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THE WATER SUPPLY AND SANITATION ACT,
(CAP. 272)

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RULES

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(Made under section 29(1)(m))
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THE WATER SUPPLY AND SANITATION SERVICES (LICENSING AND QUALITY OF
SERVICE) RULES, 2020

ARRANGEMENT OF RULES

PART I
PRELIMINARY PROVISIONS

1. Citation.
2. Application.
3. Interpretation.

PART II
LICENSING PROCEDURES

4. Obligation to apply for licence.
5. Classification of licence.
6. Promotion and demotion of classes.
7. Application procedure.
8. Publication of licence application.
9. Evaluation of licence applications.

10. Duration and transfer of licence
11. Modification of licence.
12. Licence cancellation and appointment of administrator.

PART III
OBLIGATIONS OF ALICENSEE

13. Obligation to provide services.
14. General obligations of licensee.
15. Appointment of service providers.
16. Information and reporting requirements.
17. Maintenance of records.
18. Performance audit.
19. Tariff disclosure.
20. Information to customers.

PART IV
FINANCIAL PROVISIONS

21. Accounting standards.
22. Maintenance of separate accounts.
23. Prohibition to cross subsidization.

PART V
TECHNICAL PROVISIONS

24. Compliance to performance standards.
25. Customer service charter.
26. Business plan.
27. Water quality monitoring
28. Service interruption notice.
29. Incident management plan.
30. Compliance with environment, health and safety laws and standards.
31. Inspection.
32. Obligation of inspector.
33. Treatment of inspectors.

PART VI
QUALITY OF SEERVICE

(a) Quality of service targets

34. Quality of service targets and customer service charter.
35. Remedies for incorrect compensation.
36. Report on quality of service target.

(b) Application For Water Supply And Sanitation Services

37. Application for service.
38. Ownership of service line.
39. Maintenance of a service line.

(c) Metering, Billing, Payment Procedures and Certification of water treatment chemicals

40. Metering.
41. Pre-installation testing of meters and calibration of meters.
42. Meter reading.
43. Meter testing equipment.
44. Meter inspection and testing.
45. Meter seal.
46. Meter accuracy verification.
47. Removal of meters from customer's premises.
48. Preparation of bills.
49. Preparation of supplementary bills.
50. Remedies for incorrect bills.
51. Payment arrangements.
52. Limits on payment plan.
53. Mode of refund or payment.
54. Customers to be kept connected.
55. Issuance of detailed statement of accounts.
56. Certification of water treatment chemicals.

(d) Procedure on Water Disconnection and Reconnection

57. Restrictions on disconnection.
58. Wrongful disconnection.
59. Reconnection time.
60. Indemnity

PART VII
COMPLAINTS HANDLING PROCEDURES

61. Complaints handling procedure.
62. Licensee to implement public awareness program.

PART VIII
GENERAL PROVISIONS

63. General Penalty.
64. Penalty for continued violation.
65. Authority to supplement procedures.
66. Revocation and savings.

THE WATER SUPPLY AND SANITATION ACT,
(CAP. 272)

THE WATER SUPPLY AND SANITATION SERVICES (LICENSING AND QUALITY OF
SERVICE) RULES, 2020

(Made under section 29(1)(m))

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Rules may be cited as the Water Supply and Sanitation Services (Licensing and Quality of Service) Rules, 2020.
- Application 2. These Rules shall govern the regulatory and licensing matters related to the provision of water supply and sanitation services in Mainland Tanzania.
- Interpretation
Act No. 5 of
2019 3. In these Rules, unless the context otherwise requires-
“Act” means the Water Supply and Sanitation Act;
“affiliate” means any legal entity holding shares in the licensee or any other legal entity in which the licensee is a shareholder;
“applicable law” means any principal law, regulation, rule, order, by-law and any other written law which is relevant to matters pertaining to regulation of the water supply and sanitation services;
- Cap. 414 “Authority” means the Energy and Water Utilities Regulatory Authority established under the provisions of the EWURA Act;
“basic compensation” means compensation paid by a licensee to a customer for breach of a quality of service target;
“business plan” means a document prepared by a licensee pursuant to guidelines issued by the Authority that describes the scope of its services;
“Board” shall have the meaning ascribed to it in the Act;
“Certification Authority” means the Weights and Measures Agency or the Government Chemist Laboratory Authority or such other authority as may be relevant in the regulation of the water supply and sanitation services;
“community” shall have the meaning ascribed to it in the Act;

- Cap. 414
- “community organization” means a community-based water supply organization established under the Act;
- "Council" means the EWURA Consumer Consultative Council established under the EWURA Act;
- “customer” means a person supplied, or has applied to be supplied with a service or who is liable for payment of any fees or other charges for the supply or use of a service;
- “customer service charter” means a document prepared by a licensee and approved by the Authority, setting out minimum service standards including the procedure of receiving and settling complaints from customers, metering and connections handling;
- “guaranteed service standards” means a service standards that define a quality of service assured to the individual customer and must be met by a licensee otherwise failure will result in a licensee making a compensatory payment to the customer that has suffered a sub-standard level of service;
- “Incident Management Plan” means a procedure and protocol for the coordinated management of drinking water incidents, including media and stakeholder liaison and notifications to customers regarding risks and counter measures undertaken by the supplier that take into account concepts of good practice identified in the World Health Organization Water Quality Guidelines;
- “IPSAS” is an acronym of the words International Public Sector Accounting Standards issued by the International Accounting Standards Board;
- “inspector” means an officer of the Authority or an agent appointed by the Authority to act as such;
- "IFRS" is an acronym of the words International Financial Reporting Standards issued by the International Accounting Standards Board;
- “licence” means a licence other than a provisional license, to conduct a licensed activity issued under the EWURA Act and the Act in accordance with these Rules;
- “licensee” means the holder of a license or a provisional licence as the case may be;
- “licensed activity” means any or a combination of;
- (a) water supply and sanitation services;
 - (b) bulk water supply services;
 - (c) water supply services; and
 - (d) sanitation services.

- “licensed facility” includes water source infrastructures, buildings, water treatment plants, waste water treatment plants, pipes, associated equipment and accessories, storage tanks and parking areas from which a person conducts a service and which is described in a licence;
- “Minister” shall have the meaning ascribed to it under the Act;
- “provisional license” means a license issued by the Authority to undertake a licensed activity;
- “sanitation” shall have the meaning ascribed to it under the Act.
- “services” means a licensed activity;
- “service area” means an area within which a licensee is authorized to operate under a licence as set in the Oder published by the Minister to established the licensee and the extended area as shall be published by the Minster from time to time;
- “service line” means any water pipe and related appurtenances that conveys water from the water main to the customers' premises; and
- “service provider” means a person appointed by a licensee under rule 15(1);
- “supplier” means any entity which provides services but does not include a community organization;
- “tariff” means any charge, fee, price or rate charged for the provision of the services as approved by the Authority;
- “tariff methodology” means a methodology approved by the Authority for computing tariff;
- “water authority” means a water supply and sanitation authority established under section 9 of the Act;
- " water meter test bench" means necessary standard facilities, instruments and other equipment for testing water meters duly certified by the certification Authority; and
- “water supply” means the provision of appropriate facilities and services for the sourcing, treatment and distribution of potable water.

PART II LICENSING PROCEDURES

Obligation to
apply for
licence

4.-(1) A person or a water authority shall not provide services without a licence from the Authority.

(2) A person or water authority providing services without a licence shall be required, not later than three months after coming into force of these Rules, apply to the Authority for a licence.

- Classification of licenses
- 5.-(1) The following shall be the classes of licence issued by the Authority:
- (a) Class I Licence;
 - (b) Class II Licence; and
 - (c) Class III Licence.
- (2) The criteria for classification of licenses under subrule (1) shall be as prescribed in the First Schedule to these Rules.
- (3) Notwithstanding the provisions of subrule (1), a declared water authority, which has not qualified for class I, II, III licence shall be issued with a provisional licence for a period not exceeding twenty-four months.
- (4) A person other than a water authority shall be issued only with class I licence.
- Promotion and demotion of classes
- 6.-(1) A licensee under Class III or II shall be required to improve its performance before it qualifies to a higher class in accordance with the provisions of the First Schedule to these Rules.
- (2) The Authority may, where the licensee has demonstrated poor performance, demote such licensee to a lower licensee class.
- (3) In the event the Authority demotes the licensee under subrule (2), it shall-
- (a) in case of a water authority, recommend to the Minister to replace the Board and Management of such authority; and
 - (b) in case of other entities and subject to the provision of rule 12, proceed to cancel the licence.
- (4) Notwithstanding the provision of subrule (2) and (3), the licensee shall, within thirty days before the said demotion, be required to show cause why such demotion should not be carried into effect, provided that, it will be good defence where the licensee establishes that, poor performance was caused by circumstances which are beyond its control.
- Application Procedure
GN. No.
179 of 2015
- 7.-(1) A person or water authority that wishes to undertake licensed activity shall make application to the Authority through online licensing and Order Information System (LOIS) or any system established by the Authority.
- (2) The application under subrule (1) shall be accompanied by the respective fee as stipulated under the Water Supply and Sanitation (Licensing fees) Rules.
- (3) A licensee shall, not less than six months prior to

expiry of the licence, submit an application for licence to the Authority.

Publication of
licence
applications

8.-(1) The application for a licence referred to under rule 7 shall be evaluated to verify completeness and correctness of information contained therein.

(2) The Authority shall, upon being satisfied with the correctness and completeness of the application received under subrule (1), publish a notice of application in at least two newspapers of wide circulation in Tanzania, one in English and another in Kiswahili with a view to solicit and invite comments, opinions and representations from the public in relation to the application thereof.

(3) The public shall have the right to submit their comments, opinions and representations within twenty-one days from the date of the publication of the notice.

Evaluation of
licence
applications

9.-(1) The Authority shall, after the expiry of the twenty-one days, evaluate the application together with comments, opinions or representations made in that behalf, and determine whether to-

- (a) reject the application;
- (b) refer back the application; or
- (c) grant the application and issue a licence.

(2) The Authority shall, while determining the application referred to under subrule(1), have regard to the applicant's-

- (a) legal status;
- (b) managerial and technical capability;
- (c) financial viability;
- (d) adherence to health, safety and environmental requirements;
- (e) economic efficiency and benefit to the public in general; and
- (f) any other matter relevant to the orderly supply of services in Tanzania.

(3) The Authority shall, in the event that it rejects an application for a licence, inform the applicant of such decision in writing, including the reasons thereof.

Cap. 285

(4) A person who is aggrieved by a decision of the Authority made under subrule (1)(a) may appeal to the Fair Competition Tribunal pursuant to the provisions of the Fair Competition Act.

Term and transfer of licence

10.-(1) The term of a licence shall, subject to the provisions of the Act, be stated on the face of such a licence.

(2) A licence shall remain valid for the term in respect of which is issued, and the Authority may renew such licence upon a written application by the licensee.

(3) A licence and provisional licence shall not, subject to these Rules, be assigned or transferred by a licensee to another person without prior approval of the Authority.

Modification of licence terms

11-(1) The Authority may, upon written application by a licensee, modify the terms and conditions of a licence.

(2) Notwithstanding the provisions of subrule (1), the Authority may, on its own motion and, upon written notice to the licensee, modify the terms and conditions of a licence.

Licence cancellation and appointment of administrator

12.-(1) The Authority may cancel a licence where it determines that the licensee has violated any term or condition that was condition precedent for issuance of the licence and such violation has-

- (a) caused a significant damage on public or private interests;
- (b) occurred repeatedly or has persisted for a considerable period of time; and
- (c) caused the licensee to be unable to fulfill its obligations.

(2) A licence shall cease to have effect where the licensee-

- (a) fails to commence operations within three months from the date of issuance of licence;
- (b) is dissolved pursuant to provision of the Act or any other written law; or
- (c) is declared insolvent or subjected to winding up proceedings under the law for the time being in force.

(3) Where a licence is cancelled under subrule (1) or where the licence ceases to have effect under subrule (2). The Authority shall-

- (a) where the licensee is a water authority, advise the Minister to dissolve the Board of the said licensee and appoint an administrator as provided for under the Water Supply Regulations, 2019 and take over the powers and responsibilities of the respective licensee; or
- (b) where a licensee is any other entity, appoint an

GN. No.
828 of 2019

administrator to take over the powers and responsibilities of the respective licensee in terms of section 16 (2)(b) of the EWURA Act.

(4) The administrator appointed under subrule 3(a) or (b) shall remain in office for such period and on such terms and conditions as it may be determined by the appointing authority.

PART III
OBLIGATIONS OF A LICENSEE

Obligation to
provide
services

13.-(1) A licensee shall provide services pursuant to the provisions of the Act, the EWURA act and any service charter.

(2) Without prejudice to the generality of subrule (1) a licensee shall be required to-

- (a) provide reliable and quality services in a service area;
- (b) charge tariffs as approved by the Authority; and
- (c) carry out all works related to the licensed activity, including construction, rehabilitation, operation and maintenance of the facilities in accordance with the applicable law.

General
obligations of
licensee

14.-(1) A licensee shall, while providing services, have regard to these Rules and guidelines issued by the Authority in matters relating to-

- (a) tariffs;
- (b) water and effluent quality;
- (c) regulation of independent water suppliers;
- (d) business plan;
- (e) customer service charter;
- (f) annual reports;
- (g) payment of fees and levies; and
- (h) codes of conduct in relation to the provision of services.

(2) A licensee shall be obliged to provide services without any discrimination and shall, under no circumstance, suspend services other than as provided for under the applicable laws.

Appointment
of service
providers

15.-(1) A licensee may enter into agreements with one or more agents (service provider) for the purpose of such agent to exercise powers and discharge functions vested on the licensee.

(2) The agreement entered into pursuant to subrule (1)

shall specify the powers and functions vested on the licence which shall be performed by the service provider during the currency of the agreement.

(3) Any agreement concluded between a water authority and a service provider under subrule (1) shall be subject to approval by the Authority.

(4) Where an agreement has been approved as provided for under subrule(3), a service provider shall be deemed to be an agent of the licensee.

Information
and reporting
requirements

16.-(1) A licensee shall furnish to the Authority, such documents, accounts, estimates, budgets, returns or other information in such manner and at such times as the Authority may require for the purpose of exercising its functions.

(2) Notwithstanding the generality of the provisions of subrule (1), a licensee shall submit to the Authority the following reports:

- (a) an estimated budget for each successive financial year not later than fifteen days after the commencement of the respective financial year;
- (b) monthly operational reports in accordance with Majils information system or any other system established by the Authority latest by 14th of the following month;
- (c) quarterly capital investment reports by 30th of the month following the end of a quarter;
- (d) annual report prepared in accordance with the format prescribed by the Authority, detailing activities and operations of the licensee during the year to be submitted not later than three months after the closure of the financial year; and the same shall be accompanied by draft financial statements; and
- (e) final annual report prepared in accordance with the format prescribed by the Authority detailing activities and operations of the licensee including implementation of license conditions during the year to be submitted not later than six months after the close of the financial year; and the same shall be accompanied by a copy of the audited accounts, auditor's report and replies thereto.

Maintenance
of records

17.-A licensee shall keep complete and accurate data,

information, reports and records related to its licensed activity at least for five years.

Performance
audit

18.-(1) A licensee shall, at the expiry of its business plan, conduct a performance audit relating to its-

- (a) services and licensed facility;
- (b) business plan
- (c) compliance with its customer service charter; and
- (d) compliance with its licence obligations.

(2) Notwithstanding the provisions of subrule (1), the Authority may, at any time, audit or commission an auditor to undertake an audit of a licensee's-

- (a) services and licensed facility;
- (b) compliance with its customer service charter;
- (c) compliance with its licensee obligations; and
- (d) compliance with a business plan.

(3) Where performance audit has been ordered pursuant to subrule (2), a licensee shall permit the Authority or the auditor commissioned by the Authority to-

- (a) have access to the licensed facility;
- (b) carry out inspections, measurements and test on, or in relation to, water and sanitation works, premises or offices;
- (c) take on to any such premises, works or offices any other person or equipment as necessary for the purpose of performing the audit or verifying the report;
- (d) inspect and make copies of, and take extracts from, any books and records of a licensee that are maintained in relation to the performance of the services; and
- (e) discuss matters relevant to the audit or a report with the licensee.

Tariff
disclosure

19.-(1) A licensee shall, immediately after receipt of the approved tariff by the Authority, publish the tariff by-

- (a) posting it on its information boards;
- (b) posting such information on its web site; and
- (c) making such information available at its bill payment centers.

(2) A licensee shall provide accurate tariff information to any person who requests for such information.

Information to
customers

20. A licensee shall-

- (a) furnish the customer with tariff schedules and such other additional information;
- (b) inform its customers as to how meters are read and the method of computing the charge billed;
- (c) notify customers affected by a change in tariffs or tariff classification;
- (d) maintain up-to-date maps, plans, records of its entire transmission and distribution or collection and interception systems, with such other information as may be necessary to enable the water and sanitation providers to advise prospective customers; and
- (e) disseminate or make known to all customers the contents of its Customer Service Charter.

PART IV FINANCIAL PROVISIONS

Accounting standards

21.-(1) A licensee shall maintain its financial books and accounts, and shall provide information thereof to the Authority in accordance with IPSAS in relation to public entities and IFRS for private entities and any other applicable regulations, including those requiring the licensee to adopt a uniform system of accounts.

(2) For the purpose of this rule-

- (a) "IFRS" is an acronym of the words International Financial Reporting Standards issued by the International Accounting Standards Board;
- (b) "IPSAS" is an acronym of the words International Public Sector Accounting Standards issued by the International Accounting Standards Board.

Maintenance of separate accounts

22. A licensee shall maintain a separate set of accounts for activities not related to the licensed activity.

Prohibition of cross subsidization

23. A licensee shall ensure that there is no cross subsidization between its services and any other activities including activities of its affiliates.

PART V TECHNICAL PROVISIONS

Compliance to performance standards

24.-(1) A licensee shall conduct its services in manner that is intended to achieve high quality of service and performance targets as prescribed in the-

- (a) Act, EWURA Act or these Rules; and
- (b) customer service charter.

(2) A licensee shall be liable for and pay all applicable penalties or compensation associated with its failure to meet the guaranteed quality of service standards prescribed in its customer service charter and these Rules.

Customer
service charter

25.-(1) A licensee shall, within one year after receipt of a licence, prepare and submit a customer service charter to the Authority for approval.

(2) The Authority shall approve any modification or amendment proposed to be made in the customer service charter.

(3) The customer service charter shall be reviewed by a licensee at least once in every three years.

(4) The customer service charter described in subrule (1) shall be prepared in line with the requirements of the guidelines issued by the President's Office-Public Service Management and it shall include, licensee's commitment to-

- (a) deal with customers through a system that shall ensure efficiency in discharging its functions;
- (b) prepare and publicize any periodic meetings with customer representatives for the purpose of-
 - (i) exchanging information or views;
 - (ii) clarifying the mutual duties, rights and responsibilities; and
 - (iii) improving customer services;
- (c) establish and enable service centers to handle customer complaints, disputes and inquiries; and
- (d) provide information to customers regarding services, rates and performance.

(5) A licensee shall-

- (a) establish a mechanism to receive information on service interruptions or reports related to quality and reliability of services; and
- (b) maintain a special register of complaints comprising of the-
 - (i) identity of the complainant;
 - (ii) type of complaint or malfunction;
 - (iii) location and time of the occurrence complained of; and
 - (iv) time taken to address such complaint or malfunction.

- Business plan 26. - (1) A licensee shall-
- (a) throughout the license period, undertake its activities in accordance with the approved business plan;
 - (b) not less than six months prior to the expiry of the business plan, submit a revised version of the same to the Authority for review;
 - (c) submit to the Authority any proposed amendment to the business plan for review; and
 - (d) ensure that its annual budget is derived from the business plan.
- (2) A licensee shall, as part of its annual report to the Authority, submit a report on its progress and activities in carrying out the business plan.
- Water quality monitoring 27.-(1) In addition to the business plan referred to under rule 26, a licensee shall also submit a Water Quality Monitoring Program to be approved by the Authority.
- (2) The Water Quality Monitoring Program shall be in accordance with the guidelines issued by the Authority from time to time.
- Service interruption notice 28.-(1) A licensee shall notify its customers of the occurrence of an event that may cause service interruption for significant number of customers and which may last for more than six hours.
- (2) A licensee shall, in the event of service interruption that may affect a significant number of customers for more than two days, report to the Authority about such interruption and the remedial measures to be taken.
- Incident management plan 29.-(1) A licensee shall, not later than two months after receipt of a licence, submit an Incident Management Plan to the Authority in a manner prescribed by the Authority.
- (2) A licensee shall, within twenty-four hours, report to the Authority of any information or event in the delivery of the services or in its systems or operations that may pose risks to public health and the environment and the Authority may give directives as it may deem appropriate.
- Compliance with environment, health and safety laws 30.-(1) A licensee shall-
- (a) take all necessary measures to prevent or reduce to acceptable levels pollution resulting from its

report the matter in writing to the Authority.

(3) An inspector who contravenes the provision of subrule (1) shall be dealt with in accordance with a procedure stipulated by the Authority.

Treatment of inspectors

33. A licensee shall not-

- (a) hinder or obstruct an inspector in the exercise of any of the powers conferred upon him by a licence, these Rules, the Act or the applicable law;
- (b) use abusive, threatening or insulting language to an inspector;
- (c) refuse or fail to comply with any lawful order or direction given by the inspector; and
- (d) refuse to answer question to the best of the licensee's knowledge, information and belief, when required to do by the Inspector.

PART VI
QUALITY OF SERVICE

(a) Quality of service targets

Quality of service targets and customer service charter

34.-(1) A licensee shall be obliged to meet the quality of service targets as prescribed in the Second Schedule to these Rules.

(2) A licensee shall, within three months of coming into force of these Rules, incorporate in its customer service charter the quality of service targets and sanctions for non-attainment of such targets.

(3) A licensee who fails to meet the quality of service targets prescribed in the Second Schedule shall be liable to pay compensation to the affected person the amount prescribed under the Third Schedule to these Rules.

Compensation for incorrect readings

35. In the event a customer is aggrieved by the amount payable by a licensee as compensation, such customer may lodge his complaint to the Authority for determination.

Reports on quality of service targets

36.-(1) A licensee shall, on annual basis, report to the Authority on the attainment and non-attainment of the quality of service targets.

(2) The report on non-attainment of quality of service targets shall include, where relevant, details relating to-

- (a) affected area/premises or persons;
- (b) duration of the event;

- (c) remedial measures taken; and
- (d) any compensation paid.
- (3) A licensee shall submit to the Authority a report under subrule (1) as part of its annual report.

(b) Application for the Water Supply and Sanitation Services

Application
for service

37.-(1) A customer shall apply to the licensee for service in accordance with the provisions of the Act.

(2) The application under subrule (1) shall be subjected to other legal requirements including payment of such charges as may be applicable in respect of the delivery of the service.

(3) A licensee shall, upon receipt of an application, conclusion of field verification and payment of all applicable charges, connect service to customer according to the Fourth Schedule of these Rules.

Ownership of
service line

38. The service line shall be the property of a customer but under the control of a licensee and shall, except as otherwise indicated by these Rules, be maintained by the licensee at its expenses.

Maintenance
of service line

39. - (1) A licensee shall-

- (a) at a customer's request, carry out replacement or relocation of a service line at the expense of the customer;
- (b) be responsible for meeting the costs of any repair, maintenance of a service line before the meter;
- (c) at the expense of a customer, effect any repair, maintenance or replacement to the service line due to damage caused by the said customer;
- (d) at all times, have access to the service line which is located at the customer's premises in order to conduct inspection therein, and
- (e) be responsible for the safekeeping of meters that have been installed in the service line.

(2) A customer shall-

- (a) promptly notify a licensee of any defect in or damage to any part of the service line; and
- (b) at all times, be responsible for timely reporting damage, malfunction or vandalism of meters that have been installed in the service line and which are located at the customer's premises.

*(c) Metering, Billing, Payment Procedure and Certification of
Water Treatment Chemicals*

- Metering 40. A licensee shall install, maintain and verify the accuracy of a meter installed at a customer's service line in accordance with the description specified in the Fourth Schedule to these Rules.
- Pre-installation testing and calibration of meters 41.-(1) A licensee shall ensure every water meter is tested by the Certification Authority or its authorized agent in accordance with the applicable laws.
(2) A licensee shall ensure that a meter used to ascertain the volume of water consumed by a customer is calibrated and sealed by the certification authority.
- Meter reading 42.- (1) A licensee shall read meters in order to determine the amount of water consumed.
(2) Where a meter is out of service or malfunctioning, the amount of water consumed will be determined by using water consumption average of the three preceding months.
(3)The customer shall not later than three months have the right to challenge or complain about the bill presented to him by the licensee.
(4) Notwithstanding the provision of subrule (3), the complaint of a certain bill shall not be a bar for payment of the proceeding bills which has not been complained of.
- Meter testing equipment 43.-(1) A licensee supplying metered water service to its customers shall make available a water meter test bench.
(2) The licensee's water meter test bench shall, in so far as it is practicable, simulate the actual service conditions of temperature, inlet pressure and outlet pressure.
(3) A licensee may be exempted from the requirement in subrule (1), where satisfactory arrangements are made to test its meters by another licensee's water meter test bench or certified agency equipped to test meters in compliance with these Rules.
(4) Where a standard test meter is used for field testing of service meters, such device shall be checked in a water meter test bench for accuracy at least once a year, adjustments made when necessary and a record therefore shall be in respect kept of such tests and adjustments.

Meter
inspection and
testing

44.-(1) Meter inspection and testing exercise shall be witnessed by a customer or his representative.

(2) A seal affixed to a inspected and tested meter shall not be broken or removed unless witnessed by the category of people mentioned under subrule (1).

(3) A licensee shall, during the inspection exercise, take readings of a meter, in particular details of the outer and inside the meter and take as such number of photos as necessary during the whole exercise.

(4) At the conclusion of the inspection and testing exercise, a licensee shall prepare and sign a meter inspection report, and which shall be counter signed by a customer or his representative.

(5) A meter inspection and test report shall at a minimum include the following:

- (a) customer name, address, meter number and an account number;
- (b) name and address of the laboratory;
- (c) the date and reason for the test;
- (d) the name and address of the manufacturer of the meter or the trademark used;
- (e) the meter designated permanent flow rate;
- (f) the year of manufacture and the individual serial number of the meter tested;
- (g) the initial reading of the meter before making the test;
- (h) the type and capacity of the meter;
- (i) the measured water volume with the meter;
- (j) the measured water volume with the meter test facility;
- (k) accuracy of the meter; and
- (l) where the test of the meter is made by using a standard meter, a licensee shall retain all data taken at the time of the test in a form that permits appropriate verification of the test methods and the calculations.

(6) A licensee shall, in the event a customer or his representative refuses to counter sign a meter inspection and test report as required by subrule (4), indicate that fact in the report.

(7) A licensee may prepare manual or internal rules of procedure that may be used by its officials in regulating the manner in which inspection and testing of a meter shall be conducted:

Provided however that, the said manual or rules of procedure shall be in line with the requirements of the Act and these Rules.

Meter seal
Cap. 340

45. Upon completion of adjustment and test of any water meter under the provisions of these Rules and the Weights and Measures Act, a licensee shall affix thereto a seal of such nature that adjustment or registration of the meter cannot be had without breaking the seal.

Meter
accuracy
verification
Cap. 340

46.- (1) where a conflict arises between a customer and licensee in respect of the correctness of meter readings, such a conflict shall be referred to the certification Authority and be dealt with in accordance with the provisions of Weights and Measures Act.

(2) A licensee and a customer or their duly appointed representatives shall have the right to witness the verification of meter accuracy under subrule (1).

(3) Any party who is aggrieved by the procedure referred to under subrule (1) on the grounds of fraud may appeal to the Authority within twenty – one days after receipt of the results.

Removal of
meters from
customer's
premises

47.-(1) A meter used to ascertain the volume of water consumed shall not be removed from the customer's premises for verification purposes unless the customer or his representative is present.

(2) A licensee shall read the final readings of such meter, record details of the outer structure of such meter, photograph it and thereafter sign a sheet of paper containing the above details and the customer shall counter sign it before any such meter is removed for verification purposes.

(3) A meter used to ascertain the volume of water consumed may be removed from the premises of a customer in the absence of the customer where-

- (a) the customer has waived in writing his rights to witness the removal; or
- (b) the attendance of the customer or its representative cannot be procured.

Preparation of
bills

48.-(1) A customer's bill shall be prepared in accordance with the provision of these Rules.

(2) A customer's billing information shall consist of the following:

- (a) the licensee's current business name and address;
- (b) customer's billing name, account number, meter number, location and postal address;

- (c) bill number;
- (d) the billing period;
- (e) description of different charges for which the customer is billed;
- (f) the total amount billed, applicable credits, payments or discounts, and the net amount payable by a customer or refundable, if any, by the licensee;
- (g) the date on which the bill is issued;
- (h) the bill or refund payment date;
- (i) billing method, either metered or estimation;
- (j) methods of refund payment whether in cash or credit into next bill;
- (k) methods of communication complaints and billing inquiries;
- (l) a customer service telephone number;
- (m) meter reading; and
- (n) payment notice.

(3) Notwithstanding the generality of subrule (1), a licensee shall ensure-

- (a) bills supplied to a customer are accurate, timely and verifiable;
- (b) records of a customer's bill and related charges are retained for a minimum period of three years;
- (c) bills are issued within thirty days after the closure of each billing period; and
- (d) bills are issued to new customers within thirty days after connection.

(4) A licensee shall not charge its customers for any bill issued or any bills related costs.

(5) A licensee shall ensure that, where a metered customer is issued with an estimated bill-

- (a) the said bills are not issued for three consecutive months or more than three times in any twelve-month period;
- (b) inform the customer that the issued bill is an estimated one; and
- (c) provide reasons in the bill as to why it has issued an estimated bill.

Preparation of supplementary bills where-

49.- (1) A licensee shall prepare supplementary bills

- (a) a report from meter inspection and testing has indicated that the meter has malfunctioned and a

- customer has agreed in writing on such errors or malfunctioning; or
- (b) the results have indicated that, there were some errors in the preparation of the bill or the meter malfunctioned.
- (2) Notwithstanding the provisions of subrule (1), a supplementary bill prepared by a licensee pursuant to subrule (1) shall not exceed a period of twelve months counted from the date of occurrence of any of the events mentioned in subrule (1).
- Remedies for incorrect bills
- 50.-(1) In event a customer is aggrieved by -
- (a) a bill issued by a licensee under rule 48; or
- (b) a supplementary bill issued by a licensee under rule 49, may lodge a complaint to the Authority in terms of Part VI of the EWURA Act.
- Cap. 414
- (2) Notwithstanding the complaint lodged under subrule(1), the customer shall be obliged to pay any other proceeding bills which are not subject of the complaint.
- Payment arrangements
- 51.-(1) A customer shall pay bills issued by a licensee not later than thirty days after receipt of the said bill.
- (2) Where a customer is unable to settle his bill he may, before the expiration of the time for paying the due amount, negotiate with the licensee on how to pay the bills without suspension of water services.
- (3) A licensee may, in the event of unsettled bill after the expiration of thirty days from the date of receipt of the bill, disconnect water supply service from the premises of a customer.
- (4) Where the customer has failed to pay the outstanding debt within sixty days, from the date of receipt of the bill, the licensee may institute legal action in a competent court to recover the debt.
- Limits on payment plan
- 52.-(1) Subject to rule 51, a licensee may offer a customer with a payment plan, which reflects the customer's ability to pay and which shall be implemented for a period of time not exceeding six months.
- (2) A customer shall, at all time during the payment plan period, pay all current bills and balances, failure of which may result in immediate disconnection.
- Mode of refund or compensation
- 53.-(1) Where it is established that a customer has overpaid for the service or the licensee has failed to meet the

quality of service target pursuant to the Second Schedule, the customer shall be entitled for a refund or compensation from a licensee and may direct the said licensee to make the repayment in cash or credit to his billing account.

(2) where a customer who is entitled for a refund or compensation from a licensee, has not asked for direct payment, the licensee may *suo moto* make re-payment in cash or credit to his billing account.

(3) In the event a customer-

- (a) is entitled for a refund or compensation from a licensee but the licensee owes the customer; and
- (b) is at the material time is indebted by the licensee for more than six months,

the licensee shall make the payment, or so much of it as it does not exceed the amount that the licensee owes, by crediting to the customer's billing account.

(4) For the purposes of subrule (3) (b), "a material time" is-

- (a) where the payment is payable without a written claim being made, the time when it becomes payable; or
- (b) Otherwise, the time when the customer makes a written claim for it.

Customers to
be kept
connected

54.-(1) A licensee shall-

- (a) prudently manage customer accounts and keep customers connected to the water supply service; and
- (b) connect new customers within seven working days after making full payment of connection costs or fees.

(2) A licensee shall, in the event where it fails to connect a customer within the specified period, be liable to compensate the customer for any loss suffered.

(3) Where a licensee employs an agent, clerk, servant or other person, such licensee shall be answerable and liable for any acts or omissions of such persons in so far as the actions or omissions relate to water services.

Issuance of
detailed
statement of
accounts

55.-(1) A licensee shall, upon request by a customer, and at least once in a year, issue to customer a detailed statement of account in respect of the ensuing year.

(2) A detailed statement of accounts issued under subrule (1) may be used by the licensee and the customer in making reconciliation at the end of the financial year.

Certification
of water
treatment
chemical

56.-(1) A licensee shall ensure that, water treatment chemical is tested and certified by the Government Chemist Laboratory Authority or its authorized agent pursuant to the provisions of the applicable laws.

(2) A licensee shall at all times, keep and maintain a proper record of water treatment chemical and certification.

(d) Procedure on Water Disconnection and Reconnection

Restriction on
disconnection

57.-(1) A licensee shall not disconnect services from any customer save as it is provided for under these Rules.

(2) A licensee shall ensure that the measures taken where the customer has failed to pay in full the bill are-

- (a) proportionate and not discriminatory; and
- (b) preceded by a written notice to the customer of the intention of disconnecting the service.

(3) A licensee shall not carry out any disconnection on-

- (c) Fridays after mid-day;
- (d) Saturdays and Sundays; or
- (e) during public holidays.

(4) Subject to the provisions of subrule (5), no customer shall be disconnected from the service unless a notice of 30 days has been issued.

(5) For the avoidance of doubt, issuance of a bill with words "the bill is a notice" shall serve with all the purposes as if it were a notice referred to under subrule (4).

Wrongful
disconnection

58. Where a licence wrongly or unjustifiably disconnects a customer from the service, the licensee shall be liable to reconnect the customer together with payment of compensation at the amount prescribed in the Third Schedule to these Rules.

Reconnection
time

59.-(1) A licensee shall, with respect to a customer whose supply has been disconnected due to a debt and who has settled or has reached an agreement for settling his bill, reconnect the service to the customer within 24 hours after payment or the settlement agreement.

(2) Where a licensee fails to reconnect the service to the customer within the specified time, the licensee shall be liable to compensate the customer the amount prescribed in the Third Schedule to these Rules.

(3) a licensee shall reconnect the service to the customer

upon payment of the outstanding bills and reconnection fee by a customer without any additional costs.

(4) Where a licensee wrongfully disconnects service to the customer, the service shall be reconnected to the customer at the expense of the licensee.

Indemnity

60.-(1) A licensee shall not be held accountable for any loss or damages which resulted from lawful disconnection of service due to non-payment of water bills.

PART VII
COMPLAINTS HANDLING PROCEDURE

Complaints
handling
procedure

61.-(1) A licensee shall prepare and implement a complaint handling procedure which shall be simple and easy to comprehend.

(2) A customer who is not satisfied by the quality of service delivery by a licensee may, within sixty days, lodge a complaint to the licensee.

(3) A complaint referred to under subrule(2) shall be determined by the licensee in accordance with these Rules and the applicable laws.

(4) A customer who is not satisfied by the determination referred to under subrule(2) may lodge a complaint to the Authority.

(5) A licensee shall, at all times, keep records and reports of all complaints received from customers.

(6) A licensee shall take appropriate measures to ensure that persons with physical disabilities or other special groups are able to access the premises and where possible, are able to use the complaint handling process.

Licensee to
implement
public
awareness
program

62. A licensee shall prepare and implement a public awareness program on matters related to handling of complaints received from customers and shall cause such program to be aired and published in various media houses.

PART VIII
GENERAL PROVISIONS

General
penalty

63.-(1) A person who contravenes any provision of these Rules commits an offence and shall, on conviction, be liable to a fine provided for in the applicable laws.

(2)Where a person charged with an offence under these Rules is a body corporate, every person who, at the time of commission of the offence was a director, manager, or officer of the body corporate may be charged jointly in the same proceedings with such body corporate and where the body corporate is convicted of the offence, every such director, manager, or officer of the body corporate shall be deemed to be guilty of that offence unless that person proves that, the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Penalty for continued violation

64. A person who is in continuous breach of these Rules shall be liable to a fine of fifty thousand shillings for every day on which the contravention continues.

Authority to supplement procedures

65.-Where a dispute arises in respect of any matter and the procedure governing such matter is not provided for under these Rules, the Authority may resort to the Act, EWURA Act or any applicable law in resolving such a dispute.

Revocation and savings GN No. 387 of 2011 and GN No. 176 of 2016

66.(1) The Water Supply and Sanitation Services Rules of 2011 and Water Supply and Sanitation (Quality of Service) Rules of 2016 are hereby revoked.

(2) Notwithstanding the revocation of the Rules under subrule (1)-

- (a) every person who, immediately before the publication of these Rules, was licensed under the revoked Rules, shall be deemed to have been licensed under these Rules; and
- (b) any premises or document approved or directives or orders issued by the Authority under the revoked Rules, shall be deemed to have been approved or done under the provisions of these Rules.

—————
FIRST SCHEDULE
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(Made under rule 5(2))
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EVALUATION CRITERIA FOR CLASSIFICATION OF LICENSES FOR WATER SUPPLY
AND SANITATION SERVICE PROVIDERS

PART I

1. LICENSE
CATEGORIES

According to rule (5) of these Rules, licenses issued by EWURA will be Class I, II, III or provisional:

- (a) Class I licence: means a license issued by EWURA to a licensee who has financial, technical and managerial capability to operate a licensed facility and recovers all costs of operation;
- (b) Class II licence: means a license issued by EWURA to a licensee who has technical and managerial capability to operate a licensed facility and recovers all costs of operation except part of its investment costs;
- (c) Class III licence: means a license issued by EWURA to a licensee who still gets financial, managerial and technical support from the Government and partially recover its operational costs; and
- (d) Provisional licence: means a license issued to a declared water authority that has not qualified for Class I, II or III license (with initial facilities and human resources for provision of services).

2. DURATION
OF LICENSE

Class I, II and III licences will be valid for a minimum period of ten (10) years, while provisional licences will be valid for a maximum period of two (2) years.

3. EVALUATION
CRITERIA

A licence class issued to water and sanitation service provider will be based on fulfillment of technical, managerial and financial capability criteria as listed in Table 1.

Further, evaluation or reclassification of WSSA's licences will be done annually by EWURA as part of annual performance review of regulated water utilities. As a result of the annual review, a WSSA may be re-classified to a lower or higher class depending on performance.

PART II

TABLE1: EVALUATION CRITERIA FOR CLASSIFICATION OF LICENSES FOR WATER SUPPLY AND SANITATION SERVICE PROVIDERS

A. Technical Capability

PROVISION A	CLASS III	CLASS II	CLASS I
Presence of: Basic technical facilities and infrastructure for provision of services	Submission of the following documents: (i) water quality monitoring plan; (ii) sketch layout map of the service area; (iii) sketch layout map of water and waste water system; (iv) evidence of ownership of infrastructures/ contract to operate the infrastructures.	Submission of the following documents: (i) water quality monitoring Plan; (ii) detailed layout map of the service area (iii) detailed layout map of water and waste water system (iv) evidence of ownership of infrastructures/ contract to operate the infrastructures (v) water use permit or all water	Submission of the following documents: (i) water quality monitoring Plan; (ii) detailed layout map of the service area; (iii) detailed layout map of water and waste water system; (iv) evidence of ownership of infrastructures/ contract to operate the infrastructures; (v) water use permit for all water sources; (vi) annual technical reports for the past three years; (vii) water/waste water treatment flow charts' and (viii) presence of Water/waste water treatment facilities.

B. Managerial Capability

Water Supply And Sanitation Services (Licensing And Quality Of Service)
GN. NO. 849(Contd.)

PROVISIONAL	CLASS III	CLASS II	CLASS I
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Water Supply And Sanitation Services (Licensing And Quality Of Service)

GN. NO. 849(Contd.)

<p>submission of evidence of declaration As a WSSA (evidence of being gazetted) having at least 1 fulltime management staff; plan to improve to higher class licensee.</p>	<p>Submission of the following documents:</p> <ul style="list-style-type: none"> (i) evidence of declaration as a WSSA (evidence of being gazetted); (ii) evidence of having an active board in place; (iii) an approved business plan; (iv) signed MoU with the responsible Ministry; and (v) approved customer service charter <p>Presence of the following:</p> <ul style="list-style-type: none"> (i) At least 3fulltime management staff with minimum diploma; and (ii) qualifications or equivalent office space (renting or owning) 	<p>Submission of the following documents:</p> <ul style="list-style-type: none"> (i) evidence of declarations a WSSA (evidence of being gazetted); (ii) evidence of having an active board in place; (iii) an approved business plan signed MoU with the responsible Ministry; (iv) audited financial statements of three consecutive years; (v) approved customer service charter; (vi) copy of TIN certificate; and (vii) copy of corporate five years strategic plan <p>Presence of the following:</p> <ul style="list-style-type: none"> (i) all management staff, head of units and support staff with minimum qualifications or equivalent Office space (renting or owning) <p>Utility performance: The overall average performance score of the utility over the past three consecutive years shall at least be ranked as (score greater than 70) , in accordance with Water</p>	<p>Submission of the following documents:</p> <ul style="list-style-type: none"> (i) evidence of declaration as a WSSA (evidence of being gazetted) (ii) evidence of having an active board in place (iii) an approved business plan Signed MoU with the responsible Ministry (iv) audited financial statements of three consecutive years (v) approved customer service charter Copy of TIN certificate Copy of corporate five years strategic plan <p>Presence of the following:</p> <ul style="list-style-type: none"> (i) all management staff, head of units and support staff with minimum degree qualifications or equivalent and registered by relevant professional boards (ii) possession of GIS data base for water and sanitation infrastructure and all customers (iii) office space (renting or owning)
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C. Financial Capability

PROVISIONAL	CLASS III	CLASS II	CLASS I
Presence of the following I. Annual budget (i) Basic book keeping (ii) Council managed account	Submission of the Following documents: (i) proof of having an active bank account (ii) approved budget of the current financial year (iii) Audited financial statements for the past three years (iv) Presence of the following: Specialized billing system/software Utility Performance:	Submission of the following documents: (i) Proof of having an active bank account (ii) Approved budget of the current financial year (iii) Audited financial statements for the past three years (iv) Presence of the following: Specialized billing system/software Utility Performance:	Submission of the following documents: (vi) Proof of having an active bank account (vii) Approved budget of the current financial year (viii) Audited financial statements for the past three years Presence of the following: (ix) Specialized billing system/software Utility Performance: (x) Average operating ratio of less than 1 for three consecutive years

Note:

Operating ratio is the proportion of operational costs to operating revenues. Operational Costs include all the expenses together with depreciation and interests 'costs (but not debt service payments).

Working ratio is the proportion of operational expenses to operational revenue. The operational

expenses do not included depreciation, interest and debt service.

SECOND SCHEDULE

(Made under rule 34(1))

QUALITY OF SERVICE TARGETS

No.	Focus	Description	Quality of Service Targets
1.	Access	Connecting to water supply and or sewerage	Maximum time of 7 working days after a customer has made full payment of connection costs and/or fees
2.	Water meters 1	Repair or replacement of faulty meters	Maximum time of 15 working days to repair or replace a meter after detecting or being informed or defect.
3.	Water meters 3	Meter reading	Meter reading done at least once every month
4.	Water Disconnection	Unjustified disconnection	A maximum of 24 hours to restore unjustified water disconnection after knowledge of being reported of the unjustified disconnection.
5.	Reconnection	Reconnection after payment of overdue amount	Maximum of 24 hours after debt settlement
6.	Complaints	Response to complaints	Maximum time of 5 working days to complete investigation and respond, from date of receipt of complaint.
7.	Health and Safety 1	Flooding from sewers Internal flooding	No sewage from a sewerage system that is vested in a water authority shall enter a customer's building
8.	Health and Safety 2	Flooding from sewers- External flooding	No sewage from a sewerage system which is vested in a water authority shall enter a customer's land and property.

THIRD SCHEDULE
 (Made under rule 58)

COMPENSATION FOR FAILURE TO MEET THE QUALITY OF SERVICE TARGETS

NO	Focus	Description	Quality of service target	Basic compensation	Compensation for additional delays
1	Access	Connection to water supply and/or sewerage	Maximum time of 7 working days after a customer has made full payment of connection costs and/or fees	TZS 15,000.00	TZS 5,000.00 per day
2	Water meter 1	Repair or replacement of faulty meters	Maximum time of 15 working days to repair or replace a meter after selecting or being informed of defect	TZS 15,000	TZS 5,000.00 per day
3	Water meters 2	Meter reading	Meter reading done at least once every month	TZS 15,000	TZS 5,000.00 per day
4	Water disconnection	Wrongful disconnection	A maximum of 24 hours to restore wrongful water disconnection after knowledge of being reported of the wrongful disconnection	TZS 100,000	TZS 5000.00 per day
5	Reconnection	Reconnection after payment of overdue amount	Maximum of 24 hours after debt settlement	TZS 30,000	TZS 5,000.00 per day
6	Complaints	Response to complaints	Maximum time of 5	TZS 30,000	TZS 5,000.00

			working days to complete investigation and respond from date of receipt of complaint		
7	Health and Safety	Flooding from sewers internal flooding	No sewage from a sewerage system, that is vested in a water authority should enter customer's building	TZS 50,000.00	TZS 20,000.00 per day
8	Healthy and Safety	Flooding sewers external flooding	No sewage from a sewerage system which is vested in a water authority should enter a customer's land or property	TZS 30,000.00	TZS 20,000.00 per day

FOURTH SCHEDULE

(Made under rule 37(3))

WATER METER INSTALLATION AND VERIFICATION

1. Description of new water connection

Water connection may be described as a water service line conveying water from the distribution network of licensee to the customer property.

2. Procedure for getting a new connection

Application:

- (a) All new connection applicants shall required to fill free of charge application form available at Licensee's offices free of charge. The application form shall also be available in the website of the licensee

Surveying:

- (b) After filling the form, the licensee will survey the customer's property in order to identify the appropriate water connection point on the distribution system, the distance to the customer's property, design the service line and prepare drawings ready for bill of quantities. The cost of the survey and design shall be fully borne by the licensee

Cost estimate:

- (c) The licensee will prepare the cost estimate of the connection taking into consideration the pipes and fittings prescribed in Appendix 2 and the standard drawing stipulated in Appendix 3.
- (d) The cost estimate will be completed within two working days from the date of survey and may be collected from the licensee's office by the applicant. The licensee will clarify all the details of the cost estimate to the satisfaction of the applicant.

Payment:

- (e) The applicant shall pay for the cost estimate into a bank account established by the licensee solely for the purpose of new connections only.
- (f) The licensee shall accept payments in full or by installments as agreed with the applicant and in any case, the installments shall not exceed three twelve months.

Execution of new connection:

- (g) After full payment is made by the applicant, the licensee shall procure quality materials necessary for the connection and engage personnel to do the required excavation unless where the Authority is out of stock.
- (h) The unit cost of new connection inputs, including excavation will be published regularly by the licensee and displayed on its notice boards for public use.
- (i) The licensee shall use competent and authorised plumbers to do proper connection within seven working days.
- (j) The licensee shall produce all the procured materials to the applicant as contained in the cost estimate for verification purposes.
- (k) Every new connection shall be provided with a free water meter supplied by the licensee and installed in accordance with the standard drawing.
- (l) After new water connection is installed, it shall be tested for leakage, outflow pressure and water meter functionality in the presence of the applicant and licensee representative.

3. Pipe material and size of water connections

The size of customer connection shall be verified by the licensee to ensure the customer gets adequate supply of water all the time. The allowable pipe material shall be a galvanized steel pipe poly pipe or any other pipe material approved by the licensee.

4. Ownership and control of service lines

- (a) The customer shall be responsible for repair, maintenance and upkeep of the service only after the point where the meter is installed.
- (b) The licensee shall be responsible for repair, maintenance, upkeep and control of the service line before the meter.

5. Location of water meters

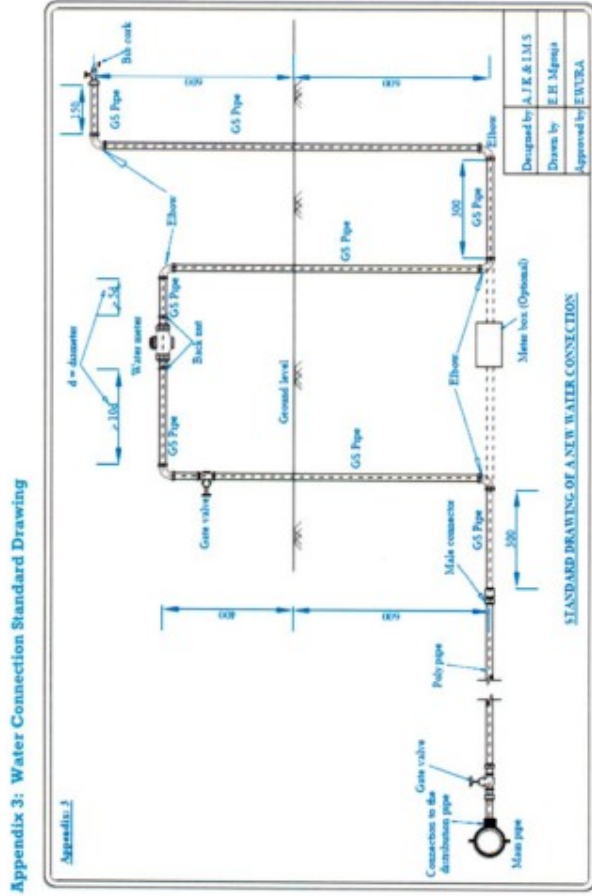
The water meter shall be located as near as possible outside the boundary of the customer property in mutual agreement between the customer and the licensee. In no way shall the meter be inside the perimeter wall of the customer's property.

6. Maintenance of customers connections

The repair and maintenance of a customer connection after the water meter and from lateral sewer chamber upstream shall be the responsibility of the customer and may be carried out by an authorised plumber of the licensee at a cost to be determined by and payable to licensee or any other authorised plumber from the private sector.

Appendix 2: Standard costing format for a new water connection

S/NO.	DESCRIPTION (include relevant diameter)	UNIT	QTY	RATES (Tshs)	AMOUNT (Tshs)
1.	Saddle clamp	Pcs	1		
2.	Reducing bush	Pcs	1		
3.	Nipple, GS Hex	Pcs	2		
4.	Gate valve	Pcs	2		
5.	Male connector	Pcs	4		
6.	Poly pipe	m		
7.	Thread Tapes	Pcs	4		
8.	GS pipe	m	1.2		
9.	GS pipe - stand	m	0.9		
10.	GS, Elbow	Pcs	6		
11.	Bib cock	Pcs	1		
12.	Trench excavation and backfilling	m		
Total					
13.	Labour cost/Connection Fee as approved by EWURA				
14.	Applicable taxes				
Total New Connection Cost					



Dodoma,
 22nd September, 2020

GODFREY H. CHIBULUNJE
Director General