (1), it shall direct the Registrar to suspend or cancel the certificate.

(5) A holder of a certificate whose certificate has been suspended or cancelled may apply to the Registrar for review of the decision to suspend or cancel the certificate if he is dissatisfied by the reasons for such suspension or cancellation.

(6) A holder of a certificate who is not satisfied with the decision of the registrar to suspend or cancel a certificate may appeal to the Board in accordance with the provisions of regulation 14.

Code of
conduct

20.—(1) The Registrar shall have the duty to ensure that the code of conduct, guidelines and rules developed by the Board are consistent with National Water Policy and the laws of the land.

(2) The Registrar shall cause the code of conduct and guidelines or rules developed by the Board to be published in the *Gazette*.

Annual
reports

21. A water users association shall for every calender year-

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

Constitu-
tion and
other
docu-
ments

22.—(1) The constitution and other documents submitted by founder members to the Registrar at the time of making application for registration or any subsequent constitution and documents submitted to the Registrar shall be the governing document in respect of such water users association.

(2) No water users association shall operate or perform its functions contrary to its constitution and governing documents.

23. A water users association shall have the duty to-
- (a) to respect the law governing its operations;
 - (b) to respect the culture and traditions of the people and communities in which it operates unless such culture and traditions are contrary to any written law.
24. A water users association registered under these regulations shall be entitled to engage in legally acceptable fund raising activities.
- 25.-(1) Any change in the constitution, name or names of office bearers by a water users association shall be notified to the Registrar in writing in a manner prescribed in Form Six of the Schedule to these Regulations.
- (2) A notice lodged to the Registrar pursuant to sub-regulation (1) shall be accompanied by a copy of-
- (a) resolution certified by office bearers stating that the resolution complies with its governing document;
 - (b) a certificate of the registration;
- (3) The Registrar shall after receiving the notification-
- (a) enter to 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 water users association as may be necessary.
- (4) Where the Registrar has made changes in the register in respect of the particulars of a water users association, he shall inform the Board.
- 26.-(1) A water users association shall comprise of any user of water from a common source irrespective of the purpose of that use.
- (2) Water users associations in sub-regulation (1) may unite to form a Water Users Association for a sub-catchments.
- (3) The provisions of these Regulations shall apply *mutatis mutandis* to water users association established under sub-regulation (2).

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Notifica-
tion of
change of
particu-
lars

27.—(1) Any change in the constitution or memorandum of agreement, name or name of office bearers by a water users association shall be notified to the Registrar in writing.

(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 water users association as may be necessary.

Penalties

28. Any offence committed against these regulations for which no penalty is expressly provided for shall be punishable by a fine not less than one hundred thousand shillings or to imprisonment for a term not exceeding one month.

SCHEDULE

FORMS

FORM No.1

APPLICATION FOR REGISTRATION

THE WATER RESOURCES AND MANAGEMENT ACT, 2009

(Regulation 10)

(To be completed in triplicate)

To: The Registrar
P.O.Box

Application is hereby made for registration under the Water Resources Management Act and its regulations.

1. Name of the water Users Association
2. The principal office of the Water Users Association is situated at
3. The postal address of the Water Users Association
4. The Water Users Association was established on the day of 20.....
5. Name of the water source
6. The purpose of the Water Users Association are:
.....
7. We enclose herewith
 - a. A copy of the constitution or memorandum of agreement of the Water Users Association.
 - b. minutes containing full names and signature of founder members.
 - c. personal particulars of office bearers.
 - d. an application fee.

Dated this day of 20

Name and signature of two founding members.

Water Resources Management (Registration of Water Users Association)

G.N. No 22 (Contd.)

1. Name:

2. Name:

Signature:

Signature:

FORM No. 2

NOTICE OF REFUSAL TO REGISTER A WATER USERS ASSOCIATION

.....
(Regulation 12)
.....

To:
.....
.....

Take notice that your application for registration of as a water users association under the Water Resources Management Act. is refused on the ground that

Take further notice that you may appeal to the Board if not satisfied within a period of twenty one days from the date of this notice.

Dated this day of 20

.....
Registration of Water Users Associations

Water Resources Management (Registration of Water Users Association)

G.N. No 22 (Contd.)

FORM No. 3

(Regulation 14)

NOTICE OF INTENTION TO APPEAL

To: Registrar of Water Users Associations

.....
.....
.....

NOTICE OF APPEAL

Take note that Water Users Association we intend to
appeal against the decision of the Registrar
dated.....

The ground of appeal are:

1.
2.
3.
4.
5.

We appoint (names) as our representative(s) in the intended appeal.
Dated this day of 20

.....
Appellant

Copy: Board

G.N. No 22 (Contd.)

FORM No.4

CERTIFICATE OF REGISTRATION
THE WATER RESOURCES MANAGEMENT ACT, 2009

(Regulation 15)

No:

It is hereby certified that Water Users Association has been registered pursuant to the provisions of the Water Resources Management Act, 2009:

- Particulars of the Water Users Association

Name:

Address

- Water source and area of operation

.....
.....

- On the following terms and conditions:

General conditions:

As provided under the water Resources and Management Act No. 11 of 2009 and Regulations made thereunder.

Specific conditions:

.....
.....

Dated this day of 20

.....
Registrar of Water Users Association

Water Resources Management (Registration of Water Users Association)

G.N. No 22 (Contd.)

FORM No. 5

(Regulation 18)

NOTICE TO SUSPEND/CANCEL THE REGISTRATION OF WATER USERS
ASSOCIATIONS

To:
.....
.....

I hereby give you notice that the registration of Water Users
Association is suspended/cancelled on the ground that:

.....
.....
.....

Dated this day of 20

.....
Registrar of Water Users Associations

Water Resources Management (Registration of Water Users Association)

G.N. No 22 (Contd.)

FORM No. 6

(Regulation 25)

NOTICE OF CHANGE OF CONSTITUTION/MEMORANDUM OF
AGREEMENT OF A WATER USERS ASSOCIATION

THE WATER RESOURCES MANAGEMENT ACT, 2009

Notice is hereby given that Water Users Association has
changed its constitution/Memorandum of Agreement as follows:

.....
.....

Dated this day of 20

1. Name:..... 2. Name:.....

Signature:..... Signature

Designation:..... Designation:

FORM No. 7

(Regulation 27)

NOTICE OF CHANGE OF OFFICE BEARERS OF WATER USERS
ASSOCIATION

Notice is hereby given that water Users
Association has changed office bearers as follows:.....

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

Full Name	Designation	Date of Vacating office
.....
.....
.....

2. The following persons have been appointed/elected to be office bearers of the association

Full Name	Designation	Date of appointment/election
.....
.....
.....

Dated this day of 20

1. Name:..... 2. Name:.....

Signature:..... Signature:.....
Designation:..... Designation:.....

3. Attached is a copy of resolution certified by office bearers stating that the resolution complies with its governing documents.

Dar es Salaam,
25th November, 2009

HON. MARK J. MWANDOSYA (MP.),
Minister for Water and Irrigation

GOVERNMENT NOTICE No. 23 published on 22/1/2010

THE FAIR COMPETITION ACT, 2003
(CAP. 285 R.E.)

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RULES
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THE FAIR COMPETITION COMMISSION PROCEDURE RULES, 2009

PART I
PRELIMINARY PROVISIONS

1. Citation.
2. Interpretation.

PART II
ADMINISTRATION

3. Address of the Commission.
4. Office hours of the Commission.

PART III
DELIVERY OF DOCUMENTS

5. Delivery of documents.
6. Issuing of documents.
7. Filing of documents.
8. Forms of applications.
9. Form of notices issued by the Commission.

PART IV
HANDLING OF COMPLAINTS
(a) Investigation of complaint

10. Initiation of a complaint.
11. Conduct of investigation.
12. Establishment of a case.
13. Request for information.
14. Search warrant.

Fair Competition Commission Procedure

G. N. No. 23 (contd.)

15. Powers to enter and search.
16. Conduct of entry and search.

(b) Hearing

17. Commission to adopt inquisitorial procedure.
18. Submission of the case to the Commission.
19. Withdrawal.
20. Summary proceedings.
21. Pre-hearing conference.
22. Conduct of hearing.
23. Appearance of parties.
24. Opening statement.
25. Taking of evidence.
26. Production of additional evidence before the Commission .
27. Adjournment of hearing.
28. Continuation of proceedings after the death or insolvency of a party.
29. Combined or joint hearings.
30. Record of proceedings.
31. Effect of non-compliance.
32. Decision of the Commission.
33. Contents of decision.
34. Amendments to final decision.
35. Implementation of decision.
36. Imposition of fines.
37. Payment of fines.
38. Adjustments to the amount of fines.
39. Procedures in default.
40. Transfer of order.
41. Annual turnover.

PART V
MERGER PROCEDURES

42. Merger notification requirements.
43. Information and documents to be provided.
44. Review of notification.
45. Merger review period and extensions.