

GOVERNMENT NOTICE No. 187 published on 21/5/2010.

**THE WATER RESOURCES MANAGEMENT ACT
(CAP. 331)**

REGULATIONS

(Made under sections 20(3), 22(4) and 29(3))

**THE WATER RESOURCES MANAGEMENT (PROCEDURE FOR NOMINATION OF
BOARD MEMBERS) REGULATIONS, 2010**

1. These regulations may be cited as the Water Resources Management (Procedure for nomination of Board Members) Regulations, 2010 and shall come into force on the date of publication. Citation
2. In these Regulations unless the context otherwise requires— Interpre-
tation Act
No. 11 of
2009
- “Act” means the Water Resources Management Act;
- “Board” means the National Water Board or Basin Water Board;
- “Board member” means a member of the National Water Board or Basin Water Board;
- “Director” means the Director of Water Resources;
- “Chairman” means Chairman of the National Water Board or Basin Water Board;
- “major water user” means a water user who use more than one cubic meter of water per second;
- “local government authority” means a local government authority established in accordance with the local government (District Authority) Act or the local Government (Urban Authorities) Act; Cap. 287
Cap. 288
- “water supply and Sanitation Authority” means water supply and sanitation authorities established in accordance with the Water Supply and Sanitation Act. Cap. 272
- “key water related sectors” includes Agriculture, energy minerals trade and Industry, forest, environment, natural resources, lands, livestock, fisheries, and infrastructure sectors.
- 3,-(1) The Director Shall, whenever there is a need to appoint a chairman advertise the vacancy in at least, three wide circulating newspapers in the country. Appoint-
ment of
Chairman

- (2) A person who shall be appointed as the Chairman shall have –
(a) adequate knowledge and experience in the water sector or proven experience in leadership and administration or a sector related to utility provision; or
(b) specific knowledge of water resources management disciplines.

(3) An applicant for the post of Chairman shall not be a person from a major water user.

(4) The director shall, upon receiving the applications form and be a chairman of an evaluation committee to be composed of three members representing public and private sectors.

(5) Where a Chairman to be appointed is for the national Water Board the valuation committee to formed by the permanent Secretary from the Ministry responsible for water who shall chair the committee.

(6) The evaluation committee shall evaluate the applications and, basing on the qualifications and merit, nominate names of the best three applicants for appointment.

(7) The committee shall submit the list of the three condidates to the Minister who shall appoint one person among persons whose names are in the submitted list as the Board Chairman.

(8) The terms and conditions for the appointment of the Chairman shall be stipulated in the letter of appointment.

4.-(1) There shall be a forum for sectors specified under the First Schedule to the Act organized by the Director for the purposes of nominating the persons to be appointed as members of National Water Board representing Sectors.

(2) The Forum shall propose eight names of persons it consider have qualification to be board member representing sectors who at least three of them shall be women and submit their names to the Director provided that, there shall not be proposed more than one person from one sector.

(3) The Director shall, upon the receipts of the names proposed under subregulation (2), submit them to the Minister who shall appoint four persons among the proposed eight to be members of the National Water Board representing sectors.

5.-(1) The Ministry responsible for local government authority shall propose names of three persons who at least one of them shall be a woman and submit them to the Director.

(2) The Director shall submit the names proposed under subregulation (1) to the Minister who shall appoint one of them to be a member of the National Water Board representing local government authorities.

Nomina-
tion of
member
of
National
Water
Board
represent-
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govern-
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6.-(1) There shall be a forum for basin water Boards to be organised by the Director for the purposes of nominating the persons to be appointed as members of National Water Boards representing basin Water Boards.

Nomina-
tion of
members
of
National
Water
Board
repre-
senting
Basin
Water
Boards

(2) The forum shall be attended by two representatives from each basin water Board and at least one of them shall be a women.

(3) The forum shall nominate six persons it consider have qualifi-
cation to be Board members, provided that, there shall not be proposed
more than one person from one basin water Board.

(4) The names of persons nominated under subregulation (3) shall
be submitted to the Director who shall submit them to the Minister.

(5) The Minister shall, upon the receipt of the names submitted to
him under paragraph (4) appoint three persons from the list to be Board
representing basin water Boards who at least one of them shall be women.

7.-(1) There shall be forum for private sector organized by the
Director for the purposes of nominating persons to be appointed as
members of National Water Board representing private sector.

Nomina-
tion of
members
of
National
Board
repre-
senting
private
sector

(2) The forum shall be attended by one representative from each
private sector and shall nominate three persons it consider have qualifi-
cations to be Board members and submit their names to the Director.

(3) The Director shall, upon the receipt of the names submitted
under paragraph (2), submit them to the Minister who shall appoint one
of them to be a member of National Water Board representing private
sectors.

8.-(1) The Director shall request Civil Society Organisations to
submit the names of three persons who they consider to have qualifica-
tions to be their representative as member of National Water Board rep-
resentatives with the relevant qualifications.

Nomina-
tion of
member
of
National
Water
Board
repre-
senting
Civil
Societies

(2) The Director shall, upon the receipt of the names under
subregulation submit them to the Minister who shall appoint one of them
to be a member of the National Water Board representing Civil Society
organizations.

9. A person to be nominated to the post of board member shall
possess such qualifications or experience in the water sector or water
related sectors.

Qualifica-
tion of a
Board
member

Nomina-
tion and
appoint-
ment of
Basin
Board
Mem-
bers

10.-(1) There shall be a forum for Basin Water Board Organised by the Basin water officer for the purposes of nominating persons to be members of Basin water Board which shall be attended by representatives from –

- (a) private sector water users in the basin;
- (b) catchment water committees;
- (c) key water related sectors;
- (d) local government authorities;
- (e) water supply and sanitation authorities;
- (f) ministry responsible for water.

(2) Every person nominated shall possess such qualifications or experience in the water sector or water related sectors.

Repre-
sentative
from the
private
sector.

11.-(1) The private sector shall be represented by four representatives in the forum who at least two of them shall be women.

(2) The private sector shall nominate two persons among four representative it consider have qualifications, who one of them shall be a woman, to be members of Basin water Board and submit their names to the Basin water officer.

Repre-
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from
catch-
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water
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12.-(1) Every catchment water committee shall in forum referred to under Regulation 10 be represented by two members who one of them shall be a women.

(2) The catchments representatives in the forum shall nominate five persons among themselves who at least two of them shall be women to be appointed as members of Basin water Board and submit their names to the Basin water officer.

(3) The Basin water officer shall, upon the receipts of the nominated names under subregulation (2), submit them to the Minister who shall appoint three of them, to be Board members representing catchment water committees.

Repre-
sentative
from key
water
related
sectors

13.-(1) The key water related sectors shall each be represented by one member in the forum referred to under regulation 10.

(2) The members under subregulation (1) shall recommend four persons among themselves to be member of Basin water Board and submit their names to the Basin Water officer.

(3) The Water Officer shall submit the names submitted to him under subregulation (2) to the Minister who shall appoint two of them to be Board members representing the key water related sectors.

14.-(1) A local government authority within the area of jurisdiction of the basin water Board shall be represented by two members, at least one of them being a women at the forum referred to under regulation 10.

Representative from local government authorities

(2) The representatives under sub regulations (1) shall nominate three person among themselves who at least one of them shall be a women to the Basin Water Board member and submit the nomination person names to the Basin Water Officer.

(3) The Basin Water Officer shall submit the three names to the Minister who shall appoint one of them to be Board member representing local government authorities.

15.-(1) A water supply and sanitation authority within the area of jurisdiction of the Basin Water Board shall be represented by one member at the forum referred to under regulation 10.

Representative from water supply and sanitation authorities

(2) The representatives under subregulation (1) shall nominate two representatives from among themselves to be Basin water Board members and submit their names of the nominated persons to the Basin water officer.

(3) The Water Officer shall submit the names submitted to him under subregulation (2) to the Minister who shall appoint one of them to be Board member representing water supply and sanitation authorities.

16. The Director shall nominate two persons from Ministry responsible for water who at least one of them shall be a woman and submit their names to the Minister who shall appoint one of them to be Board member representing the Ministry responsible for water.

Representative from ministry responsible for water

17.-(1) Board members shall be appointed by the Minister in accordance with the Act and these regulations.

Power of the minister in the appointing Board members

(2) The Minister shall, in exercising powers of appointment under these regulations consider the names submitted to him and appoint Board members from the submitted names only.

(3) The Minister shall course the appointed Board members to be published in the *Gazette* within thirty days from the date of appointment.

(4) The Minister may have power to dissolve the basin Water Board, subject to procedures adopted in judicial quasi bodies.

18.-(1) There shall be appointed in each Basin Water Board a Basin Water Officer.

Appointment of

Basin
Water
Officer

(2) The Basin Water Officer shall be appointed by the Minister in consultation with respective basin water board.

(3) A person to be appointed as Basin Water Officer shall possess the following qualifications -

- (a) the first degree from a recognized and accredited university;
- (b) at least five years experience in the Water sector or Water sector related disciplines; and
- (c) adequate knowledge of water resource management.

(4) The terms and conditions of the service of the Basin Water Officer shall be determined by the Basin Water Board.

(5) The Basin Water Officer shall be a member of the Board and the secretary thereto.

Proce-
dures for
appoint-
ing Basin
Water
Officer

19.-(1) The Director shall use the public service procedures to propose three qualified candidates for the post of basin water officer and submit the names and their curriculum vitae to the respective Basin Water Board for consideration and recommendations.

(2) The basin water Board shall scrutinize and recommend two persons for appointment as Basin Water Officer and submit their names to the Director.

(3) The Director shall, upon receipt of the recommendations from the Basin Water Board, forward the names of the recommended persons with the recommendations to the Minister.

(4) The Minister shall appoint one from recommended persons to be the Basin Water Officer of respective Basin.

Tenure of
Basin
Water
Officer

20.- The Basin Water Officer shall serve the office for a term of five years and shall be eligible for the re-appointment subject to his satisfactory performance.

Appoint-
ment of
Catch-
ment
Water
Officer

21.-(1) There shall be appointed in each declared Catchment area a Catchment Water Officer.

(2) The Catchment Water Officer shall be appointed by the Basin Water Board upon recommendations from the respective Catchment Water Committee.

(3) A person to be appointed as Catchment Water Officer shall possess the following qualifications-

- (a) the first degree from a recognized university;
- (b) at least three years experience in the water sector or water sector related assignments; and
- (c) adequate knowledge of water resources management.

(4) The Catchment Water Officer shall be the secretary of the Catchment and Sub-catchment Water Committee.

(5) The Catchment Water Officer shall serve the office for a term of four years and shall be eligible for the re-appointment subject to his satisfactory performance.

22.-(1) A person to be appointed as a chairman of a Catchment or Sub-catchment Water Committee shall —

- (a) have adequate knowledge and experience in public affairs;
- (b) have at least any certificate from a recognized institution; and
- (c) have knowledge of water resources management as an added advantage.

(2) The Basin Water Officer shall advertise the post of a chairman on public offices within the Catchment and Sub-catchment areas.

(3) A person interested in the post shall apply to the Basin water Board within forty days from the date of the advert.

(4) Upon receiving applications and after expiry of the period under sub-regulation (3), the Basin Water Officer shall within fourteen days form an evaluation committee which shall prepare a shortlist and recommended three names of qualified applicants for appointment as chairman of the Catchment or Sub-catchment Water Committee:

Provided that where the applicants are less than three the evaluation committee shall recommend the available applicants and where there is only one applicant it may not be necessary for the Basin Water Officer to form the evaluation committee.

(5) The evaluation committee shall be composed of -

- (a) the District Administrative Secretary from a district within the area of the Catchment, who shall be the chairperson; and
- (b) other two senior officers from the Basin Water Board.

(6) The Basin Water Officer shall submit to the Board the names of candidates recommended by the evaluation committee or the sole applicant as the case may be together with his recommendations.

(7) The Board shall consider and appoint a suitable person from the list submitted to it to be the chairman of the Catchment or Sub-catchment Water Committee.

23.-(1) There shall be a forum in each declared Catchment and Sub-catchment Water Committee to be known as Catchment or Sub-catchment water forum.

(2) The Catchment or Sub-catchment water forum shall be composed of —

- (a) major private water users;
- (b) members of Water User Associations;
- (c) representatives from local government authorities; and
- (d) other institutions and organizations including public and non-governmental organizations within the Catchment or Sub-catchment.

Appoint-
ment of
Chairman
of
catch-
ment or
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water
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Appoint-
ment of
members
of
Catch-
ment or
Sub-
catch-
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Water
Commit-
tee

- (3) The duties and responsibilities of the Catchment or sub-catchment water forum shall be –
 - (a) to recommend to the basin water Board names of person to be appointed as members of the Catchment or Sub-catchment water committee;
 - (b) to advise the Catchment or Sub-catchment Water committee on different matters; and
 - (c) to promote integrated water resources planning.
- (4) The Catchment or Sub-catchment water forum shall meet when necessary and its proceedings and business shall be conducted in such manners the Board may determine.
- (5) The Board shall facilitate meetings of the Catchment or Sub-catchment water forum.
- (6) In a meeting for proposing membership of the Catchment or Sub-catchment water committee, the Catchment or Sub-catchment water forum shall recommend members as follows –
 - (a) two names from major private sector water user in the sector of industry, mining, agriculture and energy at least one shall be a woman;
 - (b) four representatives from Water Users Associations who at least two shall be women; and
 - (c) two forum local government authorities at least one shall be a woman.
- (7) The Catchment or Sub-catchment water forum shall submit the names of proposed person for appointment to the Catchment Water Officer who shall forward them to the Basin Water Board.
- (8) The Board shall appoint four members from the list submitted to it being one member from major private sector water users, two members from Water Users Associations and one member from local government authorities as members of the Catchment or Sub-catchment water committee.

Dar es Salaam
29th April, 2010

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