

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Vol. 383

PRETORIA, 23 MAY
MEI 1997

No. 18018

GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 826 OF 1997

DEPARTMENT OF WATER AFFAIRS AND FORESTRY

PROPOSED WATER SERVICES BILL, 1997

The Minister of Water Affairs and Forestry intends tabling the Water Services Bill, 1997, as set out in the Schedule hereto, in Parliament. The draft legislation is hereby published for public comment in terms of section 154 (2) of the Constitution of the Republic of South Africa, 1996, as it represents national legislation that affects local government.

Interested parties are requested to submit comments on the draft legislation within 30 days of the date of publication of this notice. Comments must be submitted to the Director-General: Water Affairs and Forestry (Water Law Review), Private Bag X313, Pretoria, 0001. Fax: (012) 338-8666.

K. ASMAL

Minister of Water Affairs and Forestry

SCHEDULE

BILL

To provide for the right of access to basic water supply and basic sanitation; to provide for the setting of national standards and norms and standards for tariffs; to provide for water services development plans; to provide a regulatory framework for water services institutions and water services intermediaries; to provide for the establishment and disestablishment of water boards and water services committees and their powers and duties; to provide for the monitoring of water services and intervention by the Minister or by the relevant Province; to provide for financial assistance to water services institutions; to provide for certain powers to the Minister; to provide for the gathering of information in a national information system and the distribution of that information; to repeal certain laws; and to provide for matters connected therewith.

PREAMBLE

RECOGNISING the right of all South Africans to basic water supply and basic sanitation necessary to afford them sufficient water and an environment not harmful to their health or well-being;

ACKNOWLEDGING that there is a duty on all spheres of Government to ensure that water supply services and sanitation services are provided in a manner which is efficient, equitable and sustainable;

ACKNOWLEDGING that all spheres of Government must strive to provide water supply services and sanitation services sufficient for subsistence and sustainable economic activity;

ACKNOWLEDGING that although municipalities have authority to administer water services, all spheres of Government have a duty, within the limits of physical and financial feasibility, to work towards this object;

RECOGNISING that the provision of water services, although an activity distinct from the overall management of water resources, must be undertaken in a manner consistent with the broader goals of water resource management;

RECOGNISING that water services are often provided in monopoly or near monopoly circumstances and that the interests of consumers and the broader goals of public policy must be promoted; and

CONFIRMING the National Government's role as custodian of the nation's water resources;

BE IT ENACTED by the Parliament of the Republic of South Africa as follows:—

ARRANGEMENT OF SECTIONS

CHAPTER I

Introductory provisions

<i>Section</i>	<i>Page</i>
1. Definitions	11
2. Main objects of Act	13
3. Right of access to basic water supply and basic sanitation	14
4. Conditions for provision of water services	14
5. Preference to provision of basic water supply and basic sanitation	16
6. Access to water services through nominated water services provider	16
7. Access to water for industrial use	16
8. Approvals and appeal	17

CHAPTER II

Standards and tariffs

9. Standards	18
10. Norms and standards for tariffs.	20

CHAPTER III**Water services authorities**

<i>Section</i>	<i>Page</i>
11. Duty to provide access to water services	21
12. Monitoring performance of water services providers and water services intermediaries	22
13. Duty to prepare draft water services development plan	23
14. Contents of draft water services development plan	23
15. Notice of draft water services development plan	24
16. Adoption of water services development plan	25
17. New development plan	26
18. Deviation from development plan	26
19. Reporting on implementation of development plan	26
20. Contracts with water services providers	27
21. Water services authority acting as water services provider	29
22. Bylaws	29

CHAPTER IV**Water services providers**

23. Approval to operate as water services provider	31
24. Water services provider must give information	31

CHAPTER V**Water services intermediaries**

Section		Page
25.	Registration of water services intermediaries	32
26.	Duties of water services intermediaries	32
27.	Default by water services intermediaries	33

CHAPTER VI**Water boards**

28.	Establishment and disestablishment of water boards	34
29.	Primary activity of water boards	35
30.	Other activities of water boards	35
31.	Powers of water boards	36
32.	Duties of water boards	37
33.	Conditions for provision of services	38
34.	Parameters for functions of water boards	39
35.	Governance of water boards	40
36.	Delegation of powers	40
37.	Duties of members of board of water boards	41
38.	Duties of board of water board	41
39.	Policy statement	42
40.	Business plan	43
41.	Directives to water boards	44
42.	Different activities to be managed as separate units	45
43.	Financial matters and accounts	45
44.	Reporting	46
45.	Provision of information	46

<i>Section</i>	<i>Page</i>
46. Assets and liabilities upon disestablishment	47
47. Litigation against water board	48
48. Formal irregularities	48
49. Regulations	49
50. Effect of inclusion of Chapter in Act.....	50

CHAPTER VII

Water services committees

51. Establishment and disestablishment of water services committees	50
52. Main function of water services committees	52
53. Powers of water services committees	52
54. Conditions for provision of services	53
55. Governance of water services committees	54
56. Duties of committee members	55
57. Financial matters and accounts	55
58. Formal irregularities	55
59. Provision of information	56
60. Assets and liabilities upon disestablishment	56
61. Regulations	57

CHAPTER VIII

Monitoring and intervention

62. Monitoring of water services institutions	58
63. Intervention	59

CHAPTER IX**Financial assistance to water services institutions**

Section	Page
64. Power of Minister	61
65. Applications for financial assistance	62
66. Regulations on financial assistance	62

CHAPTER X**National information system**

67. Establishment of national information system	63
68. Purpose of national information system	64
69. Provision of information	64
70. Funding of national information system	64

CHAPTER XI**General powers and duties of Minister**

71. Procedure for making regulations	65
72. Consultation by Minister	65
73. General powers of Minister	66
74. Delegation of powers	67
75. Appeals	67
76. Advisory committees	68

CHAPTER XII**General provisions**

<i>Section</i>	<i>Page</i>
77. Transferability of servitudes	69
78. Ownership of waterworks	70
79. Entry and inspection of property	70
80. Expropriation	71
81. Offences	72
82. State bound	73
83. Repeal of laws and savings	73
84. Short title	75

CHAPTER I

Introductory provisions

Definitions

1. In this Act, unless the context shows that another meaning is intended—

- (i) "approve" means approve in writing, and "approval" has a corresponding meaning;
- (ii) "basic sanitation" means the prescribed minimum standard of sanitation services necessary for the safe, hygienic and adequate collection, removal, disposal or purification of human excreta, domestic waste-water and sewage from households;
- (iii) "basic water supply" means the prescribed minimum standard of water supply services necessary for the reliable supply of a sufficient quantity and quality of water to households;
- (iv) "consumer" means any end user who receives water services from a water services institution;
- (v) "consumer installation" means a pipeline, meter, fitting or apparatus installed or used by a consumer to gain access to water services;
- (vi) "development plan" means a water services development plan prepared in terms of this Act;
- (vii) "disposal of industrial effluent" means the collection, removal, disposal or

- purification of effluent emanating from industrial use of water;
- (viii) "industrial use" means the use of water for mining, manufacturing, generation of electricity, transport and construction;
 - (ix) "Minister" means the Minister of Water Affairs and Forestry;
 - (x) "person" includes a water services institution;
 - (xi) "prescribe" means prescribe by regulation;
 - (xii) "Province" means the Member of the Executive Council responsible for local government in the Province concerned;
 - (xiii) "regulation" means a regulation made under this Act;
 - (xiv) "sanitation services" means the collection, removal, disposal or purification of human excreta, domestic waste-water and sewage;
 - (xv) "this Act" includes the regulations;
 - (xvi) "water services" means water supply services and sanitation services;
 - (xvii) "water services authority" means any municipality responsible for ensuring access to water services;
 - (xviii) "water services institution" means a water services authority, a water services provider, a water board and a water services committee;
 - (xix) "water services intermediary" means any person who is obliged to provide water services to another in terms of a contract where the obligation to provide water services is incidental to the main object of that contract;
 - (xx) "water services provider" means any person who provides water services to consumers, but does not include a water services intermediary;
 - (xxi) "water services work" means a reservoir, dam, well, pumphouse, borehole,

access road, pumping installation, electricity transmission line, pipeline, meter, fitting or apparatus built, installed or used by a water services institution to provide water services;

- (xxii) "water supply services" means the abstraction, conveyance, treatment and distribution of potable water or water intended to be converted to potable water.

Main objects of Act

2. The main objects of this Act are to provide for—

- (a) the right of access of all South Africans to basic water supply and basic sanitation necessary to afford them sufficient water and an environment not harmful to their health or well-being;
- (b) the setting of national standards and norms and standards for tariffs in respect of water services;
- (c) the preparation and adoption of water services development plans by water services authorities;
- (d) a regulatory framework for water services institutions and water services intermediaries;
- (e) the establishment and disestablishment of water boards and water services committees and their duties and powers;
- (f) the monitoring of water services and intervention by the Minister or by the relevant Province;

- (g) financial assistance to water services institutions; and
- (h) the gathering of information in a national information system and the distribution of that information.

Right of access to basic water supply and basic sanitation

3. (1) Everyone has a right of access to basic water supply and basic sanitation.

(2) Every water services authority must—

- (a) take reasonable measures to realise this right; and
- (b) provide for those measures in its development plan.

Conditions for provision of water services

4. (1) Water services must be provided in terms of conditions set by the water services provider.

(2) These conditions must—

- (a) be accessible to the public;
- (b) accord with conditions for the provision of water services contained in bylaws made by the water services authority having jurisdiction in the area in question; and
- (c) the conditions must provide for—
 - (i) the technical conditions of supply;

- (ii) the determination and structure of tariffs;
- (iii) the conditions for payment; and
- (iv) the circumstances under which water services may be limited or discontinued.

(3) Procedures for limitation or discontinuation of water services must—

- (a) be fair and equitable; and
- (b) provide for a reasonable warning of limitation or discontinuation unless—
 - (i) other consumers are prejudiced;
 - (ii) there is an emergency situation; or
 - (iii) the consumer has interfered with a limited or discontinued service.

(4) Every person who uses water services provided by a water services provider does so subject to any applicable condition set by that water services provider.

(5) Where one water services institution provides water services to another water services institution, it may not limit or discontinue those services if the effect would be that basic water supply and basic sanitation will no longer be available, unless it has given at least 30 days notice in writing of its intention to do so to—

- (a) the other water services institution;
- (b) the relevant Province; and
- (c) the Minister.

Preference to provision of basic water supply and basic sanitation

5. If a water services institution is unable to meet the requirements of all its consumers, it must give preference to the provision of basic water supply and basic sanitation.

Access to water services through nominated water services provider

6. (1) Subject to subsection (2) no person may use water services from a source other than a water services provider nominated by the water services authority having jurisdiction in the area in question, without the approval of that water services authority.

(2) Any person who, at the commencement of this Act, was using water services from a source other than one nominated by the relevant water services authority, may continue with such use but must apply for approval within five years from the date of commencement of this Act and, if the approval is refused, switch to the services of the nominated water services provider within a period specified by the water services authority.

Access to water for industrial use

7. (1) Subject to subsection (3) no person may obtain water for industrial use from any source other than the distribution system of a water services

provider nominated by the water services authority having jurisdiction in the area in question, without the approval of that water services authority.

(2) Subject to subsection (3) no person may dispose of industrial effluent in any manner other than that approved by the water services provider nominated by the water services authority having jurisdiction in the area in question.

(3) Any person who, at the commencement of this Act, was—

(a) using water for industrial use; or

(b) disposing of industrial effluent,

in a manner which requires the approval of a water services authority, may so continue but must apply for approval within five years from the date of commencement of this Act, and if approval is refused, switch to the manner approved by the water services authority within a specified period.

(4) No approval given by a water services authority under this section relieves anyone from complying with any other law relating to—

(a) the abstraction and use of water; or

(b) the disposal of effluent.

Approvals and appeal

8. (1) Any approval required from a water services authority in terms of section 6 or 7—

(a) may not be unreasonably withheld; and

(b) may be given subject to conditions, which—

- (i) must be reasonable; and
 - (ii) may include a condition that water services must be provided to others.
- (2) In determining reasonableness under subsection (1), regard must be given to—
- (a) the cost;
 - (b) the management; and
 - (c) the quality and reliability,
- of the services in question.
- (3) An appeal lies to the Minister against any decision of a water services authority in terms of section 6 or 7 relating to the reasonableness of—
- (a) the withholding of any approval; or
 - (b) any condition attached to any approval.
- (4) The Minister may on appeal confirm, vary or withdraw any decision of the water services authority.
- (5) Section 75 applies, with the necessary changes, to any appeal under subsection (3).

CHAPTER II

Standards and tariffs

Standards

9. (1) The Minister may, from time to time, prescribe compulsory

national standards relating to—

- (a) water services;
- (b) the quality of water taken from or discharged into any system;
- (c) the effective and sustainable use of water resources for water services;
- (d) the nature, operation, sustainability, operational efficiency and economic viability of water services;
- (e) qualifications of installers and operators of water services; and
- (f) the design, standards and quality of water services works and consumer installations.

(2) Those standards may differentiate between different types of geographic areas, taking into account, among other factors, the socio-economic and physical attributes of each area.

(3) In prescribing standards under subsection (1), the Minister must consider—

- (a) the need for everyone to have a reasonable quality of life;
- (b) the need for equitable access to water services;
- (c) the operational efficiency and economic viability of water services;
- (d) any applicable tariff for water services;
- (e) any other laws or any standards set by other governmental authorities;
- (f) any guidelines recommended by official standard-setting institutions;
- (g) any environmental impact of the water services; and
- (h) the obligations of the National Government as custodian of water resources.

(4) Every water services institution must comply with national standards prescribed by the Minister.

Norms and standards for tariffs

10. (1) The Minister may with the concurrence of the Minister of Finance, from time to time prescribe norms and standards in respect of tariffs for water services.

(2) The norms and standards may differentiate on an equitable basis between—

- (a) different types of geographic areas, taking into account, among other factors, the socio-economic and physical attributes of each area; and
- (b) different types of water services.

(3) In prescribing the norms and standards, the Minister must consider—

- (a) any national standards prescribed by him or her;
- (b) social equity;
- (c) the financial sustainability of the water services in the geographic area in question;
- (d) the recovery of costs reasonably associated with providing the water services;
- (e) the redemption period of any loans; and
- (f) the need for a return on capital invested.

(4) No water services institution may use a tariff which is substantially different from any prescribed norms and standards.

CHAPTER III

Water services authorities

Duty to provide access to water services

11. (1) Every water services authority has a duty to all consumers or potential consumers in its area of jurisdiction to progressively ensure efficient, affordable, economical and sustainable access to water services.

(2) This duty is subject to—

- (a)** the availability of resources;
- (b)** the need for an equitable allocation of resources to all consumers and potential consumers within the authority's area of jurisdiction;
- (c)** the need to regulate access to water services in an equitable way;
- (d)** the duty of consumers to pay reasonable charges, which must be in accordance with any prescribed norms and standards for tariffs for water services;
- (e)** the duty to conserve water resources;
- (f)** the nature, topography, zoning and situation of the land in question; and
- (g)** the right of the relevant water services authority to limit or discontinue the provision of water services if there is a failure to comply with reasonable conditions set for the provision of such services.

(3) In ensuring access to water services, a water services authority

must take into account—

- (a) alternative ways of providing access to water services;
- (b) the need for regional efficiency;
- (c) the need to achieve benefit of scale;
- (d) the need for low costs; and
- (e) the requirements of equity.

(4) A water services authority may not unreasonably refuse or fail to give access to water services to a consumer or potential consumer in its area of jurisdiction.

(5) In emergency situations a water services authority may provide basic water supply and basic sanitation free of charge to any person within its area of jurisdiction.

(6) A water services authority may impose reasonable limitations on the use of water services.

Monitoring performance of water services providers and water services intermediaries

12. Every water services authority must monitor the performance of water services providers and water services intermediaries within its area of jurisdiction.

Duty to prepare draft water services development plan

13. (1) Within one year after the commencement of this Act, every water services authority must prepare a draft water services development plan for its area of jurisdiction as part of the process of preparing any integrated development plan in terms of the Local Government Transition Act, 1993 (Act No. 209 of 1993) and a summary of that plan.

(2) The Minister may extend the one year period in respect of a water services authority in consultation with the Minister of Provincial Affairs and Constitutional Development and the relevant Province.

Contents of draft water services development plan

14. Every draft water services development plan must contain details—
- (a) of the physical attributes of the area to which it applies;
 - (b) of the size and distribution of the population within that area;
 - (c) of a time frame for the plan, including the implementation program for the next five years;
 - (d) of existing water services, including the number and location of persons within the area who are not being provided with a basic water supply and basic sanitation;
 - (e) regarding the future provision of water services, including—
 - (i) the water services providers which will provide those water services;
 - (ii) the contracts and proposed contracts with those water services providers;

- (iii) the proposed infrastructure necessary for the water services;
 - (iv) the water sources to be used and the quantity of water to be obtained from and discharged into each source; and
 - (v) the estimated capital and operating costs of those water services and the financial arrangements to fund those water services, including the tariff structures;
- (f) of the number and location of persons to whom water services cannot be provided within the next five years, setting out—
- (i) the reasons therefor; and
 - (ii) the time frame within which it may reasonably be expected that a basic water supply and basic sanitation will be provided to those persons; and
- (g) of existing and proposed water conservation measures.

Notice of draft water services development plan

- 15. (1) A water services authority must—**
- (a) take reasonable steps to bring its draft water services development plan to the notice of its consumers and potential consumers;
 - (b) invite written public comment thereon to be submitted within a reasonable time; and
 - (c) send copies of the draft water services development plan and of all comments received thereon to the Minister, the relevant Province and all neighbouring

water services authorities.

(2) A copy of the draft water services development plan and of its summary must be—

- (a) available for inspection at the offices of the water services authority; and
- (b) obtainable against payment of a nominal fee.

Adoption of water services development plan

16. (1) A water services authority must consider all comments received by it before adopting a water services development plan.

(2) Notice that a water services development plan has been adopted must be published in the relevant *Provincial Gazette*.

(3) A water services authority must supply a copy of every development plan to the Minister, the Minister for Provincial Affairs and Constitutional Development the relevant Province and all neighbouring water services authorities.

(4) A copy of the development plan—

- (a) must be available for inspection at the offices of the water services authority;
- (b) must be obtainable against payment of a nominal fee; and
- (c) must form part of any integrated development plan as defined in and required by the Local Government Transition Act, 1993 (Act No. 209 of 1993).

New development plan

17. A water services authority must adopt a new water services development plan at intervals determined by the Minister in consultation with the Minister for Provincial Affairs and Constitutional Development and the relevant Province, in accordance with the procedure set out in sections 13 to 16.

Deviation from development plan

18. No substantial deviation from a development plan is valid unless it is embodied in a new development plan adopted in accordance with the procedure set out in sections 13 to 16.

Reporting on implementation of development plan

19. (1) A water services authority must report on the implementation of its development plan during each financial year.

(2) The report—

- (a) must be made within four months after the end of each financial year; and
- (b) must be given to the Minister, the Minister for Provincial Affairs and Constitutional Development the relevant Province and all neighbouring water services authorities.

(3) The water services authority must publicise a summary of its report.

(4) A copy of the report and of its summary must be—

- (a) available for inspection at the offices of the water services authority; and
- (b) obtainable against payment of a nominal fee.

Contracts with water services providers

20. (1) A water services authority must either perform the functions of a water services provider itself or enter into a written contract with a water services provider to provide water services.

(2) Before entering into a contract with water services provider, the water services authority must—

- (a) publicly disclose its intention to do so; and
- (b) follow such procurement procedures as may be required by the Constitution or by any other law.

(3) The Minister may, after consultation with the Minister for Provincial Affairs and Constitutional Development prescribe—

- (a) matters which must be regulated by a contract between a water services provider and a water services authority; and
- (b) compulsory provisions to be included in such a contract, to ensure—
 - (i) that water services are provided on an efficient, equitable and sustainable basis;
 - (ii) that the terms of the contract are fair and equitable to the water services authority, the water services provider and the consumer; and

(iii) compliance with this Act.

(4) As soon as such a contract has been concluded, the water services authority must supply a copy thereof to the relevant Province and to the Minister.

(5) The Minister may provide model contracts to be used as a guide for contracts between water services authorities and water services providers.

Water services authority acting as water services provider

21. (1) When performing the functions of a water services provider, a water services authority must manage and account separately for those functions.

(2) A water services authority may act as a water services provider outside its area of jurisdiction, if contracted to do so by the water services authority for the area in question.

Bylaws

22. (1) Every water services authority must make bylaws containing conditions for the provision of water services, which must provide for at least—

- (a) the standard of the services;
- (b) the technical conditions of supply, including units or standards of measurement, verification of meters, limits of error and settlement of disputes relating to the measurement of water services provided;
- (c) the installation, alteration, operation, protection and inspection of water services works and consumer installations;
- (d) the determination and structure of tariffs;
- (e) the payment and collection of money due for the water services;
- (f) the circumstances under which water services may be limited or discontinued and the procedure for such limitation or discontinuation; and
- (g) the prevention of unlawful or wasteful use of water.

(2) Conditions under which water services are provided—

- (a) may place limits on the areas to which water services will be provided according to the nature, topography, zoning and situation of the land in question;
- (b) may provide for the limitation or discontinuation of water services where a consumer fails to meet his or her obligations to the water services provider, including—
 - (i) a failure to pay for services; or
 - (ii) a failure to meet other conditions for the provision of services;
- (c) may place an obligation on a payment defaulter—
 - (i) to pay a higher deposit;
 - (ii) to pay a reconnection fee after disconnection; and
 - (iii) to pay interest on outstanding amounts;
- (d) may include an option to retain limited access to at least basic water supply and basic sanitation for a consumer whose water services are to be discontinued; and
- (e) must be accessible to consumers and potential consumers.

(3) The Minister may provide model bylaws to be used as a guide for water services authorities.

CHAPTER IV

Water services providers

Approval to operate as water services provider

23. (1) No person may operate as a water services provider without the approval of the water services authority having jurisdiction in the area in question.

(2) Any approval under subsection (1)—

- (a) must be for a limited time period, which may be subject to renewal; and
- (b) may be subject to conditions.

(3) Any person who, at the commencement of this Act, was acting as a water services provider without approval from the water services authority having jurisdiction in the area in question, may continue to do so until the expiry of reasonable notice given by that water services authority—

- (i) that it requires the provider to enter into a contract or;
- (ii) that the continuation will be subject to approval as contemplated in subsection (1).

Water services provider must give information

24. A water services provider must give such information concerning the provision of water services as may reasonably be called for by—

- (a) the water services authority having jurisdiction in the area in question;

- (b) the relevant Province;
- (c) the Minister; or
- (d) a consumer or potential consumer.

CHAPTER V

Water services intermediaries

Registration of water services intermediaries

25. A water services authority may, in its bylaws, require the registration of water services intermediaries or classes of such intermediaries within its area of jurisdiction.

Duties of water services intermediaries

26. (1) The quality, quantity and sustainability of water services provided by a water services intermediary must meet any minimum standards prescribed by the Minister and any minimum standards prescribed by the relevant water services authority.

(2) A water services intermediary may not charge for water services at a tariff which does not comply with any norms and standards determined under this Act.

Default by water services intermediaries

27. (1) If a water services intermediary fails to perform its functions effectively, the water services authority having jurisdiction in the area in question may direct the water services intermediary to rectify its failure.

(2) A direction in terms of subsection (1) must set out—

- (a) the nature of the failure;
- (b) the steps which must be taken to rectify the failure; and
- (c) the period within which those steps must be taken.

(3) If the water services intermediary fails to rectify its failure within that period, the water services authority may—

- (a) after having given the water services intermediary a reasonable opportunity to make written submissions to it; and
- (b) after having afforded the water service intermediary a hearing on any submissions received,

take over the relevant functions of the water services intermediary.

(4) Where a water services authority takes over any functions in terms of subsection (3)—

- (a) it may exercise all relevant powers and perform all relevant duties on behalf of the water services intermediary to the exclusion of the water services intermediary; and
- (b) it may use the infrastructure of the water services intermediary to the extent necessary to perform those functions.

(5) A water services authority may appoint a water services institution to act on its behalf in performing the functions of a water services intermediary in terms of subsection (4).

(6) As soon as a water services intermediary is in a position to resume its functions effectively, the water services authority must stop exercising the rights and performing the obligations on the intermediary's behalf.

(7) A water services authority may recover from a water services intermediary—

- (a) all outstanding expenses which it incurred; and
 - (b) all losses which it suffered,
- as a result of having acted in terms of this section.

CHAPTER VI

Water Boards

Establishment and disestablishment of water boards

28. The Minister may—

- (a) establish a water board;
- (b) give it a name or change its name;
- (c) determine or change its service area; or
- (d) disestablish it,

by notice in the *Gazette* after consultation with—

- (i) every Province concerned; and
- (ii) the water board concerned, if it is in existence; and
- (iii) every water services authority having jurisdiction in the service area; or
- (iv) every statutorily recognised organisation representing municipalities having jurisdiction in the service area.

Primary activity of water boards

29. The primary activity of a water board is to provide water services to other water services institutions within its service area.

Other activities of water boards

30. (1) A water board may perform an activity other than its primary activity only if—

- (a) it will not limit the water board's capacity to perform its primary activity;
- (b) it will not be to the financial prejudice of itself, any water services institution, existing consumers and other users serviced by it within its service area;
- (c) it is in accordance with the board's policy statement; and
- (d) it is provided for in a business plan.

(2) Other activities of a water board may include, but are not limited to—

- (a) providing management services, training and other support services to water services authorities;

- (b) supplying untreated or non-potable water to end users who do not use the water for household purposes;
- (c) providing catchment management services to or on behalf of the responsible authorities; and
- (d) with the approval of the water services authority having jurisdiction in the area—
 - (i) supplying water directly for industrial use;
 - (ii) accepting industrial effluent; and
 - (iii) acting as a service provider.

Powers of water boards

31. (1) A water board is a body corporate, and has the powers of a natural person of full capacity, except—

- (a) those which by nature can only attach to natural persons; and
- (b) those excluded by or inconsistent with this Act, the board's policy statement or business plan.

(2) A water board may—

- (a) perform its primary activity and the other activities contemplated in section 30; and
- (b) set and enforce conditions, including tariffs, for the provision of water services.

(3) Subject to the limitations contained in section 4, a water board may limit or discontinue water services or other services provided to water service institutions, consumers or users.

(4) A water board may establish—

- (a) advisory forums; and
- (b) committees of the board.

Duties of water boards

32. Every water board—

- (a) must give priority to its primary activity;
- (b) must enter into written contracts when performing its primary and other activities;
- (c) must consider every request by a water services institution for the provision of water services to it within its service area and may only refuse such request if, for sound technical and financial reasons, it would not be viable to provide those water services;
- (d) must provide water services and other services to water services institutions, consumers and users in accordance with section 4 and any conditions set in terms of section 33; and
- (e) must obtain a permit, authorisation or licence from the relevant authority for—
 - (i) abstracting water; or
 - (ii) discharging any effluent.

Conditions for provision of services

33. (1) A water board must set conditions for the provision of services not inconsistent with this Act, relating to at least—

- (a) the technical conditions of supply, including units or standards of measurement, verification of meters, limits of error and settlement of disputes relating to the measurement of water services provided;
- (b) the installation, alteration, operation, protection and inspection of water services works and consumer installations;
- (c) the determination and structure of tariffs;
- (d) the payment and collection of money due to the water board;
- (e) the circumstances under which water services may be limited or discontinued and the procedure for such limitation or discontinuation; and
- (f) the prevention of wasteful or unlawful use of water provided by the water board.

(2) A water board must invite public comment before setting the conditions.

(3) Conditions set by a water board must be submitted to the Minister and come into effect when—

- (a) approved by the Minister; and
- (b) published in the *Gazette*.

(4) Conditions set by a water board must be accessible to the public.

(5) Every person who uses services provided by a water board does so subject to any applicable conditions set by that board.

Parameters for functions of water boards

34. (1) In performing its activities, exercising its powers and carrying out its duties, a water board must—

- (a) strive to provide efficient, reliable and sustainable water services;
- (b) optimally use available resources;
- (c) strive to be financially viable;
- (d) promote the efficiency of water services authorities;
- (e) take cognisance of the needs of water services institutions, consumers and users;
- (f) take into account national and provincial policies, objects and developments;
- (g) act in an equitable, transparent and fair manner; and
- (h) have regard for health and the environment.

(2) For the purposes of subsection (1)(c) a water board is financially viable if it is able to recover its capital costs, operational and maintenance costs, depreciation of assets and costs associated with the repayment of capital from revenues (including subsidies) over time and to show a reasonable return on investment.

Governance of water boards

35. (1) A water board consists of a chairperson and as many other members as the Minister may determine from time to time.

(2) The Minister must appoint the chairperson and members of the board.

(3) When appointing a member, the Minister must have regard to—

- (a) the objects of the water board;
- (b) the need for the board to be representative of the broad population and of the interests served by it;
- (c) the expertise required for the board to function effectively; and
- (d) the desirability or otherwise of executive employees being members of the board.

(4) The Minister may terminate the appointment of any or all the members of a water board.

(5) Members of a water board may be paid out of the funds of the water board, according to a level of remuneration approved by the Minister.

Chief executive of water boards

36. (1) Every water board must—

- (a) appoint a suitable person as chief executive of the water board, for a renewable period of not more than five years; and
- (b) determine the duties, conditions of service and remuneration of the chief executive.

(2) A water board may of its own accord, or the Minister may, after consultation with the board, and subject to any existing rights of a person appointed before the commencement of this Act, direct the board to terminate the services of the chief executive of the water board—

- (a) for good reason; and
- (b) in accordance with fair labour practices and the terms of his or her contract of employment.

Delegation of powers

37. A water board may delegate any operational power to—

- (a) a committee of the board;
- (b) its chief executive; or
- (c) any of its employees.

Duties of members of water boards

38. (1) A water board must—

- (a) ensure that its functions are performed within the parameters set in section 34(1); and
- (b) promote and implement the board's policy statement and its business plan.

(2) Members of a water board must—

- (a) perform their duties with honesty, care and diligence; and

- (b) disclose any conflicts of interest.

Policy statement

39. (1) A water board must prepare and adopt a policy statement.

(2) The first policy statement of a water board must be prepared and adopted within one year of the commencement of this Act.

(3) The policy statement must contain information concerning the water board and all other companies, institutions or bodies in which it has an interest, including—

- (a) the nature and extent of the primary and other activities to be undertaken;
- (b) the area within which the activities will be undertaken;
- (c) the measures to be taken to separate the primary and other activities from each other;
- (d) details concerning the management of any financial risks relating to the board's primary and other activities;
- (e) the board's accounting and investment policies;
- (f) the rules and procedures to be followed before any investments are made by the board;
- (g) the board's policy on human resources and the development thereof;
- (h) the board's policy on the environment;
- (i) the measures by which the performance of the water board will be assessed;
- (j) whether any advisory forums have been or are to be established, and if so,

the functions and composition thereof.

- (k) the procedures for consultation with water services institutions, consumers and users and advisory forums, if established;
- (l) the nature and extent of activities aimed at ensuring access to water services provided by the board within its service area, and the extension and improvement of those services; and
- (m) any other information which the Minister may prescribe from time to time.

(4) A policy statement may be amended from time to time, and must be revised at least every five years.

(5) Every policy statement and every amendment thereof must be submitted to the Minister and must be accessible to the public.

(6) The Minister may direct a water board to amend its policy statement if—

- (a) the policy statement is not in the best interests of the general population within its service area; or
- (b) it is not in accordance with the parameters laid down in section 34(1).

Business plan

40. (1) A water board must, not later than one month before the commencement of each financial year, prepare and adopt a business plan relating to the following five financial years.

(2) The business plan must contain information regarding—

- (a) each specific primary and other activity to be undertaken and the performance targets for each;
- (b) the tariff applicable to each service, the method by which it was determined, the motivation for the tariff and the estimated tariff income;
- (c) forecasts of capital expenditure for the primary and other activities for the next five years; and
- (d) any other information which the Minister may prescribe from time to time.

(3) Every business plan must be submitted to the Minister.

(4) A business plan may be amended from time to time.

(5) The Minister may direct a water board—

(a) to amend its business plan if the plan—

(i) is not in the best interests of the general population within its service area; or

(ii) is not in accordance with the parameters laid down in section 34(1); or

(b) to submit additional business plans addressing specific issues.

Directives to water boards

41. (1) The Minister may, to the extent that it is reasonable, from time to time issue directives to a water board—

(a) to undertake a specific activity—

(i) at its own cost; or

(ii) against full or partial payment, as directed by the Minister; or

(b) to desist from a specific activity.

(2) The water board must comply with any directive given under subsection (1).

Different activities to be managed as separate units

42. (1) A water board must manage its primary activity and each of its other activities as separate units.

(2) A water board must maintain separate and itemised financial accounts for its primary activity and each of its other activities.

(3) All transactions between units of a water board engaged in different activities of the water board must be carried out on terms and conditions which could be expected to apply to similar transactions between unrelated businesses.

Financial matters and accounts

43. (1) The financial year of a water board is from 1 April to 31 March.

(2) The accounts of a water board must be audited by a chartered accountant appointed by the board of the water board.

(3) A water board must, within three months after the end of each financial year, issue audited financial statements.

(4) The accounting policies of a water board must be consistent with generally accepted accounting practices.

Reporting

44. (1) A water board must, within three months after the end of each financial year, issue a report on the activities of the water board for that financial year.

(2) The report—

- (a) must be accompanied by the audited financial statements for that financial year;
- (b) must be submitted to the Minister; and
- (c) must be accessible to the public.

(3) The report must contain sufficient information to allow the Minister and the public to assess the performance of the water board against its policy statement and business plan.

Provision of information

45. (1) A water board must give the Minister or any person authorised by him or her—

- (a) such information as he or she requires on the affairs and financial position of the water board; and
- (b) access to such books, accounts, documents and other assets of the water board as he or she may require.

(2) The Minister may appoint a person to investigate the affairs or

financial position of a water board.

(3) The Minister may recover the fees and disbursements of any person so appointed from the water board concerned.

Assets and liabilities upon disestablishment

46. (1) If the Minister, after consultation in terms of section 28, has notified a water board that he or she intends—

- (a) to change its service area; or
- (b) to disestablish it,

the Minister may direct that water board to transfer some or all of its assets and liabilities to another water board.

(2) A water board must do everything within its power to give effect to that direction.

(3) Upon the disestablishment of any water board—

- (a) its assets and liabilities vest in the Minister;
- (b) the Minister must wind up its affairs; and
- (c) the Minister must assume the functions of the water board for the period of winding up.

(4) In winding up the affairs of a water board, the Minister must have regard to the interests of creditors and former consumers of the water board.

(5) No transfer duty, value added tax, other tax or duty is payable in respect of the transfer of any assets—

- (a) from the Minister to a water board;
- (b) from a water board to the Minister; or
- (c) from one water board to another water board.

Litigation against water board

47. (1) No court may grant an order or judgement against a water board unless the papers on which that order or judgement is sought have also been served on the Minister.

(2) The court may, in order to secure the continued provision of water services in the public interest, limit the right of execution of a judgement creditor to specific assets or for a specific period.

Formal irregularities

48. (1) A decision taken or act performed in good faith by a water board or a committee of a water board is valid despite any failure to comply with a formal procedural requirement.

(2) No decision taken by or act performed on the authority of a water board is invalid merely because of a casual vacancy on the board or because any person who was not entitled to sit as a member of the board, sat as such at the time when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by a majority of the members of the board who were

then present and were entitled to sit as members and if such members present constituted a quorum.

Regulations

49. (1) The Minister may make regulations relating to—
- (a) the nomination and selection of candidates for appointment as members of a water board;
 - (b) the criteria for qualification of members of a water board;
 - (c) the number, appointment and re-appointment, terms of office and duties of members of a water board;
 - (d) the quorum for meetings of the board of a water board;
 - (e) the constitution and functioning of committees of a water board;
 - (f) the procedure for convening and conducting meetings of a water board and committees of a water board;
 - (g) the remuneration for services payable to members of a water board and the chief executive officer of a water board;
 - (h) the appointment of staff by a water board, their conditions of service and remuneration;
 - (i) the matters to be dealt with in policy statements of a water board;
 - (j) the matters to be dealt with in the annual business plan of a water board;
 - (k) the procedure for setting conditions for the provision of services;
 - (l) the information to be supplied in the financial statements of a water board;

- (m) the information to be supplied in the annual report of a water board;
- (n) norms and standards for tariffs.

(2) The Minister may make different regulations for different water boards.

(3) In making regulations under this section, the Minister must consider—

- (a) the basic values and principles required for public administration in terms of the Constitution;
- (b) the main objects of this Act as set out in section 2;
- (c) the activities, powers and duties of the water board;
- (d) the financial state of the water board; and
- (e) the interests of consumers and potential consumers.

Effect of inclusion of Chapter in Act

50. The inclusion of this Chapter in this Act must not be construed as giving any executive or legislative power to any Province in respect of water boards.

CHAPTER VII

Water services committees

Establishment and disestablishment of water services committees

51. (1) Subject to subsections (2), (3) and (4) the Minister may—
- (a) establish a water services committee;
 - (b) give it a name or change its name;

- (c) determine or change its service area;
- (d) determine its powers; or
- (e) disestablish it,

by notice in the *Gazette*.

(2) The Minister may only act in terms of subsection (1) after consultation with either the inhabitants of the proposed service area or with the water services committee (if already established), and in consultation with the water services authority for the area in question the Minister for Provincial Affairs and Constitutional Development and the relevant Province, with regard to—

- (a) the period for which the water services committee will operate;
- (b) the nature and extent of the water services to be provided;
- (c) the area or the community to be served;
- (d) the composition of the water services committee and the appointment of its members;
- (e) any contribution to be made by the community or its members to the provision of water services; and
- (f) any other related matter.

(3) No water services committee may be established if the water services authority having jurisdiction in the area in question is willing and able to provide water services effectively in the proposed service area.

(4) The Minister must disestablish a water services committee as soon as he or she is satisfied that the water services authority having jurisdiction in the area in question is willing and able to provide water services effectively within the service area.

Main function of water services committees

52. (1) The main function of a water services committee is to provide water services to consumers within its service area.

(2) A water services committee may not unreasonably exclude any person within its service area from those water services.

Powers of water services committees

53. (1) A water services committee is a body corporate, and has the powers of a natural person of full capacity except those powers—

- (a) which by nature can only attach to natural persons;
- (b) excluded by or inconsistent with this Act; and
- (c) excluded by the Minister by notice in the *Gazette*.

(2) A water services committee may set conditions, including tariffs, for the provision of water services.

(3) A water services committee may limit or discontinue water services to a consumer, subject to the limitations contained in section 4.

(4) A water services committee may delegate any of its powers to any employee.

Conditions for provision of services

54. (1) A water services committee must set conditions for the provision of services not inconsistent with this Act, relating to—

- (a) the technical conditions of supply, including units or standards of measurement, verification of meters, limits of error and settlement of disputes relating to the measurement of water services provided;
- (b) the installation, alteration, operation, protection and inspection of water services works and consumer installations;
- (c) the determination and structure of tariffs;
- (d) the payment and collection of money due to the water services committee;
- (e) the circumstances under which water services may be limited or discontinued; and
- (f) the prevention of wasteful or unlawful use of water provided by the water services committee.

(2) A water services committee must invite comment from the inhabitants of its service area before setting conditions.

(3) Conditions set by a water services committee must be submitted to the Minister and will come into effect upon approval by the Minister.

(4) Conditions set by a water services committee must be

accessible to the inhabitants of the service area in question.

(5) Every person who uses water services provided by a water services committee does so subject to any effective conditions set by that water services committee.

Governance of water services committees

55. (1) A water services committee consists of a chairperson and such other committee members as the Minister may determine from time to time.

(2) The Minister must appoint the chairperson and members of the committee.

(3) When appointing a member, the Minister must have regard to—
(a) the need for the committee to be representative of the inhabitants of the service area in question; and
(b) the expertise required for the committee to function effectively.

(4) The Minister may terminate the appointment of any of the members of a water services committee.

(5) Members of a water services committee may be paid out of the funds of the committee, according to a level of remuneration approved by the Minister.

Duties of committee members

56. Members of a water services committee must—
- (a) perform their duties with honesty, care and diligence; and
 - (b) disclose any conflict of interest.

Financial matters and accounts

57. (1) The financial year of a water services committee is from 1 April to 31 March.

(2) The accounts of a water services committee must be audited by a chartered accountant appointed by the committee if the Minister so requires.

(3) Every water services committee must, within three months after the end of each financial year, issue financial statements and submit a copy thereof to the Minister.

(4) The accounting policies of the water services committee must be consistent with generally accepted accounting practices.

Formal irregularities

58. (1) A decision taken or act performed in good faith by a water services committee is valid despite any failure to comply with a formal procedural requirement.

(2) No decision taken by or act performed on the authority of a water services committee is invalid merely because of a casual vacancy on the

committee or because any person who was not entitled to sit as a member of the committee, sat as such at the time when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by a majority of the members of the committee who were then present and were entitled to sit as members and if such members present constituted a quorum.

Provision of information

59. (1) A water services committee must furnish the Minister or any person authorised by him or her with—

- (a) such information as he or she requires on the affairs and financial position of the water services committee; and
- (b) access to such books, accounts, documents and other assets of the water services committee as he or she may require.

(2) The Minister may appoint a person to investigate the affairs or financial position of a water services committee.

(3) The Minister may recover the fees and disbursements of any person so appointed from the water services committee concerned.

Assets and liabilities upon disestablishment

60. (1) Upon the disestablishment of a water services committee—

- (a) its assets and liabilities vest in the Minister;
- (b) the Minister must wind up its affairs; and

(c) the Minister must assume the functions of the water services committee for the period of winding-up.

(2) The Minister may, after the disestablishment of a water services committee, transfer any of its assets to the water services authority having jurisdiction in the area.

(3) No transfer duty, value added tax, other tax or duty is payable in respect of the transfer of any assets—

- (a) from a water services committee to the Minister; or
- (b) from the Minister to a water services authority.

Regulations

61. (1) The Minister may make regulations relating to—

- (a) the nomination and selection of candidates for appointment as members of a water services committee;
- (b) the criteria for qualification of members of a water services committee;
- (c) the number, appointment and re-appointment, terms of office and duties of members of a water services committee;
- (d) the quorum for meetings of a water services committee;
- (e) the procedure for convening and conducting meetings of a water services committee;
- (f) the remuneration for services payable to members of a water services committee;

- (g) the appointment of staff by a water services committee, their conditions of service and remuneration;
- (h) the information to be furnished in the financial statements of a water services committee; and
- (i) the procedure for setting conditions for the provision of services.

(2) In making regulations under this section, the Minister must consider—

- (a) the basic values and principles required for public administration in terms of the Constitution;
- (b) the main objects of this Act as set out in section 2;
- (c) the financial state of the water services committee; and
- (d) the interests of consumers and potential consumers.

CHAPTER VIII

Monitoring and intervention

Monitoring of water services institutions

62. (1) The Minister must monitor the performance of every water services institution in order to ensure—

- (a) compliance with all applicable national standards prescribed under this Act;
 - (b) compliance with all norms and standards for tariffs prescribed under this Act;
- and

(c) compliance with every applicable development plan, policy statement or business plan adopted under this Act.

(2) Every water services institution must—

(a) furnish the information required by the Minister after consultation with the Minister for Provincial Affairs and Constitutional Development; and

(b) allow the Minister access to its books, records and physical assets to the extent necessary for the Minister to carry out the monitoring functions contemplated in subsection (1).

Intervention

63. (1) If a water services authority has not effectively performed any function imposed on it by or under this Act, the Minister may, in consultation with the Minister for Provincial Affairs and Constitutional Development, request the relevant Province to intervene in terms of section 139 of the Constitution.

(2) If, within a reasonable time of the request, the Province has failed to intervene effectively, the Minister may assume responsibility for that function.

(3) After assuming responsibility for that function under subsection (2), the Minister may issue a directive to the water services authority to fulfil that function effectively.

(4) If the water services authority fails to comply with that directive, the Minister may intervene—

- (a) by taking appropriate steps to facilitate the performance of that function, including giving financial, managerial and technical advice and assistance; or
- (b) on notice to the water services authority, by taking over that function.

(5) If the Minister takes over any function of a water services authority—

- (a) the Minister must table a notice to that effect in the National Council of Provinces within 14 days of the commencement of its first sitting after the Minister has taken over that function;
- (b) the Minister may, on behalf of that water services authority, exercise all the powers and carry out all the duties of that water services authority relating to that function;
- (c) the governing body of that water services authority may not, while the Minister is responsible for that function, exercise any of its powers or carry out any of its duties relating to that function;
- (d) the Minister may utilise all financial and other resources available to that water services authority relating to that function;
- (e) the Minister may appoint a water services institution to fulfil that function or any part thereof; and
- (f) the take-over of that function must end—
 - (i) if it is not approved by the National Council of Provinces within 30 days after the commencement of its first sitting after the take-over; or
 - (ii) when the water services authority is in a position to resume that function effectively.

(6) The National Council of Provinces must regularly review the take-over of any function of a water services authority by the Minister and make appropriate recommendations to the Minister.

(7) Any expenses incurred or losses suffered by the Minister in taking over any function of a water services authority may be recovered from that water services authority.

(8) In the interests of co-operative government, a Province must immediately inform the Minister of its intention to intervene by taking over any function of a water services authority under section 139 of the Constitution.

(9) In considering the manner and implementation of any intervention under this section, the Minister must consider—

- (a) the reasons for the extent and the period of non-compliance by the water services authority concerned;
- (b) the attempts made to achieve compliance;
- (c) the effect of the non-compliance; and
- (d) any other relevant aspect.

CHAPTER IX

Financial assistance to water services institutions

Power of Minister

64. (1) The Minister may make grants and loans and give subsidies to

a water services institution from funds—

- (a) appropriated by Parliament;
 - (b) contributed by individuals or non-governmental organisations; or
 - (c) contributed by other governments and governmental institutions,
- for those purposes.

(2) Before making any grant, or loan or giving any subsidy, the Minister must consider—

- (a) the requirements of equity and transparency;
- (b) the purpose of the grant, loan or subsidy;
- (c) the main objects of this Act as set out in section 2; and
- (d) the financial state of the applicant.

Applications for financial assistance

65. (1) Applications for financial assistance must be made in the prescribed manner.

(2) The Minister may refuse financial assistance to any water services institution which fails to comply with its obligations in terms of this Act or any other law.

Regulations on financial assistance

66. (1) The Minister must make regulations relating to financial

assistance in terms of this Act concerning—

- (a) the financial feasibility of the construction, operation and maintenance of water services;
- (b) the manner in which financial assistance must be applied for; and
- (c) the terms and conditions whereunder any grant or loan may be made or subsidy may be given.

(2) In making such regulations, the Minister must consider—

- (a) the main objects of this Act as set out in section 2;
- (b) the need for equity and transparency; and
- (c) all relevant legislation relating to financial controls.

CHAPTER X

National information system

Establishment of national information system

67. (1) The Minister must ensure that there is a national information system on water services.

(2) The information system may form part of a larger system relating to water generally.

(3) The public is entitled to reasonable access to the information contained in the national information system, subject to limitations necessitated by the rights enshrined in Chapter 2 of the Constitution.

Purpose of national information system

68. The purpose of the national information system is—

- (a) to record and provide data for the development, implementation and monitoring of national policy on water services; and
- (b) to provide information to water services institutions, consumers and the public—
 - (i) to enable them to monitor the performance of water services institutions;
 - (ii) for research purposes; and
 - (iii) for any other lawful reason.

Provision of information

69. The Minister may require any Province, water services institution and consumer to furnish information to be included in the national information system.

Funding of national information system

70. (1) The Minister may fund the national information system from money appropriated by Parliament for that purpose or received from any other source for that purpose.

(2) The Minister or the provider of the national information system may charge a reasonable fee for making information available.

CHAPTER XI

General powers and duties of Minister

Procedure for making regulations

71. The Minister must, before making regulations under any section of this Act—

- (a) publish the regulations in the *Gazette* for written public comment within a specified time; and
- (b) consider all written comments timeously received.

Consultation by Minister

72. If anything is required in terms of the Act to be done by the Minister after consultation with another person or body, it is sufficient compliance with such requirement if the Minister has—

- (a) requested the written comments of that person or body; and
- (b) considered any comments received.

General powers of Minister

73. (1) The Minister may—

- (a) acquire a water services work and may transfer or dispose of any water services work belonging to the National Government;
- (b) construct, operate, alter or repair any water services work with the permission of the user;
- (c) contract with any person to perform any work which the Minister is authorised to perform under this Act;
- (d) act as a water services provider under contract or approval;
- (e) provide water services in emergency situations;
- (f) exercise the powers and carry out the duties of a water services authority or water board;
- (g) levy tariffs for water services rendered by him or her;
- (h) issue guidelines to water services institutions on performing their functions in terms of this Act;
- (i) provide model conditions for the provision of services for use by water boards and water services committees;
- (j) prescribe measures to be taken by water services institutions to conserve water;
- (k) prescribe how any matter arising out of the repeal of any law by this Act must be dealt with, to the extent that this Act does not sufficiently provide for it; and
- (l) on good cause, extend any time period provided for in this Act.

(2) No water services work owned by the Minister may be transferred or disposed of without the approval of Parliament if its value exceeds an amount to be specified from time to time by the Minister in concurrence with the Minister of Finance.

(3) The Minister acts on behalf of National Government in owning, taking transfer or disposing of any water services work.

Delegation of powers

74. (1) Subject to subsection (2), the Minister may in writing delegate any power vested in him or her by or under this Act.

(2) The Minister may not delegate the power—

- (a) to make regulations;
- (b) to prescribe policy; or
- (c) to expropriate.

(3) A Province may in writing delegate any power given to it by this Act.

Appeals

75. (1) Any affected person may appeal to the Minister against a decision taken by any person acting under delegated power from the Minister.

(2) An appeal under subsection (1) must be noted by lodging a

written notice of appeal with the Minister and with the person against whose decision the appeal is made, within 21 days of the affected person becoming aware of the decision.

(3) An affected person may appeal to the Minister if a person to whom a power has been delegated fails to make a decision on any matter pertaining to such delegated power within a reasonable time.

(4) An appeal under subsection (3)—

- (a) must be conducted as if a decision had been given against the affected person; and
- (b) must be noted as described in subsection 2.

(5) The Minister must reconsider any matter submitted to him or her on appeal, after giving every person having an interest in the matter an opportunity to state his or her case.

Advisory committees

76. (1) The Minister may appoint advisory committees for matters falling within the scope of this Act.

(2) An advisory committee consists of a chairperson and such members as the Minister may determine, with due regard to the expertise required.

(3) A member of an advisory committee may be paid an allowance determined by the Minister.

(4) An advisory committee has the functions conferred on it by the Minister.

CHAPTER XII

General provisions

Transferability of servitudes

77. (1) The rights and obligations of any water services institution under a personal servitude (whether registered or not) are transferable to another water services institution, notwithstanding any law to the contrary.

(2) A registrar of deeds must register a notarially executed deed of cession to transfer a personal servitude from one water services institution to another.

Ownership of waterworks

78. (1) Any water services work placed in good faith by a water services institution in or on property not owned by it, remains the property of that water services institution, whether the work is fixed to any part of that property or not, and may be removed by it.

(2) When a water services work is removed under subsection (1), the owner or occupier of the property—

- (a) may require the water services institution concerned to restore any physical damage caused to the property by the removal, as far as may be reasonably possible; and
- (b) has no other claim against the water services institution concerned.

(3) Any water services institution may transfer its rights in respect of improvements on property not owned by it to another water services institution.

Entry and inspection of property

79. (1) Any person authorised in writing by the Minister, the Province or any water services institution may—

- (a) at any reasonable time and without prior notice, except in the circumstances set out in subsection (3), enter any property and inspect any water services work in order to ascertain whether this Act or any regulation or directive made under it is being complied with;

- (b) after reasonable notice to the owner or occupier of any property, enter that property with the necessary persons, vehicles, equipment and material—
- (i) to repair, maintain, remove or demolish any water services work belonging to or operated by the Minister, the Province or water services institution concerned;
 - (ii) to remove plants interfering with any water services work belonging to or operated by the Minister, the Province or the water services institution concerned;
 - (iii) to establish the suitability of any water source or site for the construction of a water services work; and
- (c) after reasonable notice to the owner or occupier of any property, cross the property in order to enter another property lawfully.

(2) Any person entering property must identify himself or herself and present his or her authorisation.

(3) A dwelling may only be entered—

- (a) where it is necessary under this Act to do so; and
- (b) an reasonable notice; and
- (c) at a reasonable time.

Expropriation

80. (1) Property may be expropriated by the Minister or by any water board and water services committee acting with the approval of the Minister.

(2) The Expropriation Act, 1975 (Act No. 63 of 1975), applies to all expropriations under this Act.

(3) Where the Minister expropriates any property under a power given by this Act, any reference to "Minister" in the Expropriation Act, 1975, must be construed as being a reference to the Minister of Water Affairs and Forestry.

(4) Where any water board or water services committee expropriates property under a power given by this Act, any reference to "Minister" and "State" in the Expropriation Act, 1975, must be construed as being a reference to that water board or water services committee, as the case may be.

Offences

81. (1) No person may—

- (a) continue the wasteful use of water after being called upon to stop by the Minister, a Province or any water services authority;
- (b) unlawfully and intentionally or negligently interfere with any water services work;
- (c) intentionally utilise water services, use water or dispose of effluent in contravention of sections 6 and 7;
- (d) intentionally obstruct any person exercising or attempting to exercise any right of entry and inspection of property under section 79;
- (e) fail or refuse to give information, or give false or misleading information when required to give information in terms of this Act; and

(f) fail to provide access to any books, accounts, documents or assets when required to do so in terms of this Act.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable, on conviction, to a fine or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

- (3) Whenever an act or omission by any employee or agent—
- (a) constitutes an offence in terms of this Act, and takes place with the express or implied permission of any employer, the employer shall, in addition to the employee, be liable to conviction for that offence; or
 - (b) would constitute an offence by the employer in terms of this Act, that employee or agent shall in addition to that employer be liable to conviction for that offence.

State bound

82. This Act binds the State and its organs.

Repeal of laws and savings

83. (1) The laws set out in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

(2) Notwithstanding subsection (1) the following organisations continue to exist and are deemed to be water boards established in terms of this Act:

- (a) Any water board established in terms of the Water Act, 1956 (Act No. 54 of 1956);
- (b) the Rand Water Board established by the Rand Water Board Statutes (Private) Act, 1950 (Act No. 17 of 1950); and
- (c) the North-West Water Supply Authority established by the North-West Water Supply Authority Act, 1988 (Act No. 39 of 1988) (Bophuthatswana).

(3) The governance, name and service areas of those water boards remain as defined in terms of the legislation in terms of which they were established, until the Minister determines otherwise by notice in the *Gazette*.

(4) All existing rights and obligations of those water boards remain in force after the commencement of this Act.

(5) Notwithstanding subsection (1) the provisions of the Rand Water Board Statutes (Private) Act, 1950, the Water Act, 1956, and the North-West Water Supply Authority Act, 1988, requiring a water board to obtain the approval of the Minister in order to perform any functions remain in force, until two months after the first policy statement and business plan has been prepared and submitted to the Minister by the water boards concerned.

(6) Anything done before the commencement of this Act by a body contemplated in subsection (2) and any regulation made or condition set under or in terms of any law repealed by subsection (1) remains valid and is deemed to have been done, made or set under or in terms of the corresponding provision of this Act if —

- (a) it is capable of being done, made or set under or in terms of this Act; and
- (b) it is not in conflict with the main objects of this Act as set out in section 2.

Short title

84. This Act is called the Water Services Act, 1997.

SCHEDULE

Number and year of Act	Short title	Extent of repeal
Act 13 of 1919	The Bedford Additional Water Supply (Private) Act, 1919	The whole, except - sections 1 to 9 and 11
Act 24 of 1921	Durban Waterworks Consolidation (Private) Act, 1921	The whole, except - sections 2 to 7, 10 to 13 and 16
Act 15 of 1929	Pretoria Waterworks (Private) Act, 1929	sections 6, 11 and 13 to 16
Act 13 of 1932	Mafeking Waterworks (Private) Act, 1932	The whole, except - sections 1 to 5, 7 and 8
Act 20 of 1937	The Durban Waterworks (Private) Act, 1937	Sections 12 and 16
Act 11 of 1945	The Durban Waterworks (Private) Act, Amendment (Private) Act, 1945	The whole
Act 5 of 1948	The Durban Waterworks (Private) Act, further Amendment (Private) Act, 1948	The whole
Act 17 of 1950	Rand Water Board Statutes (Private) Act, 1950	The whole, except - sections 2, 113, 123 to 130
Act 7 of 1952	The Durban Waterworks Additional Borrowing Powers (Private Act)	The whole
Act 20 of 1953	Lichtenburg Waterworks (Private) Act, 1953	Sections 8 to 11
Act 54 of 1956	Water Act, 1956	Sections 26A to 26H and 107 to 138
Act 29 of 1964	Rand Water Board Statutes (Private) Act Amendment Act, 1964	The whole
Act 53 of 1969	Rand Water Board Statutes (Private) Act Amendment Act, 1969	The whole
Act 31 of 1972	Rand Water Board Statutes (Private) Act Amendment Act	The whole
Act 107 of 1977	Rand Water Board Statutes (Private) Act Amendment Act, 1977	The whole
Act 90 of 1983	Rand Water Board Statutes (Private)	The whole

Number and year of Act	Short title	Extent of repeal
	Act Amendment Act, 1983	
Act 39 of 1988 (Bophuthatswana)	North-West Water Supply Authority Act, 1988	The whole
Act 40 of 1988	Rand Water Board Statutes (Private) Act Amendment Act, 1988	The whole
Act 36 of 1990	Rand Water Board Statutes (Private) Act Amendment Act, 1990	The whole

KENNISGEWING 826 VAN 1997**DEPARTEMENT VAN WATERWESE EN BOSBOU****VOORGESTELDE WATERDIENSTEWETSONTWERP, 1997**

Die Minister van Waterwese en Bosbou is van voorneme om die Waterdienstewetsontwerp, 1997, soos uiteengesit in die Bylae hierby, in die Parlement tertafel te lê. Die konsepwetgewing word hiermee gepubliseer vir publieke kommentaar ingevolge artikel 154 (2) van die Grondwet van die Republiek van Suid-Afrika, 1996, aangesien dit nasionale wetgewing verteenwoordig wat plaaslike regering beïnvloed.

Belanghebbende persone word versoek om kommentaar ter lewer op die konsepwetgewing binne 30 dae na die datum van publikasie van hierdie kennisgewing. Kommentaar moet gestuur word aan die Direkteur-Generaal: Waterwese en Bosbou (Waterreghersiening), Privaat Sak X313, Pretoria, 0001. Fax: (012) 338-8666.

K. ASMAL

Minister van Waterwese en Bosbou

BYLAE**WETSONTWERP**

Om voorsiening te maak vir die reg op toegang tot 'n basiese watervoorsiening en basiese sanitasie; om voorsiening te maak vir die stel van nasionale standarde en norme en standarde vir tariewe; om voorsiening te maak vir waterdienste-ontwikkelingsplanne; om 'n reguleringsraamwerk vir waterdienste-instellings en waterdienstetussengangers te bied; om voorsiening te maak vir die instelling en afskaffing van waterrade en waterdienstekomitees en hulle bevoegdhede en pligte; om voorsiening te maak vir die monitering van waterdienste en ingryping deur die Minister of deur die betrokke Provinsie; om voorsiening te maak vir finansiële bystand aan waterdienste- instellings; om voorsiening te maak vir sekere bevoegdhede vir die Minister; om voorsiening te maak vir die insameling van inligting in 'n nasionale inligtingstelsel en die verspreiding van daardie inligting; om sekere wette herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

INLEIDING

GESIEN die reg van alle Suid-Afrikaners op basiese watervoorsiening en basiese sanitasie wat nodig is om aan hulle voldoende water en 'n omgewing wat nie skadelik vir hulle gesondheid of welsyn is nie, te bied;

IN DIE BESEF dat daar 'n plig op alle sfere van Regering rus om te verseker dat watervoorsieningsdienste en sanitasiedienste verskaf word op 'n wyse wat doeltreffend, billik en volhoubaar is;

IN DIE BESEF dat alle sfere van Regering daarna moet strewe om watervoorsieningsdienste en sanitasiedienste te verskaf wat voldoende is vir 'n bestaan en vir volhoubare ekonomiese bedrywigheid;

IN DIE BESEF dat hoewel munisipaliteite beskik oor gesag om water- en sanitasiedienste te administreer alle sfere van regering 'n plig het, binne die perke van fisiese en finansiële uitvoerbaarheid, om hierdie oogmerk na te streef;

AANGESIEN die verskaffing van watervoorsieningsdienste en sanitasiedienste, hoewel dit 'n bedrywigheid afsonderlik van die oorkoepelende bestuur van waterhulpbronne is, moet geskied op 'n wyse wat in ooreenstemming is met die breër doelwitte van waterhulpbronbestuur;

AANGESIEN watervoorsieningsdienste en sanitasiedienste dikwels in monopolistiese of byna monopolistiese omstandighede verskaf word en dat die belange van verbruikers en die breër doelwitte van openbare beleid bevorder moet word; en

MET DIE BEVESTIGING VAN die Nasionale Regering se rol as die bewaarder van die land se waterhulpbronne;

WORD DAAR BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos

volg:—

INHOUD

HOOFSTUK I

Inleidende bepalings

Artikel	Bladsy
1. Woordomskrywing	87
2. Hoofogmerke van Wet	89
3. Reg op toegang tot basiese watervoorsiening en basiese sanitasie	90
4. Voorwaardes vir verskaffing van waterdienste	90
5. Voorrang vir voorsiening van basiese watervoorsiening en basiese sanitasie	92
6. Toegang tot waterdienste deur bemiddeling van waterdiensteverskaffer	92
7. Toegang tot water vir nywerheidsgebruik	93
8. Goedkeurings en appèl	94

HOOFSTUK II

Standaarde en tariewe

9. Standaarde	95
10. Norme en standarde vir tariewe	96

HOOFSTUK III**Waterdienste-owerheid**

<i>Artikel</i>	<i>Bladsy</i>
11. Plig om toegang tot waterdienste te verskaf	97
12. Monitering van prestasie van waterdiensteverskaffers en waterdienste-tussengangers	99
13. Plig om konsep-waterdienste-ontwikkelingsplan op te stel	99
14. Inhoud van konsep-waterdienste-ontwikkelingsplan	100
15. Kennisgewing van konsep-waterdienste-ontwikkelingsplan	102
16. Aanneming van waterdienste-ontwikkelingsplan	102
17. Nuwe ontwikkelingsplan	103
18. Afwyking van ontwikkelingsplan	103
19. Verslagdoening oor implementering van ontwikkelingsplan	104
20. Kontrakte met waterdiensteverskaffers	104
21. Waterdienste-owerheid wat as waterdiensteverskaffer optree	105
22. Verordeninge	106

HOOFSTUK IV**Waterdiensteverskaffers**

23. Goedkeuring om as waterdiensteverskaffer op te tree	107
24. Waterdiensteverskaffer moet inligting verstrek	108

HOOFSTUK V**Waterdienstetussengangers**

Artikel	Bladsy
25. Registrasie van waterdienstetussengangers	109
26. Pligte van waterdienstetussengangers	109
27. Versuim deur waterdienstetussengangers	109

HOOFSTUK VI**Waterrade**

28. Instelling en afskaffing van waterrade	111
29. Primêre bedrywigheid van waterrade	112
30. Ander bedrywigheide van waterrade	112
31. Bevoegdhede van waterrade	113
32. Pligte van waterrade	114
33. Voorwaardes vir verskaffing van diens	115
34. Parameters vir werksaamhede van waterrade	116
35. Beheer van waterrade	118
36. Hoof uitvoerende beampte van waterrade	118
37. Delegasie van bevoegdhede	119
38. Pligte van lede van waterrade	119
39. Beleidsverklaring	120
40. Sakeplan	121

<i>Artikel</i>	<i>Bladsy</i>
41. Lasgewings aan waterrade	122
42. Verskillende bedrywighede moet as afsonderlike eenhede bestuur word	123
43. Finansiële aangeleenthede en rekening	123
44. Verslagdoening	124
45. Verstrekking van Inligting	124
46. Bates en laste by afskaffing	125
47. Litigasie teen waterraad	126
48. Formele onreëlmatighede	126
49. Regulasies	127
50. Uitwerking van insluiting van Hoofstuk in Wet	129

HOOFSTUK VII

Waterdienstekomitees

51. Instelling en afskaffing van waterdienstekomitees	129
52. Hoofwerkzaamheid van waterdienstekomitees	130
53. Bevoegdhede van waterdienstekomitees	131
54. Voorwaardes vir verskaffing van dienste	131
55. Beheer van waterdienstekomitees	132
56. Pligte van komiteelede	133
57. Finansiële aangeleenthede en rekening	133
58. Formele onreëlmatighede	134
59. Verstrekking van inligting	134
60. Bates en laste by afskaffing	136
61. Regulasies	136

HOOFSTUK VIII**Monitering en ingryping**

<i>Artikel</i>	<i>Bladsy</i>
62. Monitering van waterdienste-instellings	137
63. Ingryping	138

HOOFSTUK IX**Finansiële bystand aan waterdienste-instellings**

64. Bevoegdheid van Minister	141
65. Aansoeke om finansiële bystand	141
66. Regulasies oor finansiële bystand	142

HOOFSTUK X**Nasionale inligtingstelsel**

67. Instelling van nasionale inligtingstelsel	143
68. Doel van nasionale inligtingstelsel	143
69. Verstrekking van inligting	144
70. Befondsing van nasionale inligtingstelsel	144

HOOFSTUK XI**Algemene bevoegdhe en pligte van die Minister**

<i>Artikel</i>	<i>Bladsy</i>
71. Prosedure om regulasies uit te vaardig	144
72. Oorlegpleging deur Minister	145
73. Algemene bevoegdhe van Minister	145
74. Delegasie van bevoegdhe	147
75. Appèl	147
76. Advieskomitees	148

HOOFSTUK XII**Algemene bepalinge**

77. Oordraagbaarheid van serwitute	149
78. Eiendomsreg in waterwerke	149
79. Betreding en inspeksie van eiendom	150
80. Onteining	151
81. Misdrywe	152
82. Staat gebind	153
83. Herroeping van wette en voorbehoudsbepalinge	153
84. Kort titel	154

HOOFSTUK 1

Inleidende bepalings

Woordomskrywing

1. (1) In hierdie Wet, tensy dit uit die konteks anders blyk, beteken—
- (i) "basiese sanitasie" die voorgeskrewe minimum standaard van sanitasiedienste wat nodig is vir die veilige, higiëniese en toereikende versameling, verwydering, wegdoening of suiwering van menslike uitwerpsel, huishoudelike afvalwater en rioolvuil van huishoudings;
 - (ii) "basiese watervoorsiening" die voorgeskrewe minimum standaard van watervoorsieningsdienste wat nodig is vir die betroubare voorsiening van 'n toereikende hoeveelheid en gehalte water aan huishoudings;
 - (iii) "goedkeur" skriftelik goedkeur, en het "goedkeuring" 'n ooreenstemmende betekenis;
 - (iv) "hierdie Wet" ook regulasies uitgevaardig kragtens hierdie Wet;
 - (v) "Minister" die Minister van Waterwese en Bosbou;
 - (vi) "nywerheidsgebruik" die gebruik van water vir mynbou, vervaardiging, die ontwikkeling van elektrisiteit, vervoer en konstruksie;
 - (vii) "ontwikkelingsplan" 'n waterdienste-ontwikkelingsplan opgestel ingevolge hierdie Wet;
 - (viii) "persoon" ook 'n waterdienste-instelling;

- (ix) "provinsie" die Lid van die Uitvoerende Raad wat vir plaaslike regering in die betrokke Provinsie verantwoordelik is;
- (x) "regulasie" 'n regulasie uitgevaardig kragtens hierdie Wet;
- (xi) "sanitasiedienste" die versameling, verwydering, wegdoen of suiwering van menslike uitwerpsel, huishoudelike afvalwater en rioolvuil;
- (xii) "verbruiker" enige eindgebruiker wat waterdienste van 'n waterdienste-instelling ontvang;
- (xiii) "verbruikersinstallasie" 'n pypleiding, meter, toebehoorsel of apparaat wat deur 'n verbruiker geïnstalleer of gebruik word om toegang tot waterdienste te verkry;
- (xiv) "voorskryf" by regulasie voorgeskryf;
- (xv) "waterdienste" watervoorsieningsdienste en sanitasiedienste;
- (xvi) "waterdienste-instelling" 'n waterdienste-owerheid, 'n waterdiensteverskaffer, 'n waterraad en 'n waterdienstekomitee;
- (xvii) "waterdienste-owerheid" 'n munisipaliteit verantwoordelik vir die versekering van toegang tot waterdienste;
- (xviii) "waterdienstetussenganger" 'n persoon wat ingevolge 'n kontrak verplig is om waterdienste aan 'n ander persoon te verskaf waar die verpligting om waterdienste te verskaf bykomend is by die hoofdoel van daardie kontrak;
- (xix) "waterdiensteverskaffer" 'n persoon wat waterdienste aan verbruikers verskaf, maar sluit dit nie 'n waterdienstetussenganger in nie;
- (xx) "waterdienstewerk" 'n reservoir, dam, put, pomphuis, boorgat, toegangspad,

- pompinstallasie, elektrisiteitstranmissielyn, pypleiding, meter, toebehoorsel of apparaat gebou, geïnstalleer of gebruik deur 'n waterdienste-instelling om waterdienste te verskaf;
- (xxi) "watervoorsieningsdienste" die uitneem, vervoer, behandeling en verspreiding van drinkbare water of water wat bedoel is om na drinkbare water omgeskakel te word;
- (xxii) "wegdoen van nywerheidsuitvloeisel" die versameling, verwydering, wegdoen of suiwering van uitvloeisel voortspruitend uit die nywerheidsgebruik van water.

Hoofogmerke van Wet

2. Die hoofogmerke van hierdie Wet is om voorsiening te maak vir—
- (a) die reg van alle Suid-Afrikaners op toegang tot basiese watervoorsiening en basiese sanitasie wat nodig is om aan hulle voldoende water en 'n omgewing wat nie skadelik vir hulle gesondheid of welsyn is nie, te bied;
- (b) die stel van nasionale standarde en norme en standarde vir tariewe ten opsigte van waterdienste;
- (c) die opstel en aanvaarding van waterdienste-ontwikkelingsplanne deur waterdienste-owerhede;
- (d) 'n reguleringsraamwerk vir waterdienste-instellings en waterdienstetussengangers;
- (e) die instelling en afskaffing van waterrade en waterdienstekomitees en hulle pligte en bevoegdhede;

- (f) die monitering van waterdienste en ingryping deur die Minister of deur die betrokke Provinsie;
- (g) finansiële bystand aan waterdienste-instellings; en
- (h) die insameling van inligting in 'n nasionale inligtingstelsel en die verspreiding van daardie inligting.

Reg op toegang tot basiese watervoorsiening en basiese sanitasie

3. (1) Elkeen het 'n reg op toegang tot basiese watervoorsiening en basiese sanitasie.

(2) Elke waterdienste-owerheid moet—

- (a) redelike maatreëls tref om aan hierdie reg uitvoering te gee; en
- (b) in sy ontwikkelingsplan voorsiening maak vir daardie maatreëls.

Voorwaardes vir verskaffing van waterdienste

4. (1) Waterdienste moet op voorwaardes wat deur die waterdiensteverskaffer gestel is, verskaf word.

(2) Hierdie voorwaardes moet—

- (a) toeganklik wees vir die publiek;
- (b) ooreenstem met die voorwaardes vir die verskaffing van waterdienste wat in verordeninge vervat is wat deur die waterdienste-owerheid wat jurisdiksie in

die betrokke gebied het, uitgevaardig is; en

(c) voorsiening maak vir—

(i) die tegniese verskaffingsvoorwaardes;

(ii) die bepaling en struktuur van tariewe;

(iii) die voorwaardes vir betaling; en

(iv) die omstandighede waaronder waterdienste ingekort of gestaak kan word.

(3) Prosedures vir die inkorting of staking van waterdienste moet—

(a) regverdig en billik wees; en

(b) voorsiening maak vir redelike waarskuwing van inkorting of staking, tensy—

(i) ander verbruikers benadeel word;

(ii) daar 'n noodsituasie heers; of

(iii) die verbruiker ingemeng het met 'n ingekorte of gestaakte diens.

(4) Elke persoon wat waterdienste gebruik wat deur 'n waterdiensteverskaffer voorsien word, gebruik dit onderworpe aan enige geldende voorwaardes wat deur daardie waterdiensteverskaffer gestel is.

(5) Waar een waterdienste-instelling waterdienste verskaf aan 'n ander waterdienste-instelling, mag hy daardie dienste nie inkort of staak nie indien die uitwerking sal wees dat basiese watervoorsiening en basiese sanitasie nie meer beskikbaar sal wees nie, tensy hy skriftelik minstens 30 dae kennis van sy voorneme om dit te doen, gegee het aan—

(a) die ander waterdienste-instelling;

(b) die betrokke Provinsie; en

(c) die Minister.

Voorrang vir voorsiening van basiese watervoorsiening en basiese sanitasie

5. Indien 'n waterdienste-instelling nie in staat is om in die behoeftes van al sy verbruikers te voorsien nie, moet hy voorrang verleen aan die verskaffing van basiese watervoorsiening en basiese sanitasie.

Toegang tot waterdienste deur bemiddeling van waterdiensteverskaffer

6. (1) Behoudens subartikel (2) mag niemand waterdienste gebruik uit 'n ander bron as 'n waterdiensteverskaffer benoem deur die waterdienste-owerheid wat jurisdiksie in die betrokke gebied het, sonder die goedkeuring van daardie waterdienste-owerheid nie.

(2) 'n Persoon wat by die inwerkingtreding van hierdie Wet waterdienste gebruik het van 'n bron anders as een wat deur die betrokke waterdienste-owerheid benoem is, kan met sodanige gebruik voortgaan, maar moet binne vyf jaar vanaf die datum van inwerkingtreding van hierdie Wet om goedkeuring aansoek doen en indien die aansoek nie slaag nie, binne 'n tydperk deur die waterdienste-owerheid beperk van die dienste van die benoemde waterdiensteverskaffer gebruik maak.

Toegang tot water vir nywerheidsgebruik

7. (1) Behoudens subartikel (3) mag water nie vir nywerheidsgebruik gebruik word uit 'n ander bron as die verspreidingstelsel van 'n waterdiensverskaffer benoem deur die waterdienste-owerheid wat jurisdiksie in die betrokke gebied het, sonder die goedkeuring van daardie waterdienste-owerheid nie.

(2) Behoudens subartikel (3) mag geen persoon nywerheidsuitvloeisel wegdoen op 'n wyse anders as dié wat goedgekeur is deur die waterdienste-owerheid wat jurisdiksie in die betrokke gebied het nie.

(3) Iemand wat, by die inwerkingtreding van hierdie Wet—

(a) water vir nywerheidsgebruik gebruik het; of

(b) nywerheidsuitvloeisel weggedoen het,

op 'n wyse waarvoor die goedkeuring van 'n waterdienste-owerheid nodig is, kan so voortgaan maar moet binne vyf jaar na die datum van inwerkingtreding van hierdie Wet aansoek doen om goedkeuring en indien goedkeuring geweier word, binne 'n bepaalde tydperk oorskakel na die wyse goedgekeur deur die waterdienste-owerheid.

(4) Geen goedkeuring gegee deur 'n waterdienste-owerheid kragtens hierdie artikel onthef enigiemand van die verpligting om die bepalings van enige ander wet na te kom betreffende—

(a) die uitneem en gebruik van water; en

(b) die wegdoen van uitvloeisel nie.

Goedkeurings en appèl

8. (1) Enige goedkeuring wat verlang word van 'n waterdienste-owerheid ingevolge artikel 6 of 7—

- (a) mag nie onredelik geweier word nie; en
- (b) kan gegee word onderhewig aan voorwaardes, wat—
 - (i) redelik moet wees; en
 - (ii) 'n voorwaarde kan insluit dat waterdienste aan andere verskaf moet word.

(2) By die bepaling van redelikheid ingevolge subartikel (1) moet daar ag geslaan word op—

- (a) die koste;
 - (b) die bestuur; en
 - (c) die gehalte en betroubaarheid,
- van die betrokke dienste.

(3) Daar is 'n appèl na die Minister teen enige besluit van 'n waterdienste-owerheid ingevolge artikel 6 of 7 rakende die redelikheid van—

- (a) die weiering van 'n goedkeuring; of
- (b) enige voorwaarde rakende enige goedkeuring.

(4) Die Minister kan op appèl enige besluit van die waterdienste-owerheid bevestig, wysig of intrek.

(5) Artikel 75 is van toepassing op enige appèl kragtens subartikel (3).

HOOFSTUK II

Standaarde en tariewe

Standaarde

9. (1) Die Minister kan van tyd tot tyd verpligte nasionale standaarde voorskryf rakende—

- (a) waterdienste;
- (b) die gehalte van water geneem uit of losgelaat in enige stelsel;
- (c) die doeltreffende en volhoubare gebruik van waterhulpbronne vir waterdienste;
- (d) die aard, bedryf, volhoubaarheid, bedryfsdoeltreffendheid en ekonomiese lewensvatbaarheid van waterdienste;
- (e) kwalifikasies van installeerders en operateurs van waterdienste; en
- (f) die ontwerpe, standaarde en gehalte van waterdienstewerke en verbruikersinstallasies.

(2) Daardie standaarde kan differensieer tussen verskillende tipes geografiese gebied, met inagneming van onder andere die sosio-ekonomiese en fisiese eienskappe van elke gebied.

(3) By die voorskryf van standaarde kragtens subartikel (1) moet die Minister ag slaan op—

- (a) die behoefte aan 'n redelike lewensgehalte vir elkeen;

- (b) die billike toegang tot waterdienste;
- (c) die bedryfsdoeltreffendheid en ekonomiese lewensvatbaarheid van waterdienste;
- (d) enige toepaslike tarief vir waterdienste;
- (e) enige ander wette of standarde gestel deur ander owerheidsliggame;
- (f) enige riglyne aanbeveel deur amptelike instellings wat standarde stel;
- (g) enige uitwerking wat die waterdienste op die omgewing kan hê; en
- (h) die verpligtinge van die Nasionale Regering as die bewaarder van waterhulpbronne.

(4) Elke waterdienste-instelling moet voldoen aan nasionale standarde wat deur die Minister voorgeskryf is.

Norme en standarde vir tariewe

10. (1) Die Minister kan met die instemming van die Minister van Finansies, van tyd tot tyd norme en standarde ten opsigte van tariewe vir waterdienste voorskryf.

(2) Die norme en standaard kan op 'n billike grondslag differensieer tussen—

- (a) verskillende tipes geografiese gebied, met inagneming van, onder andere die sosio-ekonomiese en fisiese eienskappe van elke gebied; en
- (b) verskillende tipes waterdienste.

(3) By die voorskryf van die norm en standaard moet die Minister

ag slaan op—

- (a) enige nasionale standarde deur hom of haar voorgeskryf;
- (b) maatskaplike billikheid;
- (c) die Finansiële volhoubaarheid van die waterdienste in die betrokke geografiese gebied;
- (d) die verhaling van koste wat redelikerwys met die verskaffing van die waterdienste gepaard gaan;
- (e) die delgingstydperk van enige lenings; en
- (f) die behoefte aan 'n opbrengs op geïnvesteerde kapitaal.

(4) Geen waterdienste-instelling mag 'n tarief gebruik wat wesenlik van enige voorgeskrewe norm en standarde verskil nie.

HOOFSTUK III

Waterdienste-owerhede

Plig om toegang tot waterdienste te verskaf

11. (1) Elke waterdienste-owerheid het 'n plig teenoor alle verbruikers of potensiële verbruikers in sy regsgebied om doeltreffende, bekostigbare, ekonomiese en volhoubare toegang tot waterdienste progressief te verseker.

(2) Hierdie plig is onderworpe aan—

- (a) die beskikbaarheid van hulpbronne;

- (b) die behoefte aan 'n billike toewysing van hulpbronne aan alle verbruikers en potensiële verbruikers binne die owerheid se regsgebied;
- (c) die behoefte aan die regulering van toegang tot waterdienste op billike wyse;
- (d) die plig van verbruikers om redelike heffings te betaal, wat in ooreenstemming moet wees met enige voorgeskrewe norm en standarde vir tariewe vir waterdienste;
- (e) die plig om waterhulpbronne te bewaar;
- (f) die aard, topografie, sonering en ligging van die betrokke grond; en
- (g) die reg van die betrokke waterdienste-owerheid om die verskaffing van waterdienste in te kort of te staak indien daar versuim word om aan redelike voorwaardes vir die verskaffing van sodanige dienste gestel, te voldoen.

(3) By die versekering van toegang tot waterdienste moet 'n waterdienste-owerheid ag slaan op—

- (a) alternatiewe maniere om toegang tot waterdienste te verskaf;
- (b) die behoefte aan streekdoeltreffendheid;
- (c) die behoefte om skaalvoordele te benut;
- (d) die behoefte aan lae koste; en
- (e) die vereiste van billikheid.

(4) 'n Waterdienste-owerheid mag nie onredelik weier of versuim om toegang tot waterdienste aan 'n verbruiker of potensiële verbruiker in sy regsgebied te gee nie.

(5) In noodsituasies kan 'n waterdienste-owerheid basiese watervoorsiening en basiese sanitasie gratis verskaf aan enige persoon in sy regsgebied.

(6) 'n Waterdienste-owerheid kan redelike beperkings op die gebruik van waterdienste plaas.

Monitering van prestasie van waterdiensteverskaffers en waterdienstetussengangers

12. Elke waterdienste-owerheid moet die prestasie van waterdiensteverskaffers en waterdienstetussengangers in sy regsgebied moniteer.

Plig om 'n konsep-waterdienste-ontwikkelingsplan op te stel

13. (1) Binne een jaar na die inwerkingtreding van hierdie Wet moet elke waterdienste-owerheid 'n konsep-waterdienste-ontwikkelingsplan vir sy regsgebied as deel van die proses vir die opstelling van enige geïntegreerde ontwikkelingsplan ingevolge die Oorgangswet op Plaaslike Regering, 1993 (Wet 209 van 1993) en 'n opsomming van daardie plan opstel.

(2) Die Minister kan die een jaar tydperk ten opsigte van 'n waterdienste-owerheid in oorleg met die Minister vir Provinsiale Sake en Grondwetlike Ontwikkeling; en die betrokke Provinsie, verleng.

Inhoud van konsep-waterdienste-ontwikkelingsplan

14. Elke konsep-waterdienste-ontwikkelingsplan moet besonderhede bevat—

- (a) van die fisiese eienskappe van die gebied waarop dit betrekking het;
- (b) van die grootte en verspreiding van die bevolking in daardie gebied;
- (c) van 'n tydrooster vir die plan, met inbegrip van die implementeringsprogram vir die volgende vyf jaar;
- (d) van bestaande waterdienste, met inbegrip van die aantal en ligging van persone binne die gebied aan wie basiese watervoorsiening en basiese sanitasie nie verskaf word nie;
- (e) betreffende die toekomstige voorsiening van waterdienste, met inbegrip van—
 - (i) die waterdiensteverskaffers wat daardie waterdienste sal verskaf;
 - (ii) die kontrakte en beoogde kontrakte met daardie waterdiensteverskaffers;
 - (iii) die beoogde infrastruktuur wat vir die waterdienste nodig is;
 - (iv) die waterbronne wat gebruik staan te word en die hoeveelheid water wat uit elke bron verkry en in elke bron losgelaat staan te word; en
 - (v) die geraamde kapitaal- en bedryfskoste van daardie waterdienste en die Finansiële reëlins om daardie waterdienste te befonds, met inbegrip van die tariefstrukture;
- (f) van die aantal en ligging van persone aan wie waterdienste nie binne die volgende vyf jaar verskaf sal word nie, tesame met—
 - (i) die redes daarvoor; en

- (ii) die tydraamwerk waarbinne daar redelikerwys verwag kan word dat basiese watervoorsiening en basiese sanitasie aan daardie persone verskaf sal word; en
- (g) van bestaande en voorgestelde waterbewaringsmaatreëls.

Kennisgewing van konsep-waterdienste-ontwikkelingsplan

15. 'n Waterdienste-owerheid moet—

- (a) redelike stappe doen om sy konsep-waterdienste-ontwikkelingsplan onder die aandag van sy verbruikers en potensiele verbruikers te bring;
- (b) skriftelike kommentaar daarop vra vir voorlegging binne 'n redelike tyd; en
- (c) afskrifte van die konsep-waterdienste-ontwikkelingsplan en van alle kommentaar daarop wat ontvang is, aan die Minister, die betrokke provinsie en alle aangrensende waterdienste-owerhede stuur.

(2) 'n Afskrif van die konsep-waterdienste-ontwikkelingsplan en van die opsomming daarvan moet—

- (a) beskikbaar wees vir insae by die kantore van die waterdienste-owerheid; en
- (b) verkrygbaar wees teen betaling van 'n nominale bedrag.

Aanneming van waterdienste-ontwikkelingsplan

16. (1) 'n Waterdienste-owerheid moet alle kommentaar oorweeg alvorens hy 'n waterdienste-ontwikkelingsplan aanneem.

(2) 'n Kennisgewing dat 'n waterdienste-ontwikkelingsplan aanvaar is, moet in die betrokke provinsiale koerant gepubliseer word.

(3) 'n Waterdienste-owerheid moet 'n afskrif van elke ontwikkelingsplan aan die Minister, die Minister vir Provinsiale Sake en Grondwetlike ontwikkeling, die betrokke Provinsie en alle aangrensende

waterdienste-owerhede verskaf.

(4) 'n Afskrif van die ontwikkelingsplan moet—

- (a) beskikbaar wees vir insae by die kantore van die waterdienste-owerheid;
- (b) verkrygbaar wees teen betaling van 'n nominale bedrag; en
- (c) moet deel vorm van enige geïntegreerde ontwikkelingsplan soos omskryf in en vereis deur Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993).

Nuwe ontwikkelingsplan

17. 'n Waterdienste-owerheid moet met die tussenposes bepaal deur die Minister in oorleg met die Minister vir Provinsiale Sake en Grondwetlike Ontwikkeling in die betrokke Provinsie, 'n nuwe waterdienste-ontwikkelingsplan aanvaar ooreenkomstig die prosedure uiteengesit in artikels 13 tot 16.

Afwyking van ontwikkelingsplan

18. Geen wesenlike afwyking van 'n ontwikkelingsplan is geldig nie tensy dit in 'n nuwe ontwikkelingsplan opgeneem is wat ooreenkomstig die prosedure uiteengesit in artikels 13 tot 16 aangeneem is.

Verslagdoening oor implementering van ontwikkelingsplan

19. (1) 'n Waterdienste-owerheid moet verslag doen oor die implementering van sy ontwikkelingsplan gedurende elke finansiële jaar.

(2) Die verslag—

- (a) moet gedoen word binne vier maande na die einde van elke finansiële jaar; en
- (b) moet gegee word aan die Minister, die Minister vir Provinsiale Sake en Grondwetlike Ontwikkeling, die betrokke Provinsie en alle aangrensende waterdienste-owerhede.

(3) Die waterdienste-owerheid moet 'n opsomming van sy verslag bekend maak.

(4) 'n Afskrif van die verslag en van sy opsomming moet—

- (a) beskikbaar wees vir insae by die kantore van die waterdienste-owerheid; en
- (b) verkrygbaar wees teen betaling van 'n nominale bedrag.

Kontrakte met waterdiensteverskaffers

20. (1) 'n Waterdienste-owerheid moet óf self die werksaamhede van 'n waterdiensteverskaffer verrig óf 'n skriftelike kontrak met 'n waterdiensteverskaffer sluit om waterdienste te verskaf.

(2) Voor die sluiting van 'n kontrak met 'n waterdiensteverskaffer moet die waterdienste-owerheid—

- (a) sy voorneme om dit te doen, openbaar maak; en
- (b) die verkrygingsprosedures volg wat by die Grondwet of by enige ander wet vereis word.

(3) Die Minister kan na oorleg met die Minister vir Provinsiale Sake en Grondwetlike Ontwikkeling—

(a) aangeleenthede wat deur 'n kontrak tussen 'n waterdiensteverskaffer en 'n waterdienste-owerheid gereguleer moet word; en

(b) verpligte bepalings wat in die kontrak opgeneem moet word, voorskryf om te verseker—

(i) dat waterdienste op 'n doeltreffende, billike en volhoubare grondslag verskaf word;

(ii) dat die bepalings van die kontrak regverdig en billik is vir die waterdienste-owerheid, die waterdiensteverskaffer en die verbruiker; en

(iii) dat hierdie Wet nagekom word.

(4) Sodra so 'n kontrak gesluit is, moet die waterdienste-owerheid 'n afskrif daarvan aan die betrokke Provinsie en aan die Minister gee.

(5) Die Minister kan modelkontrakte verskaf as 'n riglyn vir kontrakte tussen waterdienste-owerhede en waterdiensteverskaffers.

Waterdienste-owerheid wat as waterdiensteverskaffer optree

21. (1) Wanneer hy die werksaamhede van 'n waterdiensteverskaffer verrig, moet 'n waterdienste-owerheid daardie funksies afsonderlik bestuur en afsonderlik daarvan rekening hou.

(2) 'n Waterdienste-owerheid kan as 'n waterdiensteverskaffer buite sy regsgebied optree indien hy daartoe gekontrakteer word deur die waterdienste-owerheid vir die betrokke gebied.

Verordeninge

22. (1) Elke waterdienste-owerheid moet verordeninge uitvaardig wat voorwaardes bevat vir die verskaffing van waterdienste, wat voorsiening moet maak vir minstens—

- (a) die standaard van die dienste;
- (b) die tegniese voorsieningsvoorwaardes, met inbegrip van eenhede of standaarde van meting, verifikasie van meters, foutperke en beslegting van geskille rakende die meet van waterdienste wat verskaf is;
- (d) die installering, verandering, bedryf, beskerming en inspeksie van waterdienstewerke en verbruikersinstallasies;
- (d) die bepaling en struktuur van tariewe;
- (e) die betaling en invordering van geld verskuldig vir die waterdienste;
- (f) die omstandighede waaronder waterdienste ingekort of gestaak kan word en die prosedures vir sodanige inkorting of staking; en
- (g) die voorkoming van onwettige of verkwistende gebruik van water.

(2) Voorwaardes waarop waterdienste verskaf word—

- (a) kan perke plaas op die gebiede aan wie water voorsien sal word volgens die aard, topografie, sonering en ligging van die betrokke grond;

- (b) kan voorsiening maak vir die inkorting of staking van waterdienste waar 'n verbruiker versuim om sy of haar verpligtinge aan die waterdiensteverskaffer na te kom, met inbegrip van—
- (i) versuim om vir dienste te betaal; of
 - (ii) versuim om ander voorwaardes vir die verskaffing van dienste na te kom;
- (c) kan 'n verpligting plaas op 'n wanbetaler—
- (i) om 'n groter deposito te betaal;
 - (ii) om 'n heraansluitgeld te betaal nadat waterdienste gestaak is; en
 - (iii) om rente te betaal op agterstallige bedrae;
- (d) kan 'n opsie insluit om beperkte toegang tot minstens basiese watervoorsiening en basiese sanitasie te behou vir 'n verbruiker wie se waterdienste gestaak staan te word; en
- (e) moet toeganklik wees vir verbruikers en potensiële verbruikers.

(3) Die Minister kan modelverordeninge verskaf as 'n riglyn vir waterdienste-owerhede.

HOOFSTUK V

Waterdiensteverskaffers

Goedkeuring om as waterdiensteverskaffer op te tree

23. (1) Niemand mag sonder die goedkeuring van die waterdienste-owerheid wat jurisdiksie in die betrokke gebied het, as 'n waterdiensteverskaffer optree nie.

(2) Enige goedkeuring kragtens subartikel (1)—

- (a) moet vir 'n beperkte tyd wees, wat hernieu kan word; en
- (b) kan onderworpe aan voorwaardes wees.

(3) Enige persoon wat by die inwerkingtreding van hierdie Wet as 'n waterdiensteverskaffer opgetree het sonder goedkeuring van die waterdienste-owerheid wat jurisdiksie in die betrokke gebied het, kan voortgaan om dit te doen tot en met die verstryking van redelike kennis gegee deur daardie waterdienste-owerheid—

- (a) dat hy vereis dat die verskaffer 'n kontrak moet aangaan; of
- (b) dat die voortsetting onderworpe is aan goedkeuring beoog in subartikel (1).

Waterdiensteverskaffer moet inligting verstrek

24. 'n Waterdiensteverskaffer moet inligting rakende die verskaffing van waterdienste verstrek wat redelikerwys aangevra word deur—

- (a) die waterdienste-owerheid wat jurisdiksie in die betrokke gebied het;
- (b) die betrokke Provinsie;
- (c) die Minister; of
- (d) 'n verbruiker of potensiële verbruiker.

HOOFSTUK V

Waterdienstetussengangers

Registrasie van waterdienstetussengangers

25. 'n Waterdienste-owerheid kan, in sy verordenings, vereis dat waterdienstetussengangers of klasse tussengangers in sy regsgebied geregistreer word.

Pligte van waterdienstetussengangers

26. (1) Die gehalte, hoeveelheid en volhoubaarheid van waterdienste verskaf deur 'n waterdienstetussenganger moet voldoen aan enige minimum standarde deur die Minister voorgeskryf en enige minimum standarde deur die betrokke waterdienste-owerheid voorgeskryf.

(2) 'n Waterdienstetussenganger mag nie vir waterdienste bedrae vorder teen 'n tarief wat nie aan enige voorgeskrewe norme en standarde kragtens hierdie Wet bepaal, voldoen nie.

Wanprestasie deur waterdienstetussengangers

27. (1) Indien 'n waterdienstetussenganger versuim om sy

werksaamhede doeltreffend te verrig, kan die waterdienste-owerheid wat jurisdiksie in die betrokke gebied het, gelas dat die waterdienstetussenganger sy versuim regstel.

(2) 'n Lasgewing ingevolge subartikel (1) moet—

- (a) die aard van die versuim;
 - (b) die stappe wat gedoen moet word om die versuim reg te stel; en
 - (c) die tydperk waarin daardie stappe gedoen moet word,
- uiteensit.

(3) Indien die waterdienstetussenganger nie sy versuim binne die voorgeskrewe tyd regstel nie, kan die waterdienste-owerheid—

- (a) nadat hy aan die waterdienstetussenganger 'n redelike geleentheid gegee het om verhoë tot hom te rig; en
- (b) nadat hy die waterdienstetussenganger aangehoor het oor enige verhoë wat ontvang is,

die betrokke werksaamhede namens die waterdienstetussenganger oorneem.

(4) Waar 'n waterdienste-owerheid enige werksaamhede ingevolge subartikel (3) oorneem—

- (a) kan hy alle tersaaklike bevoegdhede uitoefen en alle tersaaklike pligte namens die waterdienstetussenganger uitvoer tot uitsluiting van die waterdienstetussenganger; en
- (b) kan hy die infrastruktuur van die waterdienstetussenganger gebruik in soverre dit nodig is om daardie werksaamhede te verrig.

(5) 'n Waterdienste-owerheid kan 'n waterdienste-instelling aanstel

om namens hom op te tree by die verrigting van die werksaamhede van 'n waterdienstetussenganger ingevolge subartikel (4).

(6) Sodra 'n waterdienstetussenganger in 'n posisie is om sy werksaamhede doeltreffend te hervat, moet die waterdienstste-owerheid ophou om die bevoegdhede uit te oefen en die pligte uit te voer namens die tussenganger.

(7) 'n Waterdienstste-owerheid kan van 'n waterdienstetussenganger verhaal—

(a) alle uitstaande onkoste wat hy aangegaan het; en

(b) alle verliese wat hy gely het,

as gevolg van optrede ingevolge hierdie artikel.

HOOFSTUK VI

Waterrade

Instelling en afskaffing van waterrade

28. Die Minister kan—

(a) 'n waterraad instel;

(b) die waterraad 'n naam gee of sy naam verander;

(c) sy diensgebied bepaal of verander; of

(d) die waterraad afskaf,

by kennisgewing in die *Staatskoerant* na oorleg met—

- (i) elke betrokke Provinsie; en
- (ii) die betrokke waterraad, indien dit bestaan; en
- (iii) elke waterdienste-owerheid wat jurisdiksie in die diensgebied het ;of
- (iv) elke statutêr erkende organisasie wat munisipaliteite verteenwoordig wat jurisdiksie in die diensgebied het.

Primêre bedrywigheid van waterrade

29. Die primêre bedrywigheid van 'n waterraad is om waterdienste aan ander waterdienste-instellings in sy diensgebied te verskaf.

Ander bedrywigheide van waterrade

30. (1) 'n Waterraad kan ander bedrywigheide as sy primêre bedrywigheid verrig slegs indien—

- (a) dit nie die waterraad se vermoë om sy primêre bedrywigheid te verrig, sal beperk nie;
- (b) dit nie tot finansiële nadeel van die waterraad, enige waterdienste-instelling, bestaande verbruikers en ander gebruikers wat deur hom binne sy diensgebied bedien word, sal strek nie;
- (c) dit in ooreenstemming met die raad se beleidsverklaring is; en
- (d) voorsiening daarvoor gemaak is in 'n sakeplan.

(2) Ander bedrywigheide van 'n waterraad sluit in, maar is nie

beperk nie tot—

- (a) die verskaffing van bestuursdienste, opleiding en ander steundienste aan waterdienste-owerhede;
- (b) die voorsiening van onbehandelde of nie-drinkbare water aan eindgebruikers wat die water nie vir huishoudelike doeleindes gebruik nie;
- (c) die verskaffing van opvanggebiedbestuursdienste aan of namens die verantwoordelike owerhede; en
- (d) met die goedkeuring van die waterdienste-owerheid wat jurisdiksie in die gebied het—
 - (i) die voorsiening van water regstreeks vir nywerheidsgebruik;
 - (ii) die aanvaarding van nywerheidsuitvloei; en
 - (iii) optrede as waterdiensteverkaffer.

Bevoegdhede van waterrade

31. (1) 'n Waterraad is 'n regspersoon en het die bevoegdhede van 'n natuurlike persoon met volle regsbevoegdheid, uitgesonderd—

- (a) dié wat uit die aard daarvan slegs aan natuurlike persone kan behoort; en
- (b) dié wat by hierdie Wet, die raad se beleidsverklaring of 'n sakeplan uitgesluit word of strydig daarmee is.

(2) 'n Waterraad kan—

- (a) sy primêre bedrywigheid en die ander bedrywighede beoog in artikel 30, verrig; en

- (b) voorwaardes, met inbegrip van tariewe, stel vir die verskaffing van waterdienste.

(3) Behoudens die beperkings vervat in artikel 4 kan 'n waterraad waterdienste of ander dienste wat aan waterdienste-instellings, verbruikers of gebruikers verskaf word, inkort of staak.

(4) 'n Waterraad kan—

- (a) adviesforums; en
(b) komitees van die raad,
instel.

Pligte van waterrade

32. Elke waterraad—

- (a) moet voorrang verleen aan sy primêre bedrywigheid;
- (b) moet skriftelike kontrakte sluit wanneer hy sy primêre en ander bedrywighede verrig;
- (c) moet elke versoek deur 'n waterdienste-instelling vir die verskaffing van waterdienste aan hom binne sy diensgebied oorweeg en kan sodanige versoek weier slegs indien, om gegronde tegniese en finansiële redes, dit nie lewensvatbaar sal wees om daardie waterdienste te verskaf nie;
- (d) moet waterdienste en ander dienste aan waterdienste-instellings, verbruikers en gebruikers verskaf ooreenkomstig artikel 4 en enige voorwaardes ingevolge artikel 33 gestel; en

- (e) moet 'n permit, magtiging of lisensie van die betrokke owerheid kry vir—
 - (i) die uitneem van water; of
 - (ii) die loslaat van enige uitvloeisel.

Voorwaardes vir verskaffing van dienste

33. (1) 'n Waterraad moet voorwaardes vir die verskaffing van dienste wat nie met hierdie Wet strydig is nie, stel met betrekking tot minstens—

- (a) die tegniese verskaffingsvoorwaardes, met inbegrip van eenhede of standaarde van meting, verifikasie van meters, foutperke en beslegting van geskille rakende die meet van waterdienste wat verskaf is;
- (b) die installering, wysiging, bedryf, beskerming en inspeksie van waterdienstewerke en verbruikersinstallasies;
- (c) die bepaling en struktuur van tariewe;
- (d) die betaling en invordering van geld verskuldig aan die waterraad;
- (e) die omstandighede waaronder waterdienste ingekort of gestaak kan word en die prosedure vir sodanige inkorting of staking; en
- (f) die voorkoming van onwettige of verkwistende gebruik van water wat deur die waterraad voorsien word.

(2) 'n Waterraad moet openbare kommentaar vra voordat hy die voorwaardes stel.

(3) Voorwaardes deur 'n waterraad gestel, moet aan die Minister voorgelê word en tree in werking wanneer—

- (a) dit deur die Minister goedgekeur is; en
- (b) dit in die *Staatskoerant* gepubliseer word.

(4) Voorwaardes wat deur 'n waterraad gestel word, moet vir die publiek toeganklik wees.

(5) Elke persoon wat dienste gebruik wat deur 'n waterraad verskaf word, doen dit onderworpe aan enige toepaslik voorwaardes deur daardie raad gestel.

Parameters vir werksaamhede van waterrade

34. (1) By die verrigting van sy bedrywighede, die uitoefening van sy bevoegdhede en die uitvoering van sy pligte moet 'n waterraad—

- (a) poog om doeltreffende, betroubare en volhoubare waterdienste te verskaf;
- (b) beskikbare hulpbronne optimaal gebruik;
- (c) poog om finansieel lewensvatbaar te wees;
- (d) die doeltreffendheid van waterdienste-owerhede bevorder;
- (e) let op die behoefte van waterdienste-instellings, verbruikers en gebruikers;
- (f) nasionale en provinsiale beleid, oogmerke en ontwikkelinge in ag neem;
- (g) op 'n billike, deursigtige en regverdige wyse optree; en
- (h) let op gesondheid en die omgewing.

(2) Vir doeleindes van subartikel (1)(c) is 'n waterraad finansieel lewensvatbaar indien hy in staat is om sy kapitaalkoste, bedryfs- en instandhoudingskoste, waardevermindering van bates en koste wat verband hou

met die terugbetaal van kapitaal, te verhaal uit inkomste (met inbegrip van subsidies) oor tyd, en om 'n redelike opbrengs op investering te toon.

Beheer van waterrade

35. (1) 'n Waterraad bestaan uit 'n voorsitter en die ander lede wat die Minister van tyd tot tyd bepaal.

(2) Die Minister moet die voorsitter en lede van die raad aanstel.

(3) Wanneer die Minister 'n lid aanstel, moet hy ag slaan op—

- (a) die oogmerke van die waterraad;
- (b) die nodigheid vir die raad om verteenwoordigend te wees van die breë bevolking en van die belange wat hy dien;
- (c) die kundigheid wat nodig is sodat die raad doeltreffend kan funksioneer; en
- (d) die wesenlikheid al dan nie dat uitvoerende werknemers lede van die raad moet wees.

(4) Die Minister kan die aanstelling van enige van of al die lede van 'n waterraad beëindig.

(5) Lede van 'n waterraad kan uit die fondse van die waterraad betaal word volgens 'n vlak van besoldiging deur die Minister goedgekeur.

Hoof uitvoerende beampte van waterrade

36. (1) Elke waterraad moet—

- (a) 'n geskikte persoon aanstel as hoof uitvoerende beampte van die waterraad, vir 'n hernubare termyn van hoogstens vyf jaar; en
- (b) die pligte, diensvoorwaardes en besoldiging van die hoof uitvoerende

beampte bepaal.

(2) 'n Waterraad kan uit eie beweging die dienste van die hoof uitvoerende beampte van die waterraad beëindig, of die Minister kan, na oorleg met die raad, en behoudens enige bestaande regte van 'n persoon wat voor die inwerkingtreding van hierdie Wet aangestel is, gelas om dit te doen—

- (a) om goeie redes; en
- (b) ooreenkomstig billike arbeidspraktyke en die bepalinge van sy of haar dienskontrak.

Delegasie van bevoegdhede

37. 'n Waterraad kan enige bedryfsbevoegdheid deleger aan—

- (a) 'n komitee van die raad;
- (b) sy hoof uitvoerende beampte; of
- (c) enige van sy werknemers.

Pligte van die lede van waterrade

38. (1) 'n Waterraad moet—

- (a) verseker dat sy bedrywighede verrig word en sy bevoegdhede en pligte uitgeoefen word binne die parameters gestel in artikel 34(1); en
- (b) die raad se beleidsverklaring en sakeplan bevorder en implementeer.

(2) Lede van 'n waterraad moet—

- (a) hulle pligte met eerlikheid, sorgsaamheid en ywer uitvoer; en
- (b) enige botsing van belange openbaar.

Beleidsverklaring

39. (1) 'n Waterraad moet 'n beleidsverklaring opstel en aanvaar.

(2) Die eerste beleidsverklaring van die raad moet binne een jaar na die inwerkingtreding van hierdie Wet opgestel en aangeneem word.

(3) Die beleidsverklaring moet inligting bevat betreffende die waterraad en alle ander maatskappye, instellings of liggame waarin hy 'n belang het, met inbegrip van—

- (a) die aard en omvang van die primêre en ander bedrywighede wat onderneem staan te word;
- (b) die gebied waarin die bedrywighede onderneem gaan word;
- (c) die maatreëls wat getref moet word om die primêre en ander bedrywighede van mekaar te skei;
- (d) besonderhede rakende die bestuur van enige finansiële risiko's rakend die raad se primêre en ander bedrywighede;
- (e) die raad se rekeningkundige en investeringsbeleid;
- (f) die reëls en prosedures wat gevolg moet word alvorens enige investering deur die raad gedoen word;
- (g) die raad se beleid ten opsigte van mensehulpbronne en mensehulpbronontwikkeling;

- (h) die raad se beleid ten opsigte van die omgewing;
- (i) die maatstawwe waarmee die prestasie van die waterraad geëvalueer sal word;
- (j) of enige adviesforums ingestel is of staan te word en, indien wel, die take en aanstelling daarvan;
- (k) die prosedures vir oorlegpleging met waterdienste-instellings, verbruikers en gebruikers en adviesforums, indien dit ingestel is;
- (l) die aard en omvang van bedrywighede wat daarop gemik is om toegang te verseker tot waterdienste wat deur die raad in sy diensgebied verskaf word, en die uitbreiding en verbetering van daardie dienste; en
- (m) enige ander inligting wat die Minister van tyd tot tyd voorskryf.

(4) 'n Raad se beleidsverklaring kan van tyd tot tyd gewysig word en moet minstens elke vyf jaar hersien word.

(5) Elke beleidsverklaring van 'n raad moet aan die Minister voorgelê word en moet vir die publiek toeganklik wees.

(6) Die Minister kan 'n waterraad gelas om sy beleidsverklaring te wysig indien die beleidsverklaring—

- (a) nie in die beste belang van die breë bevolking binne sy diensgebied is nie; of
- (b) nie aan die parameters neergelê in artikel 34(1), voldoen nie.

Sakeplan

40. (1) 'n Waterraad moet, nie later nie as een maand voor die begin

van elke finansiële jaar, 'n sakeplan vir die volgende vyf finansiële jare opstel en aanvaar.

(2) Die sakeplan moet ten minste inligting bevat betreffende—

- (a) elke spesifieke primêre en ander bedrywigheid wat onderneem staan te word en die prestasietekens vir elke een;
- (b) die tarief van toepassing op elke diens, die metode waarvolgens dit bepaal is, die motivering van die tarief en die geraamde tariefinkomste;
- (c) voorspellings van kapitaalbesteding vir die primêre en ander bedrywigheide vir die volgende vyf jaar; en
- (d) enige ander inligting wat die Minister van tyd tot tyd voorskryf.

(3) 'n Sakeplan kan van tyd tot tyd gewysig word.

(4) Elke sakeplan moet aan die Minister voorgelê word.

(5) Die Minister kan 'n waterraad gelas—

- (a) om sy sakeplan te wysig indien die plan—
 - (i) nie in die beste belang van die breë bevolking binne sy diensgebied is nie; of
 - (ii) nie aan die parameters neergelê in artikel 34(1), voldoen nie; of
- (b) om bykomende sakeplanne voor te lê waarin spesifieke aangeleenthede aandag geniet.

Lasgewings aan waterrade

41. (1) Die Minister kan, in soverre dit redelik is, van tyd tot tyd

lasgewings aan 'n waterraad uitreik—

(a) om 'n spesifieke bedrywigheid te onderneem—

(i) op sy eie koste;

(ii) teen volle of gedeeltelike betaling, soos deur die Minister gelas; of

(b) om 'n spesifieke bedrywigheid te staak.

(2) Die waterraad moet gehoor gee aan enige lasgewing kragtens subartikel (1) gegee.

Verskillende bedrywighede moet as afsonderlike eenhede bestuur word

42. (1) 'n Waterraad moet sy primêre en elk van sy ander bedrywighede as afsonderlike eenhede bestuur.

(2) 'n Waterraad moet afsonderlike en gedetailleerde finansiële rekening vir sy primêre en elk van sy ander bedrywighede hou.

(3) Alle transaksies tussen eenhede van 'n waterraad betrokke by verskillende bedrywighede van die waterraad moet geskied volgens bepalings en voorwaardes wat verwag kan word van toepassing te wees op soortgelyke transaksies tussen onverwante ondernemings.

Finansiële aangeleenthede en rekening

43. (1) Die finansiële jaar van 'n waterraad is van 1 April tot 31 Maart.

(2) Die rekeninge van 'n waterraad moet geouditeer word deur 'n

geoktrooieerde rekenmeester wat deur die raad van die waterraad aangestel is.

(3) 'n Waterraad moet binne drie maande na die einde van elke finansiële jaar geouditeerde finansiële state uitreik.

(4) Die rekeningkundige beleid van 'n waterraad moet in ooreenstemming met algemeen aanvaarde rekeningkundige praktyke wees.

Verslagdoening

44. (1) 'n Waterraad moet binne drie maande na die einde van elke finansiële jaar 'n verslag oor die bedrywighede van die waterraad vir daardie finansiële jaar uitreik.

(2) Die verslag moet—

- (a) vergesel gaan van die geouditeerde finansiële state vir daardie finansiële jaar;
- (b) aan die Minister voorgelê word; en
- (c) vir die publiek toeganklik wees.

(3) Die verslag moet voldoende inligting bevat om die Minister en die publiek in staat te stel om die prestasie van die waterraad te evalueer tenoor sy beleidsverklaring en sakeplan.

Verstreking van inligting

45. (1) 'n Waterraad moet die Minister of enige persoon deur hom of

haar gemagtig, voorsien van—

- (a) die inligting wat hy of sy nodig oor die sake en finansiële posisie van die waterraad; en
- (b) toegang tot die boeke, rekeninge, dokumente en bates van die waterraad wat hy of sy verlang.

(2) Die Minister kan 'n persoon aanstel om die sake of finansiële posisie van 'n waterraad te ondersoek.

(3) Die Minister kan die gelde en betalings van enige persoon wat aldus aangestel is, van die betrokke waterraad verhaal.

Bates en laste by afskaffing

46. (1) Indien die Minister, na oorlegpleging ingevolge artikel 28, 'n waterraad in kennis gestel het dat hy of sy van voorneme is—

- (a) om sy diensgebied te verander; of
- (b) om hom af te skaf,

kan die Minister daardie waterraad gelas om sommige van of al sy bates en verpligtinge aan 'n ander waterraad oor te dra.

(2) 'n Waterraad moet alles in sy vermoë doen om uitvoering aan daardie lasgewing te gee.

(3) by die afskaffing van 'n waterraad—

- (a) gaan sy bates en verpligtinge oor op die Minister;
- (b) moet die Minister die waterraad likwideer; en

(c) moet die Minister die werksaamhede van die waterraad oorneem vir die tydperk van likwidering.

(4) By die likwidering van 'n waterraad moet die Minister ag slaan op die belang van krediteure en gewese verbruikers van die waterraad.

(5) Geen hereregte, belasting op toegevoegde waarde, ander belasting of regte is betaalbaar nie ten opsigte van die oordag van enige bates—

(a) van die Minister aan 'n waterraad;

(b) van 'n waterraad aan die Minister; of

(c) van een waterraad aan 'n ander waterraad.

Litigasie teen waterraad

47. (1) Geen hof mag 'n bevel of uitspraak teen 'n waterraad gee nie tensy die dokumente waarop daardie bevel of uitspraak gegrond is, ook aan die Minister beteken is.

(2) Die hof kan, ten einde die voortgesette verskaffing van waterdienste in openbare belang te verseker, die reg van uitwinning van 'n vonnisskuldeiser beperk tot spesifieke bates of tot 'n spesifieke tydperk.

Formele onreëlmatighede

48. (1) Besluite of handeling wat te goeder trou geneem of verrig is deur 'n waterraad of 'n komitee van 'n waterraad, is geldig ondanks enige versuim

om aan 'n formele prosedurevereiste te voldoen.

(2) Geen besluit geneem deur of handeling verrig op gesag van 'n waterraad is ongeldig bloot weens 'n toevallige vakature in die raad of omdat 'n persoon wat nie geregtig was om op die raad te sit nie, aldus sitting geneem het toe die besluit geneem is of die handeling gemagtig is, indien die besluit geneem is of die handeling gemagtig is deur 'n meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede te sit en indien sodanige lede wat aanwesig was, 'n kworum uitgemaak het.

Regulasies

49. (1) Die Minister kan regulasies uitvaardig rakende—

- (a) die benoeming en verkiesing van kandidate vir aanstelling as lede van 'n waterraad;
- (b) die maatstawwe vir kwalifisering van lede van 'n waterraad;
- (c) die aantal, aanstelling en heraanstelling, ampstermyne en pligte van lede van 'n waterraad;
- (d) die kworum vir vergaderings van 'n waterraad;
- (e) die samestelling en funksionering van komitees van 'n waterraad;
- (f) die prosedure vir die belê en hou van vergaderings van 'n waterraad en die komitees van 'n waterraad;
- (g) die besoldiging vir dienste betaalbaar aan lede van 'n waterraad en die hoof uitvoerende beampte van 'n waterraad;

- (h) die aanstelling van personeel deur 'n waterraad en hulle diensvoorwaardes en besoldiging;
- (i) die aangeleenthede wat in beleidsverklarings van 'n waterraad behandel moet word;
- (j) die aangeleenthede wat in die jaarlikse sakeplan van 'n waterraad behandel moet word.
- (k) die prosedure vir die stel van voorwaardes vir die verskaffing van dienste;
- (l) die inligting wat in die finansiële state van 'n waterraad verstrek moet word;
- (m) die inligting wat in die jaarverslag van 'n waterraad verstrek moet word;
- (n) norme en standaarde vir tariewe.

(2) Die Minister kan verskillende regulasies vir verskillende waterrade uitvaardig.

(3) By die uitvaardiging van regulasies kragtens hierdie artikel moet die Minister oorweging skenk aan—

- (a) die basiese waardes en beginsels wat vir openbare administrasie ingevolge die Grondwet vereis word;
- (b) die hoofogmerke van hierdie Wet soos in artikel 2 uiteengesit;
- (c) die bedrywighede, bevoegdhede en pligte van die waterraad;
- (d) die finansiële posisie van die waterraad; en
- (e) die belange van verbruikers of potensiële verbruikers.

Uitwerking van insluiting van Hoofstuk in Wet

50. Die insluiting van hierdie Hoofstuk by hierdie Wet, word nie uitgelê asof dit enige uitvoerende of wetgewende bevoegdheid aan enige Provinsie ten opsigte van waterrade gee nie.

HOOFSTUK VII

Waterdienstekomitees

Instelling en afskaffing van waterdienstekomitees

51. (1) Behoudens subartikels (2), (3) en (4) kan die Minister 'n waterdienstekomitee—

- (a) instel;
- (b) se naam bepaal of verander;
- (c) se diensgebied bepaal of verander;
- (d) se bevoegdhede beperk; of
- (e) afskaf,

by kennisgewing in die *Staatskoerant*.

(2) Die Minister kan slegs ingevolge subartikel (1) optree na oorleg met óf die inwoners van die beoogde diensgebied óf met die waterdienstekomitee (indien reeds ingestel), en in oorleg met die waterdienste-owerheid vir die betrokke gebied, die Minister vir Provinsiale Sake en Grondwetlike Ontwikkeling en die betrokke Provinsie, met betrekking tot—

- (a) die tydperk waartydens die waterdienstekomitee sal funksioneer;

- (b) die aard en omvang van waterdienste wat verskaf staan te word;
- (c) die gebied of die gemeenskap wat bedien staan te word;
- (d) die samestelling van die waterdienstekomitee en die aanstelling van sy lede;
- (e) enige bydrae wat deur die gemeenskap of sy lede gelewer moet word vir die verskaffing van waterdienste; en
- (f) enige ander verwante aangeleentheid.

(3) Geen waterdienstekomitee mag ingestel word nie indien die waterdienste-owerheid wat jurisdiksie in die betrokke gebied het, gewillig en in staat is om waterdienste doeltreffend in die diensgebied te verskaf.

(4) Die Minister moet 'n waterdienstekomitee afskaf sodra hy of sy daarvan oortuig is dat die waterdienste-owerheid wat jurisdiksie in die betrokke gebied het, in staat en gewillig is om waterdienste doeltreffend in die diensgebied te verskaf.

Hoofwerksaamheid van waterdienstekomitees

52. (1) Die hoofwerksaamheid van 'n waterdienstekomitee is om waterdienste aan verbruikers binne sy diensgebied te verskaf.

(2) 'n Waterdienstekomitee mag nie enige persoon binne sy diensgebied onredelik van daardie waterdienste uitsluit nie.

Bevoegdhede van waterdienstekomitees

53. (1) 'n Waterdienstekomitee is 'n regspersoon en het die bevoegdhede van 'n natuurlike persoon wat ten volle regsbevoeg is, uitgesonderd—

- (a) dié wat uit die aard daarvan slegs aan natuurlike persone kan behoort;
- (b) dié wat by hierdie Wet uitgesluit word of strydig daarmee is; en
- (c) dié wat deur die Minister by kennisgewing in die *Staatskoerant* uitgesluit word.

(2) 'n Waterdienstekomitee kan voorwaardes vir die verskaffing van waterdienste (met inbegrip van tariewe) stel.

(3) 'n Waterdienstekomitee kan waterdienste aan 'n verbruiker inkort of staak, behoudens die beperkings vervat in artikel 4.

(4) 'n Waterdienstekomitee kan enige van sy bevoegdhede aan enige werknemer delegeer.

Voorwaardes vir verskaffing van dienste

54. (1) 'n Waterdienstekomitee moet voorwaardes vir die verskaffing van dienste stel wat nie met hierdie Wet onbestaanbaar is nie, betreffende—

- (a) die tegniese verskaffingsvoorwaardes, met inbegrip van eenhede of standaarde van meting, verifikasie van meters, foutperke en beslegting van geskille rakende die meet van waterdienste wat verskaf is;
- (b) die installering, verandering, bedryf, beskerming en inspeksie van waterdienstewerke en verbruikersinstallasies;
- (c) die bepaling en struktuur van tariewe;

- (d) die betaling en invordering van geld verskuldig aan die waterdienstekomitee;
- (e) die omstandighede waaronder waterdienste ingekort of gestaak kan word; en
- (f) die voorkoming van onwettige of verkwistende gebruik van water wat deur die waterdienstekomitee voorsien word.

(2) 'n Waterdienstekomitee moet kommentaar van die inwoners van sy diensgebied vra voordat hy voorwaardes stel.

(3) Voorwaardes deur 'n waterdienstekomitee gestel, moet aan die Minister voorgelê word en tree in werking by goedkeuring deur die Minister.

(4) Voorwaardes deur 'n waterdienstekomitee gestel moet vir die inwoners van die betrokke diensgebied toeganklik wees.

(5) Elke persoon wat waterdienste gebruik wat deur 'n waterdienstekomitee verskaf word, doen dit onderworpe aan enige geldende voorwaardes deur daardie waterdienstekomitee gestel.

Beheer van waterdienstekomitees

55. (1) 'n Waterdienstekomitee bestaan uit 'n voorsitter en die ander komiteelede wat die Minister van tyd tot tyd bepaal.

(2) Die Minister moet die voorsitter en lede van die komitee aanstel.

(3) Wanneer die Minister 'n lid aanstel, moet hy of sy ag slaan op—

- (a) die behoefte dat die komitee verteenwoordigend moet wees van die inwoners van die betrokke diensgebied; en
- (b) die kundigheid wat nodig is sodat die komitee doeltreffend kan funksioneer.

(4) Die Minister kan die aanstelling van enige van die lede van 'n waterdienstekomitee beëindig.

(5) Lede van 'n waterdienstekomitee kan uit die fondse van die komitee betaal word volgens 'n vlak van besoldiging deur die Minister goedgekeur.

Verantwoordelikheid van komiteeledes van waterdienstekomitees

56. Lede van 'n waterdienstekomitee moet—

- (a) hulle pligte met eerlikheid, sorgsaamheid en ywer uitvoer; en
- (b) enige botsing van belange openbaar.

Finansiële aangeleenthede en rekeninge

57. (1) Die finansiële jaar van 'n waterdienstekomitee is van 1 April tot 31 Maart.

(2) Die rekening van 'n waterdienstekomitee moet geouditeer word deur 'n geëksperteerde rekenmeester wat deur die komitee aangestel is, indien die Minister aldus verlang.

(3) Elke waterdienstekomitee moet binne drie maande na die einde van elke finansiële jaar Finansiële state uitreik en 'n afskrif daarvan aan die Minister voorlê.

(4) Die rekeningkundige beleid van 'n waterdienstekomitee moet in ooreenstemming met algemeen aanvaarde rekeningkundige praktyke wees.

Formele onreëlmatighede

58. (1) 'n Besluit of handeling wat te goedere trou geneem of verrig is deur 'n waterdienstekomitee, is geldig ondanks enige versuim om aan 'n formele prosedurevereiste te voldoen.

(2) Geen besluit geneem deur of handeling verrig op gesag van 'n waterdienstekomitee is ongeldig bloot weens 'n toevallige vakature in die komitee of omdat enige persoon wat nie geregtig was om as 'n komiteelid te sit nie, aldus sitting ingeneem het toe die besluit geneem is of die handeling gemagtig is, indien die besluit geneem is of die handeling gemagtig is deur 'n meerderheid van die komiteeledes wat toe aanwesig was en wat geregtig was om as lede te sit en indien sodanige aanwesige lede 'n kworum uitgemaak het.

Verstreking van inligting

59. (1) 'n Waterdienstekomitee moet aan die Minister of enige persoon deur hom of haar gemagtig—

- (a) die inligting verstrek wat hy of sy nodig het oor die sake en finansiële posisie van die waterdienstekomitee;
- (b) toegang verleen tot die boeke, rekeninge, dokumente en bates van die waterdienstekomitee wat hy of sy verlang.

(2) Die Minister kan 'n persoon aanstel om die sake of finansiële

posisie van 'n waterdienstekomitee te ondersoek.

(3) Die Minister kan die gelde en betalings van enige persoon wat aldus aangestel is, van die betrokke waterdienstekomitee verhaal.

Bates en laste by afskaffing

60. (1) By die afskaffing van 'n waterdienstekomitee—

- (a) gaan sy bates en verpligtinge oor op die Minister;
- (b) moet die Minister die waterdienstekomitee likwideer; en
- (c) moet die Minister die werksaamhede van die waterdienstekomitee oorneem vir die tydperk van likwidering.

(2) Die Minister kan, na die afskaffing van 'n waterdienstekomitee, enige van sy bates oordra aan die waterdienste-owerheid wat jurisdiksie in die gebied het.

(3) Geen hereregte, belasting op toegevoegde waarde, ander belasting of regte is betaalbaar nie ten opsigte van die oordag van enige bates—

- (a) van 'n waterdienstekomitee aan die Minister; of
- (b) van die Minister aan 'n waterdienste-owerheid.

Regulasies

61. (1) Die Minister kan regulasies uitvaardig rakende—

- (a) die benoeming en verkiesing van kandidate vir aanstelling as lede van 'n waterdienstekomitee;
- (b) die maatstawwe vir kwalifisering van lede van 'n waterdienstekomitee;
- (c) die kworum vir vergaderings van 'n waterdienstekomitee;
- (e) die prosedure vir die belê en hou van vergaderings van 'n waterdienstekomitee;

- (f) die besoldiging vir dienste betaalbaar aan lede van 'n waterdienstekomitee;
- (g) die aanstelling van personeel deur 'n waterdienstekomitee, hulle diensvoorwaardes en besoldiging;
- (h) die inligting wat in finansiële state van 'n waterdienstekomitee verstrek moet word; en
- (i) die prosedure vir die stel van voorwaardes vir die verskaffing van dienste.

(2) By die uitvaardiging van regulasies kragtens hierdie artikel moet die Minister oorweging skenk aan—

- (a) die basiese waardes en beginsels wat vir openbare administrasie wat ingevolge die Grondwet vereis word;
- (b) die hoofogmerke van hierdie Wet soos in artikel 2 uiteengesit;
- (c) die finansiële posisie van die waterdienstekomitee; en
- (d) die belange van verbruikers of potensiële verbruikers.

HOOFSTUK VIII

Monitering en ingryping

Monitering van waterdienste-instelling

62. (1) Die Minister moet die prestasie van elke waterdienste-instelling moniteer ten einde te verseker—

- (a) dat alle toepaslike nasionale standaarde voorgeskryf kragtens hierdie Wet, nagekom word;
- (b) dat alle norme en standaarde vir tariewe voorgeskryf kragtens hierdie Wet, nagekom word; en
- (c) dat elke toepaslike ontwikkelingsplan, beleidsverklaring van 'n raad of sakeplan aanvaar kragtens hierdie Wet, nagekom word.

(2) Elke waterdienste-instelling moet—

- (a) inligting verstrek wat deur die Minister na oorleg met die Minister vir Provinsiale Sake en Grondwetlike Ontwikkeling verlang word; en
- (b) aan die Minister toegang verleen tot sy boeke, rekords en fisiese bates in soverre dit nodig is vir die Minister om die moniteringswerkzaamhede beoog in subartikel (1) uit te voer.

Ingryping

63. (1) Indien 'n waterdienste-owerheid enige werkzaamheid wat by of kragtens hierdie Wet aan hom opgedra is, nie doeltreffend verrig het nie, kan die Minister in oorleg met die Minister vir Provinsiale Sake en Grondwetlike Ontwikkeling, die betrokke Provinsie versoek om in te gryp ingevolge artikel 139 van die Grondwet.

(2) Indien die Provinsie versuim het om binne 'n redelike tyd na die versoek doeltreffend in te gryp, kan die Minister verantwoordelikheid vir daardie werkzaamheid aanvaar.

(3) Nadat die Minister verantwoordelikheid vir daardie werksaamheid aanvaar het kragtens subartikel (2), kan hy of sy 'n lasgewing aan die waterdienste-owerheid uitreik om daardie werksaamheid doeltreffend te verrig.

(4) Indien die waterdienste-owerheid versuim om aan daardie lasgewing gehoor te gee, kan die Minister ingryp deur—

(a) gepaste stappe te doen om die verrigting van daardie werksaamheid te fasiliteer, met inbegrip van die verlening van finansiële, bestuurs- en tegniese advies en bystand; of

(b) met kennisgewing aan die waterdienste-owerheid, daardie werksaamheid oor te neem.

(5) Indien die Minister enige werksaamheid van 'n waterdienste-owerheid oorneem—

(a) moet hy of sy 'n kennisgewing met daardie strekking in die Nasionale Raad van Provinsies ter tafel lê binne 14 dae na die aanvang van sy eerste sitting nadat die Minister daardie werksaamheid oorgeneem het;

(b) kan hy of sy, namens daardie waterdienste-owerheid, alle bevoegdhede en pligte van daardie waterdienste-owerheid betreffende daardie werksaamheid uitoefen en uitvoer.

(c) mag die beheerliggaam van daardie waterdienste-owerheid nie, terwyl die Minister vir daardie werksaamheid verantwoordelik is, enige van sy bevoegdhede uitoefen of enige van sy pligte uitvoer nie met betrekking tot daardie werksaamheid;

(d) kan hy of sy alle finansiële en ander hulpbronne tot beskikking van daardie

waterdienste-owerheid benut betreffende daardie werksaamheid;

(e) kan hy of sy 'n waterdienste-instelling aanstel om daardie werksaamheid of enige deel daarvan te verrig; en

(f) moet die oorname van daardie werksaamheid tot 'n einde kom—

(i) tensy dit deur die Nasionale Raad van Provinsies goedgekeur word binne 30 dae na die aanvang van sy eerste sitting na die oorname; of

(ii) wanneer die waterdienste-owerheid in 'n posisie is om daardie werksaamheid doeltreffend te hervat.

(6) Die Nasionale Raad van Provinsies moet die oorname van enige werksaamheid van 'n waterdienste-owerheid deur die Minister gereeld hersien en gepaste aanbevelings aan die Minister doen.

(7) Enige uitgawes aangegaan of verlies gelyk deur die Minister deur die oorname van enige werksaamheid van 'n waterdienste-owerheid kan van daardie waterdienste-owerheid verhaal word.

(8) In belang van samewerkende regering moet 'n Provinsie die Minister onmiddellik in kennis stel van sy voorneme om in te gryp deur enige werksaamheid van 'n waterdienste-owerheid kragtens artikel 139 van die Grondwet oor te neem.

(9) By oorweging van die wyse en implementering van enige ingryping kragtens hierdie artikel moet die Minister oorweging skenk aan—

(a) die redes vir die omvang en die tydperk van nie-nakoming deur die betrokke waterdienste-owerheid;

(b) die pogings aangewend om nakoming te verkry;

- (c) die uitwerking van die nie-nakoming; en
- (d) enige ander tersaaklike aangeleentheid.

HOOFSTUK IX

Finansiële bystand aan waterdienste-instellings

Bevoegdheid van Minister

64. (1) Die Minister kan toekennings maak, lenings toestaan en subsidies gee aan 'n waterdienste-instelling uit fondse vir daardie doeleindes—

- (a) deur die Parlement bewillig;
- (b) bygedra deur individue of nie-regeringsorgansisasies; of
- (c) bygedra deur ander regerings en regeringsinstellings.

(2) Voordat die Minister 'n toekenning maak, 'n lening toestaan of 'n subsidie gee, moet hy of sy oorweging skenk aan—

- (a) die vereistes van billikheid en deursigtigheid;
- (b) die doel van die toekenning, lening of subsidie;
- (c) die hoofogmerke van hierdie Wet soos in artikel 2 uiteengesit; en
- (d) die finansiële posisie van die aansoeker.

Aansoeke om Finansiële bystand

65. (1) Aansoeke om finansiële bystand moet op die voorgeskrewe wyse gedoen word.

(2) Die Minister kan finansiële bystand weier aan enige waterdienste-instelling wat versuim om sy verpligtinge ingevolge hierdie Wet of enige ander wet na te kom.

Regulasies oor finansiële bystand

66. (1) Die Minister kan regulasies uitvaardig oor finansiële bystand ingevolge hierdie Wet oor—

- (a) die finansiële doenlikheid van die bou, bedryf en instandhouding van waterdienste;
- (b) die wyse waarop daar om finansiële bystand aansoek gedoen moet word; en
- (c) die bedinge en voorwaardes waarop enige toekenning gemaak, lening toegestaan of subsidie gegee kan word.

(2) By die uitvaardiging van sodanige regulasies moet die Minister ag slaan op—

- (a) die hoofmerke van hierdie Wet soos in artikel 2 uiteengesit;
- (b) die behoefte aan billikheid en deursigtigheid; en
- (c) alle tersaaklike wetgewing betreffende finansiële beheer.

HOOFSTUK X

Nasionale inligtingstelsel

Instelling van nasionale inligtingstelsel

67. (1) Die Minister moet verseker dat daar 'n nasionale inligtingstelsel oor waterdienste is.

(2) Die inligtingstelsel kan deel uitmaak van 'n groter stelsel oor water in die algemeen.

(3) Die publiek is geregtig op redelike toegang tot die inligting vervat in die nasionale inligtingstelsel behoudens beperkings wat genoodsaak is deur die regte wat in Hoofstuk 2 van die Grondwet verskans is.

Doel van nasionale inligtingstelsel

68. Die oogmerke en doel van die nasionale inligtingstelsel is—

- (a) om die ontwikkeling, implementering en monitering van nasionale beleid oor waterdienste aan te teken en gegewens daarvoor te verskaf; en
- (b) om inligting te verskaf aan waterdienste-instellings, verbruikers en die publiek—
 - (i) om hulle in staat te stel om die prestasie van waterdienste-instellings te moniteer;

- (ii) vir navorsingsdoeleindes; en
- (iii) om enige ander wettige rede.

Verstreking van inligting

69. Die Minister kan van enige Provinsie, waterdienste-instelling en verbruiker vereis om inligting te verstrek vir insluiting in die nasionale inligtingstelsel.

Befondsing van nasionale inligtingstelsel

70. (1) Die Minister kan die nasionale inligtingstelsel befonds uit geld bewillig deur die Parlement vir daardie doel of uit enige ander bron vir daardie doel ontvang.

(2) Die Minister of die verskaffer van die nasionale inligtingstelsel kan redelike gelde hef vir die beskikbaarstelling van inligting.

HOOFSTUK XI

Algemene bevoegdhede en pligte van Minister

Prosedure vir uitvaardiging van regulasies

71. Die Minister moet, alvorens hy of sy regulasies kragtens hierdie Wet uitvaardig—

- (a) die regulasies vir skriftelike publieke kommentaar binne 'n bepaalde tydperk, publiseer in die *Staatskoerant*; en
- (b) alle skriftelike kommentaar wat betyds ontvang is, oorweeg.

Oorlegpleging deur Minister

72. Indien enigiets ingevolge hierdie Wet deur die Minister na oorleg met 'n ander persoon of liggaam gedoen moet word is daar voldoen daaraan indien die Minister—

- (a) skriftelike kommentaar van daardie persoon of liggaam gevra het; en
- (b) enige kommentaar wat ontvang is, oorweeg het.

Algemene bevoegdhede van Minister

73. Die Minister kan—

- (a) enige waterdienstewerk verkry en kan 'n waterdienstewerk wat aan die Nasionale Regering behoort oordra of wegdoen;
- (b) enige waterdienstewerk bou, bedryf, verander of herstel, met die toestemming van die eienaar;
- (c) met enige persoon kontrakteer om enige werk te verrig wat die Minister gemagtig is om kragtens hierdie Wet te verrig;
- (d) as 'n waterdiensteverskaffer optree onder kontrak of met goedkeuring;

- (e) in noodsituasies waterdiens te verskaf;
- (f) die bevoegdhe en werksaamhede van 'n waterdienste-owerheid of 'n waterraad uitoefen en verrig;
- (g) tariewe vir waterdienste deur hom of haar verskaf, hef;
- (h) riglyne aan waterdienste-instellings uitreik oor die verrigting van hulle werksaamhede ingevolge hierdie Wet;
- (i) model-voorwaardes vir die verskaffing van dienste uitvaardig vir gebruik deur waterrade en waterdienstekomitees;
- (j) maatreëls voorskryf wat deur waterdienste-instellings getref moet word om water te bespaar;
- (k) voorskryf hoe 'n aangeleentheid wat voortspruit uit die herroeping van enige wet deur hierdie Wet hanteer moet word, in soverre hierdie Wet nie toereikend daarvoor voorsiening maak nie; en
- (l) op goeie gronde, enige tydperk waarvoor voorsiening in hierdie Wet gemaak word, verleng.

(2) Geen waterdienstewerk wat deur die Minister besit word, mag sonder goedkeuring van die Parlement oorgedra of weggedoen word nie indien die waarde daarvan 'n bedrag wat van tyd tot tyd deur die Minister met die instemming van die Minister van Finansies bepaal word, te bowe gaan.

(3) Die Minister tree namens die nasionale regering op in die besit, neem van oordrag of wegdoen van enige waterdienstewerk.

Delegasie van bevoegdheid

74. (1) Behoudens subartikel (2) kan die Minister enige bevoegdheid wat by of kragtens hierdie Wet by hom of haar berus, skriftelik delegeer.

(2) Die Minister mag die bevoegdheid—

(a) om regulasies uit te vaardig;

(b) om beleid voor te skryf; en

(c) om te onteien,

nie delegeer nie.

(3) 'n Provinsie kan enige bevoegdheid by hierdie Wet aan hom verleen, skriftelik delegeer.

Appèlle

75. (1) Elke geaffekteerde persoon kan na die Minister appelleer teen 'n besluit geneem deur enige persoon wat kragtens 'n gedelegeerde bevoegdheid van die Minister optree.

(2) 'n Appèl kragtens subartikel (1) moet aangeteken word deur binne 21 dae nadat die geaffekteerde persoon van die besluit bewus raak, 'n skriftelike kennisgewing van appèl in te dien by die Minister en by die persoon teen wie se besluit geappelleer word.

(3) 'n Geaffekteerde persoon kan na die Minister appelleer indien 'n persoon aan wie 'n bevoegdheid gedelegeer is, versuim om binne 'n redelike tyd 'n

besluit oor enige aangeleentheid met betrekking tot sodanige gedelegeerde bevoegdheid te neem.

(4) 'n Appèl kragtens subartikel (3)—

(a) word gevoer asof 'n besluit teen die geaffekteerde persoon gegee is; en

(b) moet aangeteken word soos in subartikel (2)(a) beskryf.

(5) Die Minister moet enige aangeleentheid wat op appèl aan hom of haar voorgelê is, oorweeg nadat hy of sy elke persoon met 'n belang by die aangeleentheid die geleentheid gebied het om sy of haar saak te stel.

Advieskomitees

76. (1) Die Minister kan advieskomitees vir aangeleenthede wat binne die bestek van hierdie Wet val, aanstel.

(2) 'n Advieskomitee bestaan uit 'n voorsitter en die lede wat die Minister bepaal, met behoorlike inagneming van die kundigheid wat verlang word.

(3) 'n Lid van 'n advieskomitee kan 'n toelae betaal word wat deur die Minister bepaal word.

(4) 'n Advieskomitee het die werksaamhede wat deur die Minister aan hom gegee word.

HOOFSTUK XII

Algemene bepalinge

Oordraagbaarheid van servitude

77. (1) Die regte en verpligtinge van enige waterdienste-instelling ingevolge 'n persoonlike servituut (hetsy geregistreer al dan nie) is oordraagbaar aan 'n ander waterdienste-instelling, ondanks enige andersluidende wetsbepaling.

(2) 'n Registrateur van aktes moet 'n notarieel verlyde sessie-akte registreer om 'n persoonlike servituut van enige waterdienste-instelling aan 'n ander oor te dra.

Eiendomsreg in waterwerke

78. (1) Enige waterdienstewerk wat te goeder trou deur 'n waterdienste-instelling geplaas is in of op eiendom waarvan hy nie die eienaar is nie, bly ongeag of die werk vas is aan enige deel van daardie eiendom al dan nie, die eiendom van daardie waterdienste-instelling en kan deur hom verwyder word.

(2) Wanneer 'n waterdienstewerk kragtens subartikel (1) verwyder word—

(a) kan die eienaar of okkupeerder van die eiendom van die betrokke waterdienste-instelling verlang, in soverre dit redelikerwys moontlik is, om

- enige fisiese skade te herstel wat deur die verwydering aan die eiendom aangerig is; en
- (b) het die eienaar of okkupeerder van die eiendom geen ander eis teen die betrokke waterdienste-instelling nie.
- (3) Enige waterdienste-instelling kan sy regte ten opsigte van verbeterings aan eiendomme wat nie deur hom besit word nie, aan 'n ander waterdienste-instelling oordra.

Betreding en inspeksie van eiendom

79. (1) Enige persoon wat skriftelik deur die Minister, die Provinsie of enige waterdienste-instelling gemagtig is, kan—

- (a) te enige redelike tyd en sonder kennisgewing vooraf, behalwe in die omstandighede in subartikel (3) uiteengesit, enige eiendom betree en enige waterdienstewerk inspekteer ten einde vas te stel of hierdie Wet of enige regulasie of lasgewing daarkragtens uitgevaardig, nagekom word;
- (b) na redelike kennisgewing aan die eienaar of okkupeerder van enige eiendom, daardie eiendom betree met die nodige persone, voertuie toerusting en materiaal—
- (i) om enige waterdienstewerk wat behoort aan of bedryf word deur die Minister, die Provinsie of die betrokke waterdienste-instelling, te herstel, in stand te hou, te verwyder of te sloop;
- (ii) om plantegroei te verwyder wat inmeng met enige waterdienstewerk

- wat behoort aan of bedryf word deur die Minister, die Provinsie of die betrokke waterdienste-instelling; en
- (iii) om die geskiktheid van enige waterbron of terrein vir die bou van 'n waterdienstewerk te bepaal; en
- (c) na redelike kennisgewing aan die eienaar of okkupeerder van enige eiendom, oor die eiendom beweeg ten einde 'n ander eiendom wettig te betree.

(2) Enige persoon wat eiendom betree, moet homself of haarself identifiseer en sy of haar magtiging toon.

(3) 'n Woning mag betree word slegs—

- (a) waar dit ingevolge hierdie Wet nodig is om dit te doen;
- (b) met redelike kennisgewing; en
- (c) op 'n redelike tydstop.

Onteiening

80. (1) Eiendom mag onteien word deur die Minister of deur enige waterraad en waterdienstekomitee wat met die goedkeuring van die Minister optree.

(2) Die Onteieningswet, 1975 (Wet No. 63 van 1975), is van toepassing op alle onteienings ingevolge hierdie Wet.

(3) Waar die Minister enige eiendom onteien kragtens 'n bevoegdheid verleen by hierdie Wet, moet enige verwysing na "Minister" in die Onteieningswet, 1975 uitgelê word as 'n verwysing na die Minister van Waterwese en Bosbou.

(4) Waar enige waterraad of waterdienstekomitee eiendom onteien kragtens 'n bevoegdheid verleen by hierdie Wet, moet enige verwysing na "Minister" en "Staat" in die Onteieningswet, 1975, uitgê word as 'n verwysing na daardie waterraad of waterdienstekomitee, na gelang van die geval.

Misdrywe

81. (1) Geen persoon mag—

- (a) met die verkwistende gebruik van water voortgaan nadat hy of sy deur die Minister, 'n Provinsie of enige waterdienste-owerheid versoek is om dit te staak;
- (b) onwettig en opsetlik of nalatig peuter of inmeng met enige waterdienstewerk;
- (c) opsetlik waterdienste benut, water gebruik of uitvloeisel wegdoen in stryd met artikels 6 en 7;
- (d) enige persoon wat enige reg op betreding en inspeksie van eiendom kragtens artikel 79 uitoefen of poog om dit uit te oefen, opsetlik dwarsboom;
- (e) versuim of weier om inligting te verstrek, of valse of misleidende inligting verstrek, wanneer hy of sy ingevolge hierdie Wet inligting moet verstrek; en
- (f) versuim om toegang te verleen tot enige boeke, rekeninge, dokumente of bates wanneer hy of sy dit ingevolge hierdie Wet moet doen.

(2) Enige persoon wat subartikel (1) oortree is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met beide sodanige boete en gevangenisstraf.

(3) Wanneer 'n handeling of versuim deur enige werknemer of agent—

- (a) met die uitdruklike of geïmpliseerde toestemming van enige werkgever 'n misdryf ingevolge hierdie Wet uitmaak, is die werkgever, benewens die werknemer, strafbaar vir daardie misdryf; of
- (b) 'n misdryf vir die werkgever ingevolge hierdie Wet sou uitmaak, is daardie werknemer of agent, benewens daardie werkgever, strafbaar vir daardie misdryf.

Wet bind Staat

82. Hierdie Wet bind die Staat en sy organe.

Herroeping van wette en voorbehoude

83. (1) Die wette uiteengesit in die Bylae word hierby herroep in die mate in die derde kolom van die Bylae uiteengesit.

(2) Ondanks subartikel (1) hou die volgende organisasies aan om te bestaan en word hulle geag waterrade te wees wat ingevolge hierdie Wet ingestel is:

- (a) enige waterraad ingestel ingevolge die Waterwet, 1956 (Wet No. 54 van 1956);
- (b) die Randwaterraad ingestel by die Private Wet op die Randwaterraadstatute, 1950 (Wet No. 17 van 1950); en

(c) die Noordwes-watervoorsieningsowerheid ingestel by die North-West Water Supply Authority Act, 1988 (Wet No. 39 van 1988 Bophuthatswana).

(3) Die beheer, naam en diensgebiede van daardie waterrade bly soos omskryf in die wetgewing ingevolge waarvan hulle ingestel is, totdat die Minister anders bepaal, by kennisgewing in die *Staatskoerant*.

(4) Alle bestaande regte en verpligtinge van daardie waterrade bly van krag na die inwerkingtreding van hierdie Wet.

(5) Ondanks subartikel (1) bly die bepalings van die Private Wet op Randwaterraadstatute, 1950, die Waterwet, 1956, en die North-West Water Supply Authority Act, 1988 (Bophuthatswana), wat vereis dat 'n waterraad die goedkeuring van die Minister moet verkry ten einde enige werksaamhede te verrig, van krag asof daardie artikels nie herroep is nie, tot twee maande nadat die eerste beleidsverklaring en sakeplan van die betrokke raad opgestel en aan die Minister voorgelê is.

(6) Enigiets wat voor die inwerkingtreding van hierdie Wet gedoen is deur 'n liggaam beoog in subartikel (2), en enige regulasie wat uitgevaardig is of voorwaarde wat gestel is kragtens of ingevolge enige wet wat deur subartikel (1) herroep is, bly van krag en word geag gedoen, uitgevaardig of gestel te gewees het kragtens of ingevolge die ooreenstemmende bepaling van hierdie Wet indien—

- (a) dit kragtens of ingevolge hierdie Wet gedoen, uitgevaardig of gestel kan word; en
- (b) dit nie met die hoofogmerke van hierdie Wet soos uiteengesit in artikel 2 in stryd is nie.

Kor titel

84. Hierdie Wet heet die Waterdienstewet, 1997.

BYLAE

Nummer en jaar van Wet	Kort titel	In hoeverre herroep
Wet 13 van 1919	De Bedford Verder Watervoorzienings (Private) Wet, 1919	Die geheel, uitgesonderd artikels 1 tot 9 artikel 11
Wet 24 van 1921	Durban Waterwerke Konsolidasie (Private) Wet, 1921	Die geheel uitgesonderd artikels 2 tot 7 artikels 10 tot 13 artikel 16
Wet 15 van 1929	Pretoria Waterwerke (Private) Wet, 1929	Artikel 6 artikel 11, artikels 13 tot 16
Wet 13 van 1932	Mafeking Waterwerke (Private) Wet, 1932	Die geheel, uitgesonderd artikels 1 tot 5 artikels 7 en 8.
Wet 20 van 1937	Durban Waterwerke (Private) Wet, 1937	Artikels 12 tot 16
Wet 11 van 1945	Private Wysigingswet op die Durbanse Waterwerke (Private) Wet, 1945	Die geheel
Wet 5 van 1948	Private Wet tot Verdere Wysiging van die Durbanse Waterwerke (Private) Wet, 1948	Die geheel
Wet 17 van 1950	Private Wet op die Randwateraadstatute, 1950	Die geheel uitgesonderd artikel 2 artikel 113 artikels 123 tot 130
Wet 7 van 1952	Private Wet op die Durbanse Waterwerke (Addisionele Leningsbevoegdheid), 1952	Die geheel
Wet 20 van 1953	Private Wet op die Durbanse Waterwerke (Addisionele Leningsbevoegdheid), 1952	Die geheel
Wet 54 van 1956	Waterwet, 1956	Artikels 26A tot 26H artikels 107 tot 138
Wet 29 van 1964	Wysigingswet op die Private Wet op die Randwateraadstatute, 1964	Die geheel
Wet 53 van 1969	Wysigingswet op die Private Wet op die Randwateraadstatute,	Die geheel

Nommer en jaar van Wet	Kort titel	In hoeverre herroep
Wet 13 van 1919	De Bedford Verder Watervoorzienings (Private) Wet, 1919	Die geheel, uitgesonderd artikels 1 tot 9 artikel 11
	1969	
Wet 31 van 1972	Wysigingswet op die Private Wet op die Randwaterraadstatute, 1972	Die geheel
Wet 107 van 1977	Wysigingswet op die Private Wet op die Randwaterraadstatute, 1977	Die geheel
Wet 90 van 1983	Wysigingswet op die Private Wet op die Randwaterraadstatute, 1983	Die geheel
Wet 39 van 1988 (Bophuthatswana)	North-West Water Supply Authority Act, 1988	Die geheel
Wet 40 van 1988	Wysigingswet op die Private Wet op die Randwaterraadstatute, 1988	Die geheel
Wet 36 van 1990	Wysigingswet op die Private Wet op die Randwaterraadstatute, 1990	Die geheel



LET YOUR MOUSE DO THE WALKING

Subscribe to our full-text, Electronic Government Gazette and cut hours off the time you spend searching for information. Just point and click and within seconds, you can let your computer do the searching. Data is available within two days after publication and we can now also offer the full-text of the nine provincial gazettes.

Contact us today and save time, space and paper.



The proven source of information

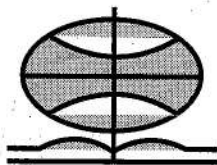
tel: (012) 663-4954 fax: (012) 663-3543 toll free tel: 0800 11 11 73
e-mail: sabinet@sabinet.co.za www: <http://www.sabinet.co.za>

*Looking for back copies and out of print issues of
the Government Gazette and Provincial Gazettes?*

The State Library has them!

Let us make your day with the information you need ...

The State Library Reference and Information Service
PO Box 397
0001 PRETORIA
Tel./Fax (012) 321-8931
E-mail: infodesk@statelib.pwv.gov.za

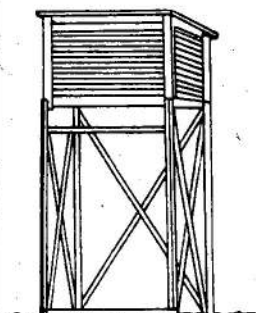
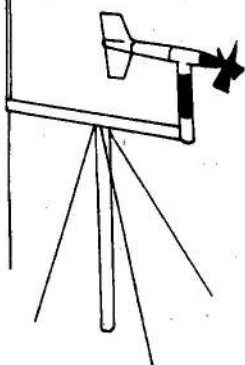


*Soek u ou kopieë en uit druk uitgawes van die
Staatskoerant en Provinsiale Koerante?*

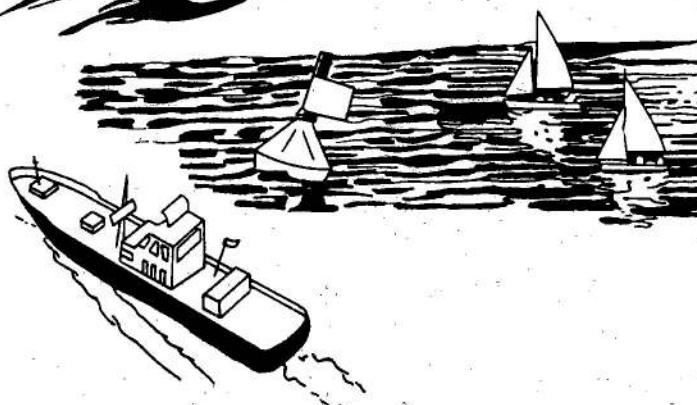
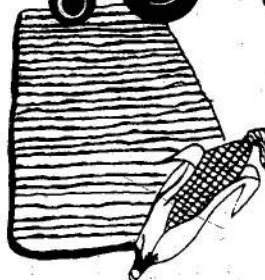
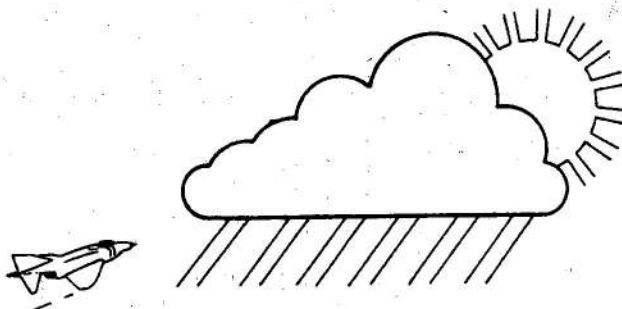
Die Staatsbiblioteek het hulle!

Met ons hoef u nie te sukkel om inligting te bekom nie ...

Die Staatsbiblioteek Naslaan- en Inligtingdiens
Posbus 397
0001 PRETORIA
Tel./Faks (012) 321-8931
E-pos: infodesk@statelib.pwv.gov.za

SA WEATHER BUREAU SA WEERBURO

**W
E
A
T
H
E
R
·
S
E
R
V
I
C
E
S
·
W
E
E
R
D
I
E
N
S
T
E**



DEPT. OF ENVIRONMENTAL AFFAIRS AND TOURISM · DEPT. VAN OMGEWINGSAKE EN TOERISME

CONTENTS**INHOUD**

No.		Page No.	Gazette No.	No.		Bladsy No.	Koerant No.
GENERAL NOTICE				ALGEMENE KENNISGEWING			
Water Affairs and Forestry, Department of				Waterwese en Bosbou, Departement van			
<i>General Notice</i>				<i>Algemene Kennisgewing</i>			
826	Proposed Water Services Bill, 1997	1	18018	826	Voorgestelde Waterdienstewetsontwerp, 1997	78	18018