

GOVERNMENT NOTICE NO. 157 published on 20/04/2018

THE WATER RESOURCES MANAGEMENT ACT
(CAP.331)

REGULATIONS

(Made under section 73)

TRANSFER OF WATER USE, DISCHARGE AND GROUNDWATER
PERMITS REGULATIONS, 2018

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THE WATER RESOURCES MANAGEMENT ACT
(CAP.331)

REGULATIONS

(Made under section 73)

TRANSFER OF WATER USE, DISCHARGE AND GROUNDWATER
PERMITS REGULATIONS, 2018

PART I
PRELIMINARY PROVISIONS

Citation 1. These Regulations may be cited as the Transfer of Water Use Discharge and Groundwater Permits Regulations, 2018.

Interpretation
Cap.331 2. In these Regulations unless the context otherwise requires:
“Act” means the Water Resources Management Act;
“applicant” means the person who applies for Permit of transferring water use, groundwater or discharge permit in accordance with these regulations;
“Basin Water Board” shall have the meaning as ascribed to it under the Act;
“permit holder” means the person owning water use, discharge or groundwater permit;
“transfer of permit” means the process of shifting part or all of the rights of ownership in the water use, discharge or groundwater permit to another person;
“transferee” means a person who obtain permit from the permit holder after fulfillment of the requirements of these Regulations;

PART II
TRANSFER OF WATER USE, DISCHARGE AND GROUNDWATER
PERMITS

Transfer of
Permits

3.-(1) A person holding a water use or discharge or groundwater permit may transfer it to another person.

(2) A Permit transferred to any person shall be reviewed and bear the name of transferee.

(3) The Basin Water Board may allow the transfer of permit after receipt of application from the permit holder subject to regulation 5.

Procedures for
transfer of
Permit

4.-(1) A permit holder shall notify the Basin Water Board his intention to transfer a water use, discharge or groundwater permit by filling Form (A) as provided in the schedule to these Regulations.

(2) After receipt of notification, the Permit holder shall apply for a transfer of permit to the Basin Water Board using prescribed form (B) as provided in the schedule to these regulations.

(3) The notification for transfer of permit shall be accompanied with the following particulars-

- (a) original copy of the current permit;
- (b) evidence/agreement of transfer of permit;
- (c) evidence of payment of transfer fee;
- (d) board resolution of the permit holder, in case of a Company;
- (e) certificate of registration of transferee; and
- (f) any other relevant documents as required by the Basin Water Board.

Determination
of application
by the Board

5.-(1) The Basin Water Board shall give the approval and issue a transferred permit within thirty days from the date of receipt of application.

(2) In event the Board disapprove the application, it shall give reasons for such decision within twenty one days from the date of receipt of application.

(3) The Board shall, in determining application for approval of transfer of permits, consider the following:

- (a) for permits vested to groups of small scale users, the Board shall, inter alia, consider effects of the

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transfer on livelihood of those groups;

- (b) in the opinion of the Board, the transfer of the allocation does not impair the exercise of rights of any household user, small scale user groups or other permit holders;
- (c) in the opinion of the Basin Water Board the transfer will not cause a significant adverse effect on the aquatic environment; and
- (d) the negative effects may cause flows on downstream users.

Change of use of water use permit

6.-(1) Where the transferee of the water use permit wishes to change the use of the permit, shall indicate intended changes of the abstracted water in the transfer application form.

(2) Water shall be abstracted from the same location as prescribed in the permit.

Transfer of Permits declared to be appurtenant to land

7.-(1) A permit holder shall notify the Board in writing his intention to transfer, lease or partition a water use permit which is appurtenant to land using a prescribed form (C) as provided in the schedule to these Regulations.

(2) After notification of transfer, the transferee, lessee or partition shall apply for a permit to use such proportion of water apportioned to him by form (C) as provided in the schedule to these regulations.

(3) The notification of transfer, lease or partition of permit shall be accompanied with the following particulars;

- (a) Certified copy of the current permit;
- (b) Evidence of transfer, lease or partition of permit, and
- (c) Any other relevant documents as required by the Board.

General condition of transfer on permits

8.-(1) The transferee of permits shall observe all the conditions as stipulated in the permit and any other conditions as the Board may prescribe.

(2) Transfer of permit which is appurtenant to the land shall be in accordance to the provisions of section 73(5) of the Act.

Notification of Board for changes in

9. Where the transferee of the discharge permit intends to change the characteristics of the contents of the effluents, shall

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Discharge Permit in writing, notify the Basin Water Board in writing of such changes.

Review of the changes in the discharge permit 10.-(1) Notification by transferee shall be accompanied with a certified copy of Environmental Audit Certificate, design of waste water treatment facility and details of raw materials, chemicals to be used in production and other relevant document as the Board may require.

(2) After receipt of the notice, the Basin Water Board shall determine the proposed changes of a discharge permit within thirty days (30) from the date of receipt of notification..

(3) In event the Board disapproves the changes it shall, within twenty one days from the date of such decision, give reasons and where appropriate notify alternative measures to be taken

PART III
MISCELLANEOUS PROVISIONS

Unlawful transfer of water use and groundwater permits 11. A person who transfer water use or groundwater permits contrary to these Regulations commits an offence and upon conviction shall be liable for fine not less than five hundred thousand or imprisonment for the term not exceeding six months or to both.

Unlawful transfer of discharge permit 12. A person who transfer discharge permit contrary to these Regulations commits an offence and upon conviction shall be liable to fine not less than two million shillings or to imprisonment for the term not less than six months or to both.

Compounding of Offences 13. The Basin Water Board shall have power to compound offences pursuant to section 104 of the Act.

Appeals 14. For the purpose of these Regulations any appeal against decision of the Basin Water Board shall be made pursuant to section 106 of the Act.

Transfer of Water Use, Discharge and Groundwater Permits
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SCHEDULE

FORM (A)

Notification to Transfer Water Abstraction/Use/Discharge and Groundwater Permit

THE WATER RESOURCES MANAGEMENT ACT, 2009

(Issued under Regulation 4(1)
(To be completed in Quadruplicate)

- To: The Basin Water Officer:.....
Postal Address:
Email:
Fax:.....
Telephone No:
1. Name of Permit Holder:..... Postal Address:.....
Email:
Fax:.....
Telephone: Mobile:.....
Physical Address:.....
2. Purpose of which transfer is required.....
3. Particulars of the current Permit:-
a) Permit Number: b) Abstraction Location:
4. Change of use for abstracted water and or the location of abstraction (if any):
.....
5. Details of Transferee:
Name of Transferee: Postal Address:
Email: Fax:
Telephone: Mobile:
Physical Address:
- Signature of Permit Holder: Position:
- Date:

Cross whichever not applicable

Transfer of Water Use, Discharge and Groundwater Permits

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FORM (B)

Application for Transfer of Water Abstraction/Use/Discharge and Groundwater Permit

THE WATER RESOURCES MANAGEMENT ACT, 2009

(Issued under Regulation 4(2))

(To be completed in Quadruplicate)

1. Name of Transferee: Postal Address:.....
Email: Fax:.....
Telephone: Mobile:.....
Physical Address:.....
2. Reasons for change of Permit use (if any):

This Permit is hereby given to carry out the water abstraction/Use/Discharge in the area. However you are required to comply with the applicable Water abstraction/Use/Discharge and Groundwater Regulations and Guidelines .

The Permit is valid for a period of one year from.....to.....with an option to renew.

.....
For: Basin Water Officer

Cross whichever not applicable

Transfer of Water Use, Discharge and Groundwater Permits
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FORM (C)

Application to transfer a Water Use Permit Appurtenant to Land

THE WATER RESOURCES MANAGEMENT ACT, 2009

(Issued under Regulation 7(1))

(To be completed in Quadruplicate)

To: The Basin Water Officer:.....
 Postal Address:
 Email:
 Fax:.....
 Telephone No:

1. Name of applicant: Postal Address:
 Email: Fax:.....
 Telephone: Mobile:.....
 Physical Address:.....

2. Purpose of which transfer is required.....

3. Particulars of transfer / lease / partition of Permit for which application is made:

Signature of Applicant:
Position:.....
Date:.....

Cross whichever not applicable

Dodoma,
14th March, 2018

ISACK A. KAMWELWE,
Minister for Water and Irrigation