

(Legislative Supplement No. 58)

LEGAL NOTICE NO. 157

THE WATER ACT

(Cap. 372)

IN EXERCISE of the powers conferred by section 143 of the Water Act, the Meru Water and Sewerage Services Registered Trustees (a duly appointed water undertaker) with the approval of the Minister for Water Development, makes the following Regulations:—

THE MERU WATER AND SEWERAGE SERVICES
REGISTERED TRUSTEES REGULATIONS, 2002

1. These Regulations may be cited as the Meru Water and Sewerage Services Registered Trustees, Regulations, 2002. Citation.

2. In these Regulations, unless where the context otherwise requires:— Interpretation.

“Registered Trustees” means the Meru Water and Sewerage Services Registered Trustees;

“General Manager” means the person for the time being holding the office of General Manager of the Registered Trustees, his deputy, or any other officer of the Registered Trustees authorized by the General Manager in writing to act on his behalf for the purpose of these Regulations;

“manager” means the person appointed in writing by the Registered Trustees to manage, control and supervise the water supply, his deputy or any other officer of the Registered Trustees authorized by the manager in writing to act on his behalf for the purpose of these Regulations;

“inspector” means any officer or person appointed by the Registered Trustees at any time to carry out any work in connection with the inspection of any water connection, public or private taps, meters, stopcocks or any other fitting, pipe, instrument valve or other things which shall be a part of, or accessory to, any part of the water supply;

“consumer” means the owner or occupier of any premises to which a supply of water is maintained by the Registered Trustees or any person entering into a contract with the Registered Trustees for the supply of water or who is lawfully obtaining water from the Registered Trustees;

“service” means the system of pipes and attachments on the consumer’s side of the meter measuring the flow of water used by

the consumer, or where no meter is installed, on the consumer side of the point where his pipes join those owned by the Registered Trustees.

“water undertaker” means a water undertaker appointed under section 124 of the Act.

Application for connection with water supply.

3. (1) The owner of a plot or of a subdivision of a plot shall apply in writing to the Registered Trustees for installation of a connection and for the supply of water to a plot or subdivision of a plot.

(2) The application under paragraph (1) shall be accompanied by such facts as may be required by the General Manager.

(3) The registered Trustees shall notify the applicant of its decision on the application submitted under paragraph (1).

(4) The consumer of a plot or of a subdivision of a plot shall enter into an agreement with the Registered Trustees for the supply of water upon such terms and conditions as the Registered Trustees may, from time to time, determine.

Registered Trustee's power to install meters.

4. (1) The Registered Trustees may at its own discretion install a meter to the connection with the water supply of any consumer by giving to the occupier one month's notice in writing of its intention to do so.

(2) Any meter installed together with the fittings connected thereon shall be the property of the Registered Trustees.

(3) No person shall remove, damage or tamper with a meter installed under paragraph (1).

Charges payable by owner of premises

5. There shall be payable to the Registered Trustees by the occupier or owner of any premises on which a connection or other supply of water is situated such charges as are specified in the First Schedule.

Failure to pay.

6. (1) Where any amount—

(a) due to the Registered Trustees under regulation 5 remains unpaid for a period of fourteen (14) days after notice demanding payment has been given;

(b) being an estimate determined in accordance with regulation 12 due to the Registered Trustees under that regulation and remains unpaid for a period of fourteen (14) days after a notice has been given and after the last date upon which, under paragraph (2) of regulation 12, it should have been paid;

the Registered Trustees may disconnect the supply of water to the premises in respect of which such debt has been incurred.

(2) The supply of the water disconnected under paragraph (1) shall be restored only upon payment of the moneys due and any

other amounts that may have become due to the Registered Trustees under regulation 6 or any other charges arising out of the failure to pay.

(3) Where any amount due to the Registered Trustees under regulation 5 has remained unpaid with respect to a particular water connection, a new account shall be opened on that water connection only on payment of the monies due and any other outstanding amounts that may also have become due to the Registered Trustees under regulation 5 or any other charges arising out of the failure to pay.

(4) Nothing in this regulation shall release any owner or occupier of any occupied plot or occupied subdivision of a plot from his liability to—

(a) obtain a connection with the water supply as provided under regulation 3 and, notwithstanding that any disconnection may have been made under this regulation, the amount payable in respect of a connection shall continue to become payable each month as though no such disconnection had taken place;

(b) pay any amount due to the Registered Trustees and such moneys shall be a civil debt recoverable summarily under the Debts (Summary Recovery) Act.

Cap. 42.

7. The consumer shall be responsible for the safe keeping and condition of a water meter installed under these Regulations and shall pay to the Registered Trustees the cost of any loss or damage willfully caused to such a meter.

Safe keeping of water meters.

8. (1) Subject to regulation 32, no consumer shall, without the written permission of the Registered Trustees, disconnect, interfere with, cause or permit any person other than an officer of the Registered Trustees to disconnect or interfere with the water meter or fittings connected therewith for any purpose whatsoever.

Repairs and substitution of water meters.

(2) In the event of any repairs being found necessary, the consumer shall immediately give notice thereof to the Registered Trustees and the Registered Trustees shall at its earliest convenience effect such repairs as are found necessary to such meter.

(3) The Registered Trustees may in its discretion and at its own expense, disconnect and remove the water meter and install or substitute with another water meter.

(4) Subject to regulation 32, any consumer who, without the written permission of the Registered Trustees, disconnects, interferes with, or causes or permits any person other than an officer of the Registered Trustees to disconnect or interfere with any meter or fittings connected therewith shall be guilty of an offence.

(5) Any consumer who interferes with any meter or fittings connected therewith shall be liable for the actual cost of repairs or replacement of the meter or fittings.

Quantity registered is quantity supplied.

9. The quantity of water which is registered by the meter as having been supplied to any consumer shall, subject to the provisions of these Regulations, be deemed to be the quantity of water actually so supplied.

Entry in books of Registered Trustees binding.

10. Every consumer shall be bound by the entry made in the books and registers of the Registered Trustees and any extracts therefrom certified by the General Manager shall form part of any proceedings for the recovery of the monies accruing from the services rendered and shall be *prima facie* evidence of the quantity of water consumed and the amount due.

Dissatisfaction with reading.

11. (1) Where a consumer is dissatisfied with a reading or a meter supplied by the Registered Trustees and is desirous of having the meter tested, he shall give written notice to the Registered Trustees within seven days of his being informed of such reading.

(2) Upon payment of the sum specified under paragraph (1) of the First Schedule the meter shall be tested by the Registered Trustees.

(3) Where the meter is proved to be faulty, the Registered Trustees shall repair it or install a new meter, free of charge and shall refund the sum paid for testing.

(4) The meter shall be considered accurate if no error is shown of more than five per centum either way.

(5) If the meter is proved to be accurate, the consumer shall forfeit the payment made to the Registered Trustees.

(6) A dissatisfied consumer shall be given an opportunity of being present at the testing of his meter.

Incorrect registration.

12. (1) Where a meter, installed under these Regulations, is out of order or registers incorrectly, the Registered Trustees shall repair or replace it as soon as possible and the quantity of water to be paid for by the consumer from the date of the meter ceasing to register correctly up to the time of its repair or replacement shall be estimated by the Registered Trustees on the basis of the previous consumption of water on such premises or in the event of such an estimate being impossible on the basis of the subsequent consumption after such repair or replacement has been effected.

(2) The consumer shall pay the amount estimated under paragraph (1) within fourteen (14) days of receiving it unless such estimate is received by him more than fourteen (14) days before the date by which such account would have been payable in the ordinary course under these Regulations, in which case the said amount shall be payable on or before such last mentioned date.

Position of stopcock.

13. (1) The consumer shall, if so required by the Registered Trustees, provide a suitable and safe place within his premises or plot or subdivision of plot in which to install a meter and a stopcock, and shall at all times ensure that the place remains clearly defined with the box enclosing them exposed to view.

(2) The stopcock shall be installed by the Registered Trustees at its own expense and exclusive use.

(3) The usual position for such stopcocks *will be within one meter of the boundary of the consumer's plot or subdivision of plot, but the actual position will be, in all cases, be determined by the manager.*

14. (1) Where supplies for building purposes are provided by an applicant who is the owner or contractor, the cost of providing and installing the connecting pipes shall be borne by such owner or contractor

Supplies for building purposes.

(2) A meter shall be installed to the connection pipe referred to in paragraph (1) and the owner or contractor shall pay for water so supplied according to the rates specified in the Second Schedule to these Regulations.

(3) Where in the opinion of the Registered Trustees the same connecting pipe is suitable for the purpose, it may be used for the permanent supply of the premises subject to the provisions of paragraph (1) of regulation 3.

15. (1) The manager or an inspector may at any reasonable time or, at any time, in an emergency enter any premises and inspect any part of the service connection pipe, main or meter and make such investigation as he may deem fit:

Entry and inspection by officials.

Provided that, except in an emergency, no inspection or investigation shall be carried out against the wishes of the occupier of the premises except between the hours of 9 a.m. and 4 p.m.

(2) The manager or inspector, when he deems it necessary for the purpose of inspection or of carrying out any other work under these Regulations or under any contract between the Registered Trustees and the consumer, may at the expense of the consumer, after giving twenty-four hours notice in writing or if in his opinion any case requires immediate action *without giving notice*, remove earth, cement, brick, wood, metal-work or any part of the premises, with as little damages as possible.

(3) The Registered Trustees shall not be liable to pay any compensation in respect of any damage caused by any officer arising under paragraph (2) of this regulation:

Provided always that in every case the officer shall upon entry state the reason for the inspection, and where such inspection is made for the sole purpose of discovering a breach of these Regulations and no breach has been committed, the Registered Trustees shall bear the expense connected with such inspection and also that of restoring the premises to their former condition.

16. (1) A person who has not received the formal assent of the Registered Trustees for a supply of water or who has otherwise not complied with the requirements of these Regulations shall not take

Unauthorized taking of water.

any water from or make any connection, to any main, reservoir, conduit pipe, cistern or any other place, containing water belonging to the Registered Trustees.

(2) Notwithstanding the provisions of regulation 38, a person who contravenes the provisions of paragraph (1) shall pay the cost of the water illegally used during the period based on his assessed average monthly consumption, either before disconnection or otherwise.

Selling of water,

17. Subject to regulation 19, no person shall, without having entered into a contractual arrangement with the Registered Trustees sell any water supplied to him by the Registered Trustees, or take away or cause to be taken away from his premises any water for which he is to receive any payment.

Pollution of water supply.

18. No person shall—

- (a) bathe in a reservoir, aqueduct or other place containing water belonging to the Registered Trustees or wash, throw, or cause to enter therein any animal;
- (b) throw rubbish, dirt, filth or such other noisome thing into such a reservoir, aqueduct, or other place containing water belonging to the Registered Trustees or wash or clean therein a cloth, leather, skin of an animal or such other things;
- (c) cause or permit the water of a sink, sewer, drain, steam engine boiler or other filthy water of which he is responsible, to run or be brought into any reservoir, aqueduct, or other place containing water belonging to the Registered Trustees, or do any other act whereby the water of the Registered Trustees is liable to be polluted.

Special agreement.

19. Nothing in these Regulations shall prevent the Registered Trustees from making a special agreement with a consumer with regard to the method of supply, the price to be paid, mode of payment or the quantity of water to be supplied.

Special restrictions.

20. (1) The Registered Trustees may, with the approval of the Minister, at any time by notice published in the Gazette and in any two newspapers circulating in Meru Town—

- (a) restrict the use of water to such purposes as it may specify;
- (b) limit the supply of water to such hours and such areas as it may specify.

(2) A person who, after publication of notice under paragraph (1), uses water in contravention of the restriction or limitation imposed commits an offence.

Notices and orders.

21. A notice, order or other document issued or made by the Registered Trustees in pursuance of these Regulations, shall be sufficiently authenticated if signed by or on behalf of the General Manager and such signature may be endorsed by means of a rubber stamp or similar device.

22. The Registered Trustees shall not be liable for any failure or shortage in the supply of water or for any defect in the quality of water supplied as result of a natural disaster. Failure to supply.
23. (1) The Registered Trustees may at its discretion upon receipt of an application in writing install a service system upon any prospective consumer's premises. Provision of service.
- (2) The estimated cost of the service system shall be paid for in advance by the consumer based on an estimate submitted by the manager before the work is commenced provided that the actual cost shall be adjusted on completion of the work.
- (3) The installation under paragraph (1) shall not be connected to the water supply until it has been paid for.
24. (1) Upon receipt of a written application, the Registered Trustees shall provide and lay down a connection pipe from the nearest source of water supply to the stopcock situated on or near the boundary of any consumer at the expense of the consumer. Service connections.
- (2) The connecting pipe referred to in paragraph (1) shall be maintained at the expense of the Registered Trustees.
- (3) The sum payable by the consumer for the connection pipe shall be charged in accordance with the Third Schedule and any amount payable therein shall be deposited with the Registered Trustees in advance by the consumer.
25. No person shall damage or in any way interfere with the main, connecting pipe, stopcock, meter, instrument or valve of any kind whatsoever or water treatment or supply apparatus, buildings, fire hydrants or storage tanks incorporated in the water supply system, without the written permission of the Registered Trustees. Unauthorized connection.
26. No person shall damage or interfere with a newly laid service pipeline during the installation or alteration of distribution pipelines unless such pipe has been examined and approved by the manager. Covering of service.
27. No person shall connect or cause any service to be connected to the main or for any additional fitting to be connected with an existing service pipeline which is already connected with the main unless such service pipeline and additional fittings have been inspected by the manager and a certificate of approval obtained. Inspection of new pipeline and fittings.
28. A consumer shall provide at his standpipe (if any) a concrete basin and, for the disposal of all wastewater from the connection, a drain provided with a suitably trapped gully as approved by the manager. Concrete basin.
29. (1) No consumer shall install or have installed a service connection with materials which in the opinion of the manager are unfit for the purpose and would give trouble, cause leaks, or in any way endanger, detract from the usefulness of, contaminate or in any other way affect the water supply. Materials to be used.

(2) A consumer who, being aware of the opinion of the manager, contravenes this regulation commits an offence.

Sizes of pipes to be installed.

30. No person shall install or cause to be installed any pipe other than that of the size and diameter approved by the manager.

Leakages in service connection.

31. (1) Every consumer shall take immediate steps to repair any leaking tap, valve or connection in his supply of water and shall notify the Registered Trustees immediately if he is for any reason prevented from effecting such repair within twenty-four hours of the occurrence of the defect.

(2) A person who fails to take the steps, referred to in paragraph (1) or alternatively, fails to notify the Registered Trustees commits an offence.

(3) The Registered Trustees may by the order of the manager, enter the premises referred to in paragraph (1) and repair any such defect at the expense of the consumer in the event of any delay or failure on his part to effect the repairs.

Cisterns, hot water installation, water closet, filters, scouring and washing plant.

32. (1) No person shall have a connection made from the water supply to any cistern, hot water installation, water closet, filter scouring or cleaning plant, or machinery of any description without the written permission of the Registered Trustees.

(2) The permission under paragraph (1) shall only be granted when full particulars of capacity and type of cistern, hot water installation, water closet, filter scouring or cleaning plant, or machinery of any description, and the estimated amount of water required to operate the same for twenty-four hours are submitted to the Registered Trustees together with the application.

(3) The Registered Trustees may install a meter should it deem fit.

(4) A person who contravenes the provisions of this regulation commits an offence.

Prohibition to use of —
water.

33. (1) The Registered Trustees may, by notice in any two newspapers circulating in Meru Town, prohibit the use of water from the water supply for all or any of the following purposes—

- (a) watering any garden, grounds or plant;
- (b) supplying of fountains;
- (c) washing paths or pavements;
- (d) washing any vehicle or motor vehicle;
- (e) washing any floor, window or wall;
- (f) the supplying of swimming pools and fish ponds.

(2) Any person who, contravenes a prohibition under this regulation commits an offence.

34. No person shall remove for use outside the water supply boundary area water from any pipe, tap, or cistern installed or maintained by the Registered Trustees other than—

Removal of water outside the water supply boundary area.

(a) with the written permission of the General Manager; or

(b) in order to prevent or extinguish a fire.

35. (1) A deposit fee shall be paid to the Registered Trustees by the consumer in accordance with the Fourth Schedule before a supply of water is connected.

Deposit fee for supply of water.

(2) The deposit fee shall be refunded to the consumer together with simple interest at the rate of three per centum per annum when the consumer gives notice in writing that the supply is no longer required, provided all accounts have been paid and the amount of interest due shall be calculated from the date of the deposit to the date of cessation of supply and for the purposes of this calculation, cognizance shall only be taken of completed calendar months.

(3) The Registered Trustees reserves the right to utilize the deposit fee in order to defray any debts due in the event of default of payment by the consumer.

36. (1) A consumer who wishes the supply of water to his premises to be discontinued shall give not less than twenty-four hours notice to the Registered Trustees.

Notice to discontinue supply.

37. Any person who obstructs or interferes with, or aids or encourages any other person to obstruct or interfere with, any inspector in the exercise of any of his duties under these Regulations, or gives false information to an inspector in respect of any matter which he is empowered under these Regulations, to investigate, commits an offence.

Interference with inspector.

38. (1) Any person who contravenes any of the provisions of these Regulations, shall be liable, on first conviction, to a fine not exceeding five hundred shillings.

Penalties.

(2) In addition, in the case of a continuing breach of any of the provisions of these Regulations, there shall be imposed a fine not exceeding two hundred shillings for every day during which the offence continues.

39. (1) The Water (Undertakers) Rules 1962, published under the Water Act, 1962, shall apply to the water undertaking operated by Meru Water and Sewerage Services Registered Trustees in so far as they are not varied by or inconsistent with these Regulations.

Application.

(2) The provisions governing the supply of water by Meru Water and Sewerage Services Registered Trustees to the residents of Meru Municipality and its environs and the covenants therein made between the consumers shall continue to apply in so far as they are not varied by or inconsistent with these Regulations.

FIRST SCHEDULE
CHARGES PAYABLE BY OWNER OR OCCUPIER OF
PREMISES

1. <i>Service Charges:</i>	<i>Charge (KSh.)</i>
(a) special reading of a meter	200
(b) cutting off the supply at the request of a consumer	200
(c) turning on the supply otherwise than in respect of a first connection	200
(d) turning on the supply after disconnection for non-payment	500
(e) testing a meter at the request of the consumer where it is not found to register incorrectly to any degree exceeding 5 per cent	The actual cost subject to a minimum charge of 500
2. <i>Monthly meter rents fixed charges:</i>	<i>Charge (KSh.)</i>
(a) all meters of nominal size up to 15 mm.	50
(b) all meters of nominal size up to 20 mm.	50
(c) all meters of nominal size up to 25 mm.	250
(d) all meters of nominal size up to 38 mm.	250
(e) all meters of nominal size up to 50 mm.	250
(f) all meters of nominal size up to 63 mm.	450
(g) all meters of nominal size up to 75 mm.	450
(h) all meters of nominal size up to 100 mm.	800
(i) all meters of nominal size up to 150 mm.	800
(j) all meters of nominal size larger than 150 mm.	1,500

SECOND SCHEDULE
WATER TARIFFS

PART A—GENERAL	<i>Charge (KSh.)</i>
1. Where no meter is installed, a monthly charge of	200
2. Where a meter is installed, and the amount of water sold through the meter in any one month the charges will be as follows—	

SECOND SCHEDULE—(Contd.)

	<i>Charge (KSh.)</i>
(a) does not exceed 10 cubic metres (minimum charge)	200
(b) is more than 10 cubic metres but does not exceed 20 cubic metres, the charge per cubic metre in excess of 10 cubic metres	25
(c) is more than 20 cubic metres but does not exceed 50 cubic metres, the charge per cubic metre in excess of 20 cubic metres	30
(d) is more than 50 cubic metres but does not exceed 100 cubic metres, the charge per cubic metre in excess of 50 cubic metres	45
(e) is more than 100 cubic metres but does not exceed 300 cubic metres, the charge per cubic metre in excess of 100 cubic metres	75
(f) is more than 300 cubic metres the charge per cubic metre in excess of 300 cubic metres	100
3. Where water is sold through a meter at a kiosk, the charge per cubic metre	15
4. Where water is sold by retail at a kiosk per unit of 20 litres or part thereof the charge per unit	2
5. For the bulk sales to an undertaker or other person for resale, the charge per cubic metre	15
 PART B—BOARDING SCHOOLS	
	<i>Charge (KSh.)</i>
1. A school with a permissible water demand not exceeding 600 cubic metres per month, the charge per cubic metre	20
2. A school with a permissible water demand not exceeding 1,200 cubic metres per month the charge per cubic metre	25
3. Any other learning institution with a permissible water demand of 1200 cubic metres per month, the charge per cubic metre	25
4. The charge per cubic metre of water consumed in excess of permissible water demand	45

THIRD SCHEDULE

(r. 24 (3))

CONNECTION CHARGES

1. The sum to be deposited shall be assessed upon the basis of the estimated cost.
2. The consumer shall pay to the Registered Trustees the difference between the actual cost and the estimated cost of the installation or shall receive a refund from the Registered Trustees of the difference between the estimated cost and the actual cost of the installation, as the case may be.

FOURTH SCHEDULE

(r. 35)

DEPOSIT FEES

<i>Category of consumer</i>	<i>Charge (KSh.)</i>
1. Domestic consumer	1,000
2. Water kiosks, where anticipated monthly water consumption is—	
(a) less than 50 cubic metres	1,000
(b) between 50 to 100 cubic metres	2,000
(c) between 100 to 150 cubic metres	2,500
(d) more than 150 cubic metres	3,000
3. Retail shops, workshops and offices more than 10 cubic metres	3,000
4. Bar, restaurant and lodgings more than 15 cubic metres	5,000
5. Hotel class "A" and "B" less than 150 cubic metres	10,000
6. Hotel class "C" and "D" more than 150 cubic metres	15,000
7. Hospitals more than 150 cubic metres	20,000
8. Minor construction site (temporary connection) less than 200	10,000
9. Large construction site (temporary connection) more than 200 cubic metres	50,000
10. Light industries less than 200 cubic metres	10,000
11. Medium industries 200 to 300 cubic metres	15,000
12. Heavy industries more than 300 cubic metres	20,000
13. Health centres/dispensaries less than 150 cubic metres	5,000

FOURTH SCHEDULE—(Contd.)

	<i>Charge (KSh.)</i>
14. Schools/colleges/other institutions more than 200 cubic metres	10,000
15. Schools less than 200 cubic metres	5,000

Made on the 17th July, 2002.

S. G. MWANGI,
*Acting General Manager,
Meru Water and Sewerage
Services Registered Trustees.*

Approved on the 17th July, 2002.

KIPNGENO ARAP NG'ENY,
Minister for Water Development.