



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

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(Extraordinary)

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

**AIDS
HELPUNE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure



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**ACCEPTABLE PAYMENT FOR
SERVICES AND GOODS IN
GOVERNMENT PRINTING WORKS**

**WITH IMMEDIATE EFFECT ALL
PAYMENTS FOR SERVICES RENDERED
AND GOODS DISPATCHED SHOULD BE
BY MEANS OF BANK GUARANTEED
CHEQUES ONLY**

**IMPLEMENTATION OF THIS
CIRCULAR IS WITHOUT EXCEPTION**

**S. MBHELE
EXECUTIVE DIRECTOR: MARKETING**

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LOCAL AUTHORITY NOTICES

No. 124

The Acting Municipal Manager of O.R. Tambo District Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, No.32 of 2000, publishes the Conversion of Ntinga OR Tambo Development Agency (Section 21 Company) into a Service Utility, as approved by its Council on 15th December 2005 as set out hereunder.

O.R. TAMBO DISTRICT MUNICIPALITY BY-LAW ON CONVERSION OF NTINGA OR TAMBO DEVELOPMENT AGENCY (SECTION 21 COMPANY) INTO A SERVICE UTILITY

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DEFINITIONS

1. In this by-law, unless the context indicates otherwise,

"Board of directors"	means the board of directors appointed in terms of clause 11 of this by-law
"By-law"	means this by-law made in terms of section 86H of the Municipal Systems Act and adopted by Council
"Council"	means the Council of O.R. Tambo District Municipality
"Development Agency"	means Ntinga O.R. Tambo Development Agency
"District Municipality"	means O.R. Tambo District Municipality
"Executive Mayor"	means the Executive Mayor of the District Municipality appointed in terms of the Municipal Systems Act
"Municipal Finance Management Act"	means the Municipal Finance Management Act No.56 of 2003 and any regulations made under that Act
"Municipal Systems Act"	means the Municipal Systems Act No.32 of 2000, as amended
"Municipal entity"	means the municipal entity referred to in the Municipal Systems Act
"Municipal representative"	means a municipal representative referred to in section 93D(1) of the Municipal Systems Act

PURPOSE

2. The Development Agency is hereby established to be the implementing agent of the District Municipality's local economic development by focusing on strategic infrastructure such as rail, dams and electrification; roads including priority surfaced and rural access roads; agriculture and food production; mariculture and tourism; social infrastructure and services; institutional building and any other functions allocated to it by the District Municipality in terms of its powers and functions.

POWERS AND DUTIES

3. The Development Agency shall have the power to develop a mechanism in terms of which it shall be able to attain its mandate. In such event, it shall make proposals to the District Municipality for consideration and it shall not implement such mechanisms unless they are approved by the District Municipality.
4. The Development Agency shall ensure that in carrying out any of its powers, it complies with the Municipal Systems Act, the Municipal Finance Management Act or any other applicable legislation.
5. It shall be the duty of the Development Agency to ensure that it assists the District Municipality in the performance of any of its functions or powers.

LEGAL STATUS

6. The Development Agency is a juristic person and a municipal entity under the sole control of the District Municipality. As a juristic person it has the power to sue and be sued in its own name.

DUTIES OF THE DISTRICT MUNICIPALITY

7. The District Municipality –
- (1) shall exercise any shareholder, statutory, contractual or other rights and powers it may have in respect of the Development Agency to ensure that –
 - (a) the Development Agency complies with the Municipal Systems Act and the Municipal Finance Management Act and any other applicable legislation; and
 - (b) the Development Agency is managed responsibly and transparently, and meets its statutory, contractual and other obligations.
 - (2) must allow the board of directors and chief executive officer of the Development Agency to fulfil their responsibilities;
 - (3) must establish and maintain clear channels of communication between the District Municipality and the Development Agency.
 - (4) shall ensure that the annual performance objectives and indicators for the Development Agency are established by agreement and included in the Development Agency's multi-year business plan in accordance with section 87(5)(d) of the Municipal Finance Management Act;
 - (5) must monitor and annually review, as part of the Development Agency's annual budget process as set out in section 87 of the Municipal Finance Management Act, the performance of the Development Agency against the agreed performance objectives and indicators; and
 - (6) may liquidate and disestablish the Development Agency –
 - (a) following an annual performance review, if its performance is unsatisfactory;
 - (b) if the District Municipality does not impose a financial recovery plan in terms of the Municipal Finance Management Act and the Development Agency continues to experience serious or persistent financial problems; or
 - (c) if the District Municipality has terminated the service delivery agreement or other agreement it had with the Development Agency.
 - (7) shall provide budget for the Development Agency as provided for in the Municipal Finance Management Act; and

- (8) shall ensure that the Development Agency complies with the King II Report on Corporate Governance.

MUNICIPAL REPRESENTATIVES

8. (1) The Council of the District Municipality shall designate its councilor or official, or both, as the representative or representatives of the District Municipality –
- (a) to represent the District Municipality as a non-participating observer at meetings of the board of directors; and
 - (b) to attend shareholder meetings and to exercise the District Municipality's rights and responsibilities as a shareholder, together with such other councilors or officials that the District Municipality may designate as representatives.
- (2) A municipal representative must represent the District Municipality faithfully at shareholders meetings, without consideration of personal interest or gain, and must keep the Council informed of –
- (a) how voting rights were exercised; and
 - (b) all relevant actions taken on behalf of the District Municipality by him or her.
- (3) A municipal representative –
- (a) must act in accordance with the instructions of the council, and
 - (b) may be reimbursed for expenses in connection with his or her duties as a District Municipality's representative, but may not receive any additional compensation or salary for such duties.

COMMUNICATION

9. (1) The official lines of communication between the District Municipality and the Development Agency shall exist between the chairperson of the board of directors and the Executive Mayor or, should it be necessary in the circumstances, the Chairperson of the Audit Committee and the Executive Mayor.
- (2) The Executive Mayor may at any time call or convene any meeting of shareholders or other general meeting comprising the board of directors and the representatives of the District Municipality, in order for the board of directors to give account of actions taken by it.
- (3) The representatives of the District Municipality shall report to the Executive Mayor within a week, or any other period which the Executive Mayor may direct, after each meeting of the board of directors on all resolutions taken at

such meeting and any reports submitted to the board of directors by the chief executive officer.

BOARD OF DIRECTORS

10. (1) There shall be a board of directors that will be appointed as provided for herein which shall manage Ntinga O.R.Tambo Development Agency.
- (2) The board of directors shall comprise of no less than seven directors and no more than eleven directors selected from a diverse background.
- (3) The members of the board of directors shall be entitled to such remuneration as may be determined by the Council from time to time.

APPOINTMENT OF DIRECTORS

11. (1) The appointment of a board of directors shall be in the following manner:
 - (a) a panel responsible for the appointment of the board of directors will be appointed by the Council on the advice of the Executive Mayor. The composition of the said panel will be determined by the Executive Mayor.
 - (b) The panel shall issue an invitation in the local newspaper circulating in the province and one national weekend newspaper calling for all interested individuals to nominate a person to be appointed or apply for appointment to the board of directors.
 - (c) Such invitation shall state the requisite skills, educational qualifications, if any, experience, equity status that would be required from the candidates, the closing date and the manner in, address and person to which the applications should be forwarded. Such closing date shall not be less than fourteen days from the date of publication of the advert and not be more than twenty one days.
 - (d) The application shall be accompanied by a comprehensive *curriculum vitae* of the applicant or nominee and must also include the certified copies of the individual's South African identity document, the educational qualifications. In the case of a nomination, a written acceptance of nomination shall be required.
 - (e) The panel shall compile a list of all the applicants and state their individual skills, educational qualifications, if any, each applicant's equity status.
 - (f) The panel shall shortlist the candidates, conduct interviews of those that are considered to be suitable for such appointment and make the necessary recommendations to Council of the District Municipality for confirmation of their appointment.
 - (g) Council shall thereafter confirm the appointment of the board of directors. The said directors shall be advised in writing of their appointment and the term of their office by the Executive Mayor.

- (h) The provisions of clause 12 of this by-law relating to disqualification of certain persons from being directors of the Development Agency shall apply in such appointment.
- (2) The appointed board of directors must consist of at least a third non-executive directors and must have a non-executive chairperson.
- (3) The Council shall appoint as a chairperson of the board of directors one of the said members of the board of directors and any executive directors as may be necessary.
- (4) The appointed directors may hold office for varying periods determined by the Council unless disqualified, removed or resign as directors.

DISQUALIFICATIONS

- 12 (1) Any person is not eligible to be a director of Ntinga O.R. Tambo Development Agency if he or she –
 - (a) holds office as a councilor of any municipality;
 - (b) is a member of the National Assembly or a provincial legislature;
 - (c) is a permanent delegate to the National Council of Provinces;
 - (d) is an official of O.R. Tambo District Municipality;
 - (e) was convicted of any offence and sentenced to imprisonment without the option of a fine, and a period of five years since completion of the sentence has not lapsed;
 - (f) has been declared by a court to be of unsound mind; or
 - (g) is an unrehabilitated insolvent.
- (2) If a director of the Development Agency during that person's term of office becomes disqualified on a ground mentioned in subclause (1), such person ceases to be a director from the date of becoming disqualified.

VACANCIES IN THE BOARD OF DIRECTORS

- 13. (1) If at any time a vacancy is created in the board of directors due to disqualification, death, removal or resignation of any of the directors, the panel referred to in clause 11(1)(a) of this by-law shall invite application for appointment or nomination for such vacancy in the manner prescribed in clause 11(1)(b) of this by-law.
- (2) However if the term of the said board of directors or the majority of the members of such board of directors will expire within six months of the creation of such vacancy, the District Municipality shall have the right to appoint such director without following the procedure laid down in clause 11(1) of this by-law.

REMOVAL OR RECALL OF DIRECTORS

14. The District Municipality may remove or recall a director appointed or nominated by it –
- (a) if the performance of the director is unsatisfactory;
 - (b) if the director, either through illness or for any other reason, is unable to perform the functions of office effectively; or
 - (c) if the director, whilst holding office –
 - (i) is convicted of fraud or theft or any offence involving fraudulent conduct
 - (ii) has failed to comply with or breached any legislation regulating the conduct of directors, including any applicable code of conduct.

DUTIES OF DIRECTORS

15. (1) The board of directors of the Development Agency must –
- (a) provide effective, transparent, accountable and coherent corporate governance and conduct effective oversight of the affairs of the Development Agency;
 - (b) ensure that it and the Development Agency comply with all applicable legislation and agreements;
 - (c) communicate openly and promptly with the District Municipality; and
 - (d) deal with the District Municipality in good faith.
- (2) A director must –
- (a) disclose to the board of directors, and to the representative of the District Municipality, any direct or indirect personal or business interest that the director or his or her spouse or partner may have in any matter before the board, and must withdraw from the proceedings of the board when the matter is considered, unless the board decides that the director's direct or indirect interest is trivial or irrelevant; and
 - (b) at all times act in accordance with the Code of Conduct for directors referred to in section 93L of the Municipal Systems Act.
- (3) The board of directors must determine the salary scales applicable to all categories of the employees of the Development Agency, other than those of the chief executive officer and senior managers, including the terms and conditions of service in accordance with any applicable labour legislation.

- (4) The board of directors may delegate any of its powers and duties to any committee of the board of the board of directors, provided that such delegation shall be in writing and signed by the Chairperson of the board of directors.

MEETINGS OF BOARD OF DIRECTORS

16. (1) Meetings of the board of directors of the Development Agency must be open to the municipal representatives.
- (2) Municipal representatives have non-participating observer status in any meeting of the board of directors of the Development Agency.
- (3) The board of directors shall have a minimum of four ordinary meetings in any financial year but at least once every quarter, however a special board meeting may be convened to deal with any urgent and critical matters.

SUSPENSION OF DIRECTORS

17. (1) The board of directors may decide to suspend any director of the Development Agency
- (a) where such a director has committed misconduct or is suspected of committing misconduct;
 - (b) pending an investigation of any misconduct suspected to have been committed by the said director;
 - (b) where such a director has been charged in any court of law for committing any offence of which a sentence of more than twelve months could be imposed if found guilty; or
 - (c) where in the opinion of the board of directors it would be in the best interest of the Development Agency to suspend such a director.
- (2) The District Municipality may decide to suspend the board of directors
- (a) where it appears that it is incapable of delivering on its mandate;
 - (b) is suspected of committing serious irregular practices; or
 - (c) for any other reason that in the opinion of the District Municipality would be in the best interest of the District Municipality and the Development Agency.

APPOINTMENT OF CHIEF EXECUTIVE OFFICER

18. (1) The board of directors shall appoint a chief executive officer, who shall be accountable to the board of directors for the management of the Development Agency.
- (2) The board of directors shall establish a process for the appointment of a chief executive officer and shall set out the criteria for all applicants to meet.

- (3) The chief executive officer shall be employed in terms of an employment contract having a minimum term of three years and a maximum term of five years subject to a performance agreement.
- (4) The employment of a chief executive officer shall be approved by the board of directors by way of a resolution.

APPOINTMENT OF STAFF

19. (1) The board of directors shall be responsible for the appointment of staff of the Development Agency and may delegate any of its powers to the chief executive officer.
- (2) The chief executive officer shall report to the board of directors any appointments made in terms of such delegation and any resignations that may occur from time to time.
- (3) The board of directors may not delegate the power to appoint any manager directly reporting to the chief executive officer.
- (4) The chief executive officer may subdelegate the power to appoint staff to any of the managers directly reporting to him or her other than the power to appoint staff members at the level above and including that of an assistant manager.
- (5) The board of directors shall ensure that a human resource policy consistent with that of the District Municipality is adopted which shall set out the terms and conditions of employment of all staff of the Development Agency.

TRANSFER OR SECONDMENT OF STAFF

20. The board of directors shall ensure that its human resource policy, inter alia, provides for the procedure for the transfer or secondment of staff to the Development Agency from the District Municipality or vice versa.

ACQUISITION OR TRANSFER OF INFRASTRUCTURE

21. (1) The Development Agency shall have the power to acquire immovable property, in its own name, necessary for the discharge of its mandate in terms of this by-law or any other agreement that it may enter into with the District Municipality.
- (2) In acquiring such property, the Development Agency shall comply with the supply chain management policy applicable to it or, if none exists, that of the District Municipality.

- (3) The District Municipality may transfer any movable or immovable property to the Development Agency in terms of any agreement that may be entered into and in that event such property shall become the property of the Development Agency and be accounted for as such in the assets register of the Development Agency.

ACQUISITION OF GOODS, SERVICES, SUPPLIES OR EQUIPMENT

22. (1) The Development Agency may acquire goods, services, supplies or equipment in terms of its supply chain management policy or, if no such policy exists, in terms of the supply chain management policy of the District Municipality.
- (2) The Development Agency shall ensure that it complies with any applicable legislation in maintaining a proper assets register or contracts register for its goods, services, supplies or equipment as the case may be.

FINANCIAL MATTERS

23. (1) The District Municipality must ensure that it complies with the provisions of section 87 of Municipal Finance Management Act.
- (2) The District Municipality must provide funding to the Development Agency to ensure that it is able to function properly and to deliver on its mandate.

DISESTABLISHMENT

24. (1) The District Municipality shall pass a resolution when disestablishing the Development Agency.
- (2) If the Development Agency is disestablished –
- (a) all assets, liabilities, rights and obligations of the Development Agency shall vest in the District Municipality; and
 - (b) staff of the Development Agency shall be dealt with in accordance with applicable labour legislation.

CONVERSION OF NTINGA O.R TAMBO DEVELOPMENT AGENCY (SECTION 21 COMPANY)

25. (1) Ntinga O.R. Tambo Development Agency (Section 21 Company) is hereby converted into a service utility and shall continue to operate as a Section 21 Company until deregistered.

- (2) Ntinga O.R. Tambo Development Agency (Section 21 Company) shall deregister from being a Section 21 Company and upon its deregistration shall then operate as provided for in terms of this by-law.
- (3) The assets and liabilities of the disestablished Ntinga O.R. Tambo Development Agency (Section 21 Company) shall be taken over by the Development Agency established in terms of this by-law.
- (4) The staff of the disestablished Ntinga OR Tambo Development Agency (Section 21 Company) shall be transferred to the Development Agency with effect from the date of the adoption of this by-law by Council without any change in their conditions of employment.
- (5) The board of directors of the disestablished Section 21 Company shall, with effect from the date of the adoption of this by-law by Council, continue to operate as an interim board of directors of the Development Agency until a board of directors for the Development Agency is appointed in terms of clause 11 of this by-law.

No. 125

The Acting Municipal Manager of O.R. Tambo District Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, No.32 of 2000, publishes the Water and Sanitation By-laws for the O.R. Tambo District Municipality, approved by its Council on 15th December 2005, as set out hereunder.

O.R. TAMBO DISTRICT MUNICIPALITY WATER AND SANITATION BY-LAWS**TABLE OF CONTENTS**

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CHAPTER 1

General Provisions

PART 1 - DEFINITIONS

1. Definitions

In these by-laws, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned, and –

accommodation unit	in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;
Act	means the Water Services Act 108 of 1997 and shall include any regulations made under the Act;
Audits	water audit and financial audit shall include any regulations made under the Act;
authorised agent	means a person/body authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under, these bylaws;
authorised officer	means a person duly authorised to act for and on behalf of a water services authority;
best practicable environmental option	means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as the short term;
borehole	means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;
building regulations	means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, (Act No. 103 of 1977);
communal water services work	means a consumer connection through which water services work services are supplied to more than one person;

connecting point	means the point at which the drainage installation joins the connecting sewer;
connecting sewer	means a pipe owned by the water services authority and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a wayleave or by agreement;
connection pipe	means a pipe, the ownership of which is vested in the water services authority and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I;
consumer	<p>means:</p> <p>(a) any occupier of any premises to which or on which the municipality or its authorised agent has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the municipality or its authorised agent for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the municipality or its authorised agent has agreed to provide water services; or</p> <p>(b) any person that obtains access to water services provided through communal water services work;</p>
delivery system	means a water delivery mechanism, which delivers a predetermined quantity of water to a consumer on agreed terms;
district municipality	means a municipality that has municipal executive and legislative authority in an area that includes more than one municipality and which is described in section 155 (1) of the constitution as a category C municipality;

domestic waste water	waste water resulting from the supply of water to a household;
drain	means that portion of the drainage installation which conveys sewage within any premises;
drainage installation	means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on those premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;
drainage work	includes any drain, sanitary fitting, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;
duly qualified sampler	means a person who takes samples for analysis from the sewage disposal and storm water disposal systems and from public waters and who has been certified to do so by a water services authority;
effluent	means any liquid whether or not containing matter in solution or suspension;
emergency	means any situation that poses a risk or potential risk to life, health, the environment or property;
environmental cost	means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;
fire hydrant	means a potable water installation that conveys water for fire fighting purposes only;
fixed charge	means the fixed cost associated with providing water services in a continuous, effective and efficient manner;
fixed quantity water	means a water installation, which delivers a fixed

delivery system	quantity of water to a consumer in any single day;
flood level (1 in 50 year)	means that level reached by flood waters of a frequency of 1 in 50 years;
flood plain (1 in 50 year)	means the area subject to inundation by flood waters of a frequency of 1 in 50 years;
high strength sewage	means sewage with strength or quality greater than standard domestic effluent;
household_	means a dwelling, structure, traditional homestead or property primarily occupied for residential purposes;
incapacitated	for the purposes of the definition of 'consumer' shall mean a person who has been declared incapable of managing his or her affairs by a competent court;
industrial effluent_	means effluent emanating from industrial use of water, and includes for purposes of these by-laws, any effluent other than standard domestic effluent or stormwater, and includes industrial effluent discharged into a sewage treatment plant;
industries_	means any persons, organisations or institutions that use water for mining, manufacturing, generating electricity, land-based transport, construction or any related purpose;
installation work	means work in respect of the construction of, or carried out on a water installation;
intermediaries	as specified in the Act;
main	means a pipe, other than a connection pipe, vesting in the water services authority and used by it for the purpose of conveying water to a consumer;
measuring device	means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;

meter	means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, Act No. 77 of 1973 or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;
mid block sewer	means a sewer line that serves more than one (1) dwelling and/or building and shall remain the responsibility of the Water Services Provider as authorised agent;
occupier	means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;
O R Tambo District Municipality (ORT DM)	means the area DM having jurisdiction in the municipalities of King Sabata Dalindyebo, Mbizana, Mhlontlo, Ntabankulu, Nyandeni, Port St Johns and Qaukeni or as amended by competent authority from time to time as defined in the Act;
owner	<p>means –</p> <ul style="list-style-type: none">(a) a person in whom is vested the legal title to the premises;(b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;(c) in any case where the water services authority is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;(d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereunder;(e) in relation to -<ul style="list-style-type: none">(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 95 of 1986, the developer or the body corporate in respect of the common property, or

- (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such person;
- person** means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not (community or consumer group), a statutory body, public utility body, voluntary association or trust;
- person in charge** for the purposes of the definition of 'consumer' shall include the registered owner of the premises to which water services are provided;
- pollution** means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it:
- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
 - (b) harmful or potentially harmful
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or non-aquatic organism;
- premises** means any piece of land, the external surface boundaries of which are delineated on –
- a) a general plan or diagram registered in terms of the Land Survey Act, Act No. 9 of 1927, or in terms of the Deeds Registries Act, Act No. 47 of 1937; or
 - b) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, Act No. 95 of 1986, the developer or the body corporate in respect of the common property, or
 - c) an identified portion of land within a tribal area;
- prescribed tariff or charge** means a charge prescribed by the water services authority;

public notice	means a notice in a newspaper in at least two of the official languages in general use within the Province or area in question, and, where possible, the notice shall be published in a newspaper appearing predominantly in the language utilised in the publication of the notice;
public water	means any river, watercourse, bay, estuary, the sea and any other water which the public has a right to use or to which the public has the right of access;
sanitation services	has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;
sea outfalls	means the discharge of effluent directly into the sea;
service pipe	means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;
sewage disposal system	means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the water services authority and which may be used by it in connection with the disposal of sewage and shall include the sea outfalls;
sewage	means waste water, industrial effluent, standard domestic effluent and other waste, including human excreta, either separately or in combination, but shall not include storm water;
sewer	means any pipe or conduit which is the property of or is vested in the water services authority and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;
standard domestic effluent	means domestic effluent with strength characteristics prescribed from time by the water

	services authority or the appropriate Minister under section 9 of the Act in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the water services authority or its authorised agent, but shall not include industrial effluent;
stormwater	means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;
terminal water fitting	means a water fitting at an outlet of a water installation which controls the discharge of water from a water installation;
trade premises	means premises upon which industrial effluent is produced;
water fitting	means a component of a water installation, other than a pipe, through which water passes or in which it is stored;
water installation	means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the water services authority;
water schemes	shall mean water schemes established or in the course of being established within the area of jurisdiction of the water services authority for the purposes of providing water supply services;
water services	have the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and the disposal of industrial effluent
water services authority	means the O R Tambo District Municipality, a local authority duly established in accordance with the law;

water service provider	means an entity established or appointed by the water service authority to operate and maintain a water supply scheme in accordance with the law;
water supply services	includes for purposes of these by-laws water for industrial purposes and the disposal of industrial effluent;
water supply system	means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the water services authority and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;
wet industry	means an industry which discharges industrial effluent and
working day	means a day other than a Saturday, Sunday or public holiday.

- (2) In the event of the Minister of Water Affairs and Forestry, at any time after the commencement of these by-laws, prescribing any standards or tariffs in terms of Chapter II of the Act, then, to the extent that any such standard or tariff exceeds any standard or tariff prescribed in terms of these by-laws, the standards or tariffs prescribed by the Minister shall prevail over the standards or tariffs prescribed in terms of these by-laws and these by-laws shall be deemed to have been amended accordingly.
- (3) These by-laws shall be known as the O R Tambo District Municipality Water Services By-Laws.
- (4) Any reference in Chapter 2 of these by-laws to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which they are applicable.
- (5) Nothing contained in these by-laws, or done or omitted to be done by any water services authority under these by-laws, shall affect the obligation of any person to obtain any licence or other authority required under the National Water Act 36 of 1998.
- (6) Whenever in these by-laws any approval is required from or on behalf of the water services authority, then such approval shall be obtained in accordance with the procedures prescribed in these by-laws, or as prescribed from time to time by the water services authority, which procedures shall be provided by the water services authority to any person on application therefor, and in the event of these by-laws or the water services authority not having prescribed any specific procedure, then such approval shall be applied for in writing by letter addressed to the water services authority.

PART 2 - WATER SERVICES – ZONING, NORMS AND STANDARDS**2. Zoning**

Zoning for different levels of service are provided for within the O R Tambo Water Services Development Plan to accommodate different levels of demand and affordability and shall be decreed to have been prescribed in terms of these By-Laws.

3. Norms and Standards

The provisions of these by-laws shall be interpreted in conformity with any standards or norms and standards for tariffs prescribed by the appropriate Minister from time to time under the powers provided in Chapter 2 of the Act.

CHAPTER 2**Water Services****PART 1 - APPLICATION FOR WATER SERVICES****4. Application for water services**

- (1) No person shall gain access to water services from any water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the water services authority or an authorised agent on the prescribed form for such services for a specific purpose and such application has been agreed to.
- (2) Where a premises or consumer are provided with water services, it shall be deemed that an agreement in terms of subsection (1) exists, subject however to section 6(1) of the Act.
- (3) A water services authority or an authorised agent must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the tariffs and or charges associated with each level of services.
- (4) A consumer must elect the available level of services to be provided to him or her or it, provided that such level of services is or are available in the area where the consumer requires such services.
- (5) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such service is available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.

- (6) An application agreed to by the water services authority or an authorised agent shall, together with such additional conditions as may be imposed, constitute an agreement between the water services authority or the authorised agent and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (7) A consumer shall be liable for all the prescribed tariffs and or charges in respect of water services rendered to him or her until the agreement contemplated in this section or in section 5 has been terminated in accordance with these by-laws, or until all or any arrears owing by such consumer have been paid, which ever shall be the later date.
- (8) In preparing an application form for water services for the purposes of making an application as contemplated in subsection (1), the water services authority or the authorised agent will ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person, provided that in the case of illiterate or similarly disadvantaged persons, the water services authority or the authorised agent will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (9) Water services rendered to a consumer are subject to the provisions of these by-laws and the conditions contained in the relevant agreement.
- (10) If a water services authority or the authorised agent refuses an application for the provision of water services, are unable to render such water services on the date requested for the provision of such water services to commence or are unable to render the water services, the water services authority or the authorised agent will inform the consumer of such refusal and or inability, the reasons therefore and, if applicable, when the water services authority or the authorised agent will be able to provide such water services.
- (11) If a consumer absconds, dies or is incapacitated and:
 - (a) despite reasonable and diligent search cannot be located, or
 - (b) the next of kin of such consumer fails or neglects to cause an executor, representative or curator, as the case may be, to be appointed within a reasonable time after such death or incapacity to comply with the obligations of the consumer under any agreement concluded under this section or section 5,then the water services authority, or the authorised agent, may serve notice in terms of section 26 on any occupier or person in charge of the premises to which any agreement as aforesaid applies and in such notice the water services authority or the authorised agent may notify such occupier or person in charge, that with effect from a date 14 days after the delivery of such notice to such occupier or person in charge, he or she shall be deemed to be the consumer under the aforesaid agreement and liable to comply with all the duties and obligations of the consumer in respect of water services supplied to such premises under the said agreement.
- (12) Any occupier or person in charge on whom a notice in terms of subsection 12 is served may, during the period of 14 days referred to in that subsection, provide the water services authority or the authorised agent with the name and address of

the immediate next of kin of the deceased or incapacitated consumer, and, provided that such information is found on investigation by the water services authority or the authorised agent to be accurate and provided further that such next of kin is, in fact, a consumer of the water services supplied under the agreement, such next of kin shall, instead of the occupier or person in charge, be deemed to be the consumer under the aforesaid agreement and liable to comply with all the duties and obligations of the consumer in respect of water services supplied to such premises under the said agreement.

- (13) On receipt of the information from such occupier or person in charge, and provided that such next of kin is, in fact a consumer of the water services supplied under the agreement, the water services authority or the authorised agent shall serve a written notice in terms of section 26 on such next of kin, notifying such next of kin that with effect from a date of delivery of such notice to such next of kin, he or she shall be deemed to be the consumer under the aforesaid agreement and liable to comply with all the duties and obligations of the consumer in respect of water services supplied to such premises under the said agreement.

5. Special agreements for water services

The water services authority or the authorised agent may enter into a special agreement for the provision of water services to -

- (a) an applicant inside its area of jurisdiction or supply, if the service applied for necessitates the imposition of conditions not contained in the prescribed form; and
- (b) an applicant outside its area of jurisdiction or supply, if such application has been approved by the water services authority or the authorised agent having jurisdiction or supplying water services in the area in which the premises is situated.

PART 2 - TARIFFS AND CHARGES

6. Prescribed tariffs and charges for water services

- (1) All tariffs and/or charges payable in respect of water services rendered by the water services authority or an authorised agent in respect of any particular water scheme or schemes, including but not limited to, the payment of connection charges, fixed charges or any additional charges or interest in respect of the failure to pay such tariffs or charges on the specified date, will be set by the water services authority by a resolution passed by the water services authority in accordance with -
- (a) the tariff policy of the water services authority;
 - (b) any by-laws in respect thereof; and
 - (c) any regulations made in terms of section 10 of the Act;

provided that the water services authority shall determine its tariff policy in consultation with every applicable authorised agent.

7. Determination of Tariffs

- (1) A water services authority must -
 - (a) when determining the revenue requirements on which tariffs for water services are based, take into account -
 - (i) recovery of overhead, operational and maintenance costs;
 - (ii) cost of capital;
 - (iii) equitable share;
 - (iv) free water; and
 - (v) depreciation;
 - (b) when setting tariffs for water services provided to consumers and other users within its area of jurisdiction or supply, differentiate at least between -
 - (i) water supply services to households;
 - (ii) industrial use of water supplied through a water services work;
 - (iii) water supply services to consumers other than households and industries;
 - (iv) sanitation services to households;
 - (v) disposal of industrial effluent to a sewage treatment plant;
 - (vi) sanitation services to consumers other than households and industries, and
 - (vii) the indigent.
 - (c) when setting tariffs for providing water services to households, differentiate between different types of water services provided.
- (2) Tariffs set must differentiate at least between -
 - (a) water supply services to households provided through communal water services works;
 - (b) water supply services provided through water services works or consumer installations designed to provide a controlled volume to a household;
 - (c) water supply services provided through water services works or consumer installations designed to provide an uncontrolled volume to a household;
 - (d) sanitation services provided through the on-site disposal of domestic waste water and sewage from households; and
 - (e) sanitation services provided through the discharge of domestic waste water and sewage from households to a water services works.
- (3) Tariffs set by a water services authority -
 - (a) for water supply services to households through a communal water services works must be based on -
 - (i) a fixed monthly charge calculated on -
 - operations and maintenance costs;
 - capital costs not financed through any grant, subsidy or donation received in connection with the construction or refurbishment thereof; and / or

- (ii) a volume based charge.
- (b) for water supply services through water services works or consumer installations designed to provide a controlled volume to a household must be based on –
 - (i) a fixed monthly charge calculated on –
 - the estimated volume used;
 - operations and maintenance costs;
 - capital costs not financed through any grant, subsidy or donation received in connection with the construction or refurbishment thereof; and / or
 - (ii) a volume based charge.
- (c) for the provision of water supply services through water services works or consumer installations designed to provide an uncontrolled volume to a household must be based on a flat rate calculated so as to recover, for the water services authority,
 - (i) all overhead, operational and maintenance costs;
 - (ii) cost of capital; and
 - (iii) depreciation.
- (d) for the supply of water through a water services work or a consumer installation for industrial use must –
 - (i) be based on the volume provided; and
 - (ii) recover, at least, the capital costs, operations costs, and maintenance costs associated with that supply.
- (e) for the supply of water through a water services work or a consumer installation to consumers other than households and industries must –
 - (i) be based on the volume provided; and
 - (ii) recover at least the capital costs, operations costs, and maintenance costs associated with that supply.
- (f) for the disposal of domestic waste water and sewage from households to a sewage treatment plant must be based on –
 - (i) the volume discharged, where volume is measured as a percentage of total water supplied;
 - (ii) an estimate of the cost that will be reasonably incurred in collecting, conveying, treating and disposing of the industrial effluent to comply with quality standards set for discharge to a water resource, including additional costs related to the treating of specific pollutants, and
 - (iii) any costs that may be payable for discharge to a water resource.
- (g) for the disposal of industrial effluent discharged to a sewage treatment plant must be based on –
 - (i) the volume discharged to a water services work;
 - (ii) an estimate of the cost that will be reasonably incurred in collecting, conveying, treating and disposing of the effluent to comply with quality standards set for discharge to a water resource, including additional costs related to the treating of specific pollutants, and

- (iii) any costs that may be payable for discharge to a water resource.
- (4) A water services authority may include a monthly fixed charge in the tariffs set for providing water services to consumers and other users over and above the tariffs referred to in subsections (3)(c) to (g) above.
- (5) A water services authority or authorised agent:
 - (a) must charge a fee for connecting a consumer or another water services institution to a water services work.
 - (b) may charge any consumer connected to or connecting to a water services work without the authorisation of the relevant water services authority a connection fee, irrespective of any other action the water services authority may take against such person.
 - (c) in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with –
 - (i) the tariff policy of the water services authority;
 - (ii) any by-laws in respect thereof; and
 - (iii) any regulations in terms of section 10 of the Act;provided that the water services authority shall determine its tariff policy in consultation with every applicable authorised agent.
- (6) Where a fixed charge is levied in terms of subsection (1), it shall be payable by every owner or consumer in respect of water services provided by the water services authority or an authorised agent to him, her or it, whether or not water services are used by him, her or it.
- (7) Every person or institution shall, as a condition of approval in terms of sections 7(1), 22(1) or 24 of the Act, apply the provisions of this section to the calculation of tariffs and charges for water services provided by such person or institution.

PART 3 - PAYMENT

8. Payment of deposit

- (1) Every urban consumer must on application for the provision of water services and before such water services will be provided by the water services authority or its authorised agent, deposit with the water services authority or its authorised agent a sum of money not less than the estimated tariff and/or charge for an average month's water services and not more than the estimated tariff and/or charge for an average four month's water services as determined by the water services authority or its authorised agent, except in the case of a pre-payment measuring device being used by the water services authority or its authorised agent.
- (2) The water services authority or its authorised agent may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.

- (3) The water services authority shall determine the actual deposit payable in terms of subsections (1) or (2), and it shall take the following factors into account in making such determination –
 - (a) the income of the consumer;
 - (b) the capacity of the consumer to pay and set aside such amount;
 - (c) the frequency of default in payment of water accounts by the consumer or members of the community of which the consumer is a member;
 - (d) the estimated amount of the monthly water consumption of the consumer;
 - (e) its tariff policy and the criteria stated in section 7.
- (4) The water services authority or its authorised agent may from time to time review the sum of money deposited by a consumer in terms of subsection (1) and, in accordance with such review –
 - (a) require that an additional amount be deposited by the consumer; or
 - (b) refund to the consumer such amount as may be held by the water services authority or its authorised agent in excess of the reviewed deposit.
- (5) Subject to subsection (6), an amount deposited with the water services authority or its authorised agent in terms of subsections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services rendered.
- (6) If, upon the termination of the agreement for the provision of water services, an amount remains due to the water services authority or its authorised agent in respect of water services rendered to the consumer, the water services authority or its authorised agent may use the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.
- (7) No interest shall be payable by the water services authority or its authorised agent on the amount of a deposit held by it in terms of this section.
- (8) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the water services authority or its authorised agent if it has not been claimed within thirty six months of the termination of the agreement, provided all attempts have been made to trace the depositor.

9. Payment for water services provided

- (1) Water services provided by the water services authority or its authorised agent to a consumer shall be paid for by the consumer at the prescribed tariff or charge set in accordance with Sections 6 and 7, for the particular category of water services provided.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- (3) The water services authority or its authorised agent may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.
- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the water services authority or its authorised agent in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the water services authority or its authorised agent may make an adjustment of the amount charged in accordance

- with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment.
- (5) If amendments to the prescribed tariffs or charges for water services provided become operative on a date between measurements for the purpose of rendering an account in respect of the tariffs or charges -
- (a) it shall be deemed that the same quantity of water services was provided in each period of twenty-four hours during the interval between the measurements; and
- (b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended charge.
- (6) A consumer must pay his or her or its account to the water services authority or its authorised agent. A consumer shall remain liable for the payment of an account not paid to the water services authority or its authorised agent.
- (7) A water services authority must inform a consumer as to who are authorised agents for payment of accounts.

PART 4 - ACCOUNTS

10. Accounts

- (1) Prompt monthly accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the water services authority or its authorised agent.
- (2) Failure by the water services authority or its authorised agent to render an account or not receiving an account does not relieve a consumer of the obligation to pay any amount due and payable. Provisional statements may be obtained from the Water Services Authority or its authorised agent.
- (3) An account rendered by the water services authority or its authorised agent for water services provided to a consumer shall be paid not later than the last date for payment specified in such account, which date will be at least twenty one days after the date of the account.
- (4) If payment of an account is received after the date referred to in Subsection (3), a late payment charge or interest as may be prescribed must be paid by the consumer to the water services authority or its authorised agent.
- (5) Accounts will -
- (a) show the following -
- (i) the consumption or estimated consumption or assumed consumption as determined for the measuring and or consumption period;
- (ii) the measuring or consumption period;
- (iii) the applicable tariff;
- (iv) the amount due in terms of the consumption;
- (v) the amount due and payable for any other service rendered by the water services authority or its authorised agent;
- (vi) the amount in arrears, if any;

- (vii) the interest payable on any arrears, if any;
 - (viii) the final date for payment;
 - (ix) the methods, places and authorised agents where payment may be made; and
- (b) state that –
- (i) the consumer may conclude an agreement with the water services authority or its authorised agent for payment of the arrears amount in installments, at the water services authority or its authorised agent's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;
 - (ii) if no such agreement is entered into, the water services authority or its authorised agent will limit the water services after sending a final demand notice to the consumer; and
 - (iii) that legal action may be instituted against any consumer for the recovery of any amount sixty days in arrears;
 - (iv) proof of registration, as an indigent consumer, in terms of the water services authority or its authorised agent's indigent policy must be handed in before the final date for payment; and
 - (v) an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services.
- (6) Notwithstanding the provisions of sections 25 and 26, where the premises to which water services are provided are situated in an area which does not have a formal physical or postal address, the water services authority or its authorised agent may direct the officer charged with reading the meters measuring the quantity of water services provided to such premises on or about the same date in each month, to advise the consumer or a person apparently over the age of 16 years and present at the premises, of the amount payable for the water services supplied to such premises during the immediate preceding month, and he or she shall direct such consumer to make such payment at the nearest office appointed by the water services authority for the receipt of payments for water services within five working days.
- (7) At the time that the consumer concerned calls at the office referred to in subsection (6) as directed, the water services authority or its authorised agent shall present such consumer with a written account which complies with the provisions of subsection (5) and which account shall be deemed to be the account rendered as provided for in subsection (1).

11. Queries or complaints in respect of account

- (1) A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him, her or it.
- (2) A query or complaint must be lodged with the water services authority or its authorised agent before the due date for payment of the account.
- (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment

- of at least an amount equal to the average amount that was due and payable during the preceding three months.
- (4) The water services authority or its authorised agent will register the query or complaint and shall acknowledge receipt of the query within five (5) working days of the receipt thereof and provide the consumer with a reference number.
 - (5) The water services authority or its authorised agent shall –
 - (a) investigate or cause the query or complaint to be investigated within fourteen working days after the query or complaint was registered; and
 - (b) must inform the consumer, in writing, of his or her findings as soon as possible thereafter.

12. Appeals against findings of water services authority or its authorised agent in respect of queries or complaints

- (1) A consumer may, in writing appeal to the water services authority against a finding of the water services authority or its authorised agent in section 11.
- (2) An appeal and request in terms of subsection (1) must be made in writing and lodged with the water services authority or its authorised agent within twenty-one days after the consumer became aware of the findings referred to in subsection (1) and must –
 - (a) set out the reasons for the appeal; and
 - (b) be accompanied by any deposit determined by the water services authority in terms of these by-laws for the testing of a measuring device, if applicable.
- (3) The water services authority shall appoint an officer conversant in the home language of a consumer who is illiterate or not able functionally to understand the appeals process to assist the consumer in preparing, lodging and prosecuting his or her appeal and such officer shall at all times act impartially in regard to such assistance and shall observe the confidentiality of any information imparted to him or her by the consumer unless authorised to disclose such information by the consumer.
- (4) The water services authority or its authorised agent may on appeal by a consumer request him, her or it to pay the full amount due and payable in terms of the account appealed against.
- (5) The consumer is liable for all other amounts, other than that appealed against, falling due and payable during the adjudication of the appeal.
- (6) An appeal must be decided by the water services authority or its authorised agent within twenty-one days after an appeal was lodged and the consumer must be informed of the outcome in writing, as soon as possible thereafter.
- (7) The decision of the water services authority or its authorised agent is final and the consumer must pay any amounts due and payable in terms of the decision within twenty-one days of him, her or it being informed of the outcome of the appeal.
- (8) The water services authority or its authorised agent may condone the late lodging of appeals or other procedural irregularities.
- (9) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy. The consumer

must be informed of the possible cost implications including the estimated amount of such test, as set out in subsection (10) (a) below, prior to such test being undertaken.

- (10) If the outcome of any test shows that a measuring device is –
- (a) within a prescribed range of accuracy, the consumer will be liable for the costs of such test and any other amounts outstanding. Such costs will be debited against the consumer's account;
 - (b) is outside a prescribed range of accuracy, the water services authority or its authorised agent will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he or she is entitled.
- (11) The prescribed charge referred to in subsection (2)(b), if applicable shall be –
- (a) retained by the water services authority or its authorised agent if the measuring device is found not to be defective; or
 - (c) refunded to the applicant if the measuring device is found in terms of those subsections to be defective.
- (12) A measuring device shall be deemed to be defective if, when tested in accordance with a standard industry test or if the measuring device is a meter, the regulations published under section 9 of the Act, it does not meet generally accepted specifications or the specifications as set out in the regulations.
- (13) In addition to subsection (10) the water services authority or its authorised agent must, if the measuring device is found defective –
- (a) repair the measuring device or install another device which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer due to a contravention of section 45(6); and
 - (b) determine the quantity of water services for which the consumer will be charged in lieu of the quantity measured by the defective measuring device by applying the provisions of section 51.
- (14) Any appeal under this section shall be heard by the water service authority committee specially appointed for such purpose, and the appellant may, in his discretion, appoint a person of his choice, who need not be a member of the said Council, to be a member of such sub-committee with full power to participate and vote at any meeting of such sub-committee.

13. Arrears

- (1) If a consumer fails to pay the amount/s due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be hand delivered or sent, per registered mail, to the most recent recorded address of the consumer, within fourteen working days.
- (2) In the case of a consumer contemplated in section 10(6), such final demand shall be delivered to the consumer concerned at the premises to which the water services are supplied by an officer appointed by the water services authority for that purpose, and delivery of the demand in the following manner shall be deemed to be proper delivery of the demand:
 - (a) by delivery of the final demand to the consumer personally;

- (b) in the absence of the consumer after two consecutive attempts to serve the demand on him or her personally, by delivery of the final demand to a person apparently over the age of 16 years present at the premises;
 - (c) in the absence of any person over the age of 16 years present at the premises after two consecutive attempts to serve the demand on such person, by affixing the demand to a prominent structure at the premises.
- (3) The water services authority shall appoint an officer conversant in the home language of a consumer who is illiterate or not able functionally to understand the purpose and consequences of a final demand to assist the consumer in responding to such demand, to defend such consumer if such consumer has a viable defence, and generally to ensure that the consumer is treated fairly and in accordance with the provisions of these by-laws and the Act, and such officer shall at all times act impartially in regard to such assistance and shall observe the confidentiality of any information imparted to him or her by the consumer unless authorised to disclose such information by the consumer.
- (4) Failure to deliver or send a final demand notice within fourteen working days does not relieve a consumer from paying such arrears.
- (5) The final demand notice must contain the following statements, in a language which the consumer is able to understand –
 - (a) the amount in arrears and any interest payable;
 - (b) that the consumer may conclude an agreement with the water services authority or its authorised agent for payment of the arrears amount in installments within fourteen days of the date of the final demand notice;
 - (c) that if no such agreement is entered into within the stated period that the water services will be limited and that legal action may be instituted against any consumer for the recovery of any amounts sixty days in arrears;
 - (d) proof of registration, as an indigent consumer, in terms of the water services authority or its authorised agent's indigent policy must be handed in before the final date of the final demand notice.
 - (e) that an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services.
- (6) Interest may be levied on all arrears at a rate prescribed by the water services authority or its authorised agent from time to time.
- (7) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order –
 - (a) towards payment of the current account;
 - (b) towards payment of arrears; and
 - (c) towards payment of interest.
- (8) The water services authority or its authorised agent will, within fourteen working days after the expiry of the fourteen day period allowed for payment in terms of the final demand notice –
 - (a) limit the provision of water services to the defaulting consumer; and

- (b) hand deliver or send, per registered mail, to the last recorded address of the consumer, a discontinuation notice informing him or her that the provision of water services will be disconnected within fourteen days of the date of the discontinuation notice;
if –
- (i) no payment was received within the allowed period;
 - (ii) no agreement was entered into for the payment of arrears in installments;
 - (iii) no proof of registration as indigent was handed in within the fourteen day period allowed; or
- no payment was received in accordance with an agreement for payment of arrears.
- (9) A discontinuation notice must contain –
- (a) the amount in arrears and any interest payable;
 - (b) a statement that the consumer may conclude an agreement with the water services authority or its authorised agent for payment of the arrears amount in installments, within fourteen days of the date of the discontinuation notice;
 - (c) that if no such agreement is entered into within the stated period, the water services authority or its authorised agent may discontinue the provision of water services with immediate effect, notwithstanding any legal action instituted or in the process of being instituted against the consumer for the recovery of the arrears amount; and
 - (d) proof of registration, as an indigent consumer, in terms of the water services authority or its authorised agent's indigent policy must be handed in within fourteen days of the date of the discontinuation notice.
- (10) The water services authority or its authorised agent may, within ten working days after the expiry of the fourteen day period allowed for payment in terms of the discontinuation notice, discontinue water services to the defaulting consumer, if –
- (a) no payment was received within the allowed period;
 - (b) no agreement was entered into for the payment of arrears in installments;
 - (c) no proof of registration as indigent was furnished within the fourteen day period allowed; or
 - (d) no payment was received in accordance with an agreement for payment of arrears.
- (11) Where an account rendered to a consumer remains outstanding for more than sixty days –
- (a) the defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter, provided that the agreement for the provision of water services provided therefore; and
 - (b) may be handed over to a debt collector or an attorney for collection.
- (12) A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.
- (13) No action taken in terms of this section due to non-payment, will be suspended or withdrawn, unless the arrears, any interest thereon, administration fees, additional

- charges, costs incurred in taking relevant action and any penalties, including the payment of a higher deposit, payable are paid in full.
- (14) The water services authority or its authorised agent will not be liable for any loss or damage suffered by a consumer due to his, her or its water services being disconnected.
- (15) An agreement for payment of the arrears amount in installments, entered into after the water services was discontinued, will not result in the water services being restored until the arrears, any interest thereon, administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, payable are paid in full.

14. Agreement for the payment of arrears in instalments

- (1) Only a consumer with positive proof of identity or a person authorised, in writing, by that consumer, or, if a consumer is illiterate, a person authorised by such consumer personally in the presence of an officer appointed by the water services authority for that purpose, will be allowed to enter into an agreement for the payment of arrears in instalments.
- (2) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order –
- (a) towards payment of arrears;
 - (b) towards payment of interest and
 - (c) towards payment of the current account.
- (3) A consumer may be required to complete a debit order for the payment of arrears.
- (4) No agreement for the payment of arrears will be longer than twenty-four months, unless the circumstances referred to in subsection (5) prevail.
- (5) The water services authority or its authorised agent may, on an individual basis, allow a longer period than twenty-four months for the payment of arrears if special circumstances prevail, that in the opinion of the water services authority or its authorised agent warrants such an extension and which the consumer reasonably could not prevent or avoid. Documentary proof of any special circumstances must be furnished by the consumer on request by the water services authority or its authorised agent.
- (6) The water services authority or its authorised agent may, in exercising his or her discretion under subsection (5) have regard to a consumer's–
- (a) credit record;
 - (b) consumption;
 - (c) level of service;
 - (d) previous breaches of agreements for the payment of arrears in instalments; and
 - (e) any other relevant factors.
- (7) A copy of the agreement will, on request and free of any charge, be made available to the consumer.
- (8) If a consumer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any

interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence.

- (9) If a consumer fails to comply with an agreement for the payment of arrears in instalments, entered into after receipt of a discontinuation notice, access to services may be discontinued without further notice or correspondence in addition to any other actions taken against or that may be taken against such a consumer.
- (10) No consumer will be allowed to enter into an agreement for the payment of arrears in instalments, where that consumer failed to honour a previous agreement for the payment of arrears in instalments, entered into after the receipt of a discontinuation notice.

PART 5 - TERMINATION, LIMITATION AND DISCONTINUATION OF WATER SERVICES

15. Termination of agreement for the provision of water services

- (1) A consumer may terminate an agreement for the provision of water services by giving the water services authority or an authorised agent not less than thirty working days' notice in writing of his or her intention to do so.
- (2) The water services authority or the authorised agent may, by notice in writing of not less than thirty working days, advise a consumer of the termination of his or her agreement for the provision of water services if -
 - (a) he or she has not used the water services during the preceding three months and has not made arrangements to the satisfaction of the water services authority or the authorised agent for the continuation of the agreement;
 - (b) he or she has failed to comply with the provisions of these by-laws and has failed to rectify such failure to comply on notice in terms of section (26) or to pay any tariffs or charges due and payable after the procedure set out in section 13 was applied;
 - (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.
- (3) The water services authority or the authorised agent may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

16. Limitation and or discontinuation of water services provided

- (1) The water services authority or an authorised agent may limit or discontinue water services provided in terms of these by-laws -
 - (a) on failure to pay the prescribed tariffs or charges on the date specified, after the provisions of section 13 was applied;

- (b) on failure to comply with any other provisions of these by-laws, after notice in terms of section 26 was given;
 - (c) at the written request of a consumer;
 - (d) if the agreement for the provision of services has been terminated in terms of section 15 and it has not received an application for subsequent services to the premises within a period of ninety days of such termination;
 - (e) the building on the premises to which services were provided has been demolished;
 - (f) if the consumer has interfered with a limited or discontinued service; or
 - (g) in an emergency.
- (2) The water services authority or an authorised agent will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of subsection (1).

17. Interruption of Supply at Consumer's Request

- (1) The water services authority or an authorised agent may, at the written request of a consumer –
- (a) turn off the supply of water to his premises; and
 - (b) re-instate the supply,
- on the dates requested by him.
- (2) The consumer shall prior to the reinstatement of his water supply pay the prescribed charge for the turning-off of his supply of water, and for its reinstatement.

18. Restoration of water services

When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice the water services will be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, within seven working days.

PART 6 - GENERAL PROVISIONS

19. Responsibility for compliance with these by-laws

- (1) The owner of premises is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to any installation.
- (2) The consumer is responsible for compliance with these by-laws in respect of matters relating to the use of any installation.

20. Exemption

See Section 34.

21. Unauthorised use of water services

- (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the water services authority or an authorised agent for the rendering of those services. In rural areas the authority must be aware of the scheme.
- (2) The water services authority or the authorised agent may, irrespective of any other action it may take against such person in terms of these by-laws, by written notice, order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the water services authority or the authorised agent for the rendering of those services,
 - (a) to apply for such services in terms of sections 4 or 5 and
 - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these by-laws.
- (3) The provisions of section 26 shall apply to a notice in terms of subsection (2) above.

22. Purpose of water services

Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the water services authority or an authorised agent.

23. Interference with water supply system or any sanitation services

- (1) No person other than the water services authority or an authorised agent, including any person approved in terms of Chapter VI of these by-laws, shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these by-laws.
- (2) No person other than the water services authority or such authorised agent shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

24. Obstruction of access to water supply system or any sanitation services

- (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes subsection (1), the water services authority or an authorised agent may -
 - (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

25. Notice and Documents

- (1) A notice or document issued by the water services authority or an authorised agent in terms of these by-laws must be deemed to be duly authorised if it is signed by or on behalf of the water services authority or an authorised agent.
- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of these by-laws such service shall be effected by -
 - (a) delivering it to him or her personally or to his or her duly authorised agent;
 - (b) delivering it at his or her residence, village or place of business or employment to a person apparently over the age of sixteen years of age and apparently residing or employed there;
 - (c) if he or she has nominated an address for legal purposes, delivering it to such an address;
 - (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;
 - (e) sending by pre-paid registered or certified post addressed to his or her last known address;
 - (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
 - (g) if service cannot be effected in terms of subsections (a) to (f), by affixing it to a principal door of entry to the premises concerned.
- (3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

26. Power to serve, and compliance with notices

- (1) The water services authority or an authorised agent may, by written notice, order a owner, consumer or any other person who fails, by act or omission, to comply with the provisions of these by-laws or of any condition imposed thereunder to remedy such breach within a period specified in the notice, which period shall not be less than thirty days.

- (2) If a person fails to comply with a written notice served on him or her by the water services authority or an authorised agent in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including –
- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - (b) limiting or discontinuing the provision of services; and
 - (c) instituting legal proceedings.
- (3) A notice in terms of subsection (1) will –
- (f) give details of the provision of the by-laws not complied with;
 - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the water services authority or an authorised agent within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
 - (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
 - (e) indicate that the water services authority or an authorised agent –
 - (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency, the water services authority or an authorised agent may, without prior notice, undertake the work required by subsection 3(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the water services authority or an authorised agent in terms of subsections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation any part of a street or ground affected by the work and the environmental cost.

27. Power of entry and inspection

- (1) Any duly authorised official of the water services authority or any authorised agent may enter and inspect any premises –
- (a) for the purposes set out in and in accordance with the provisions of section 80 of the Act; and
 - (b) for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given written reasonable notice of the intention to do so.

28. False Statements or Information

No person shall make a false statement or furnish false information to the water services authority or an authorised agent or falsify a document issued in terms of these by-laws.

29. Availability of By-laws

- (1) A copy of these By-laws shall be included in the municipalities Municipal Code as required in terms of legislation.
- (2) A copy of these By-laws shall be available for inspection at the municipal offices or at the offices of the municipality's authorised agent at all reasonable times.
- (3) A copy of the by-laws may be obtained against payment of a prescribed fee from the water services authority or an authorised agent.

30. Trespassing on Water Supply System

- (1) No person shall, without the prior written permission from the water services authority, enter upon an area enclosed by a fence or where entry is prohibited by notice boards; or a structure used by the Water services authority in connection with its water supply system.

31. Damage to Water Supply System

- (1) No person shall damage or endanger the water supply system, or cause or permit it to be damaged or endangered.
- (2) Any person who intends performing work which may cause damage to the water supply system on land owned by or vested in the water services authority or over which it has a servitude or other right, shall prior to commencement of such work, ascertain from the water services authority if any part of the water supply system is situated on the land.
- (3) If work, which in the opinion of the water services authority or an authorised agent, could damage or endanger the water supply system is to be performed or is being performed on land referred to in subsection (2) or on land adjacent thereto, the WSA may by notice in writing require the person concerned not to commence, or to cease performing, the work until such time as he or she has complied with the conditions specified in the notice.

32. Pollution of Water Services Authority's Water Supply

- (1) Unless such act is specifically authorised in writing by the water services authority, no person shall commit an act which may cause pollution of any nature to any water sources in a reservoir or other place owned, controlled by or vested

- in the water services authority either in whole or in part, and used by it in connection with the supply of water.
- (2) No person shall, except at such places as are designated by notice boards or In such receptacles as are provided by the water services authority deposit or discharge rubbish, night-soil, industrial waste or other matter which may cause pollution of any nature on a portion of a catchment area relating to the water services authority's water supply which has been designated by notice boards as being an area where such acts are prohibited.
- (3) If a person contravenes subsection (1) or (2) the water services authority may -
- (a) by notice in writing require the person immediately to cease such act and take specified action within the specified period; or
 - (b) if the WSA is of the opinion that the situation is a matter of urgency, without prior notice take such action as the WSA may deem necessary and recover the cost from the person.

33. Liabilities and Compensation

The water services authority shall not be liable for damages or compensation arising from anything done in good faith by it, or any person acting on its behalf and being duly authorised thereto, in terms of these by-laws.

34. Relaxation of Waiver

- (1) Subject to the provisions set out in sub-section (f) below, the water service provider as authorised agent may, in writing, exempt an owner, client, any other person or category of owner, client or other persons from complying with a provision would be unreasonable, provided that the water service provider as authorised agent shall not grant exemption from any section of these by-laws that may result in -
- (a) The wastage or excessive consumption of water;
 - (b) The evasion or avoidance of water restrictions;
 - (c) Significant negative effects on public health, safety or the environment;
 - (d) The non-payment for services;
 - (e) The installation of pipes and fittings which are not approved by or on behalf of the water services provider as authorised agent in terms of these by-laws; and
 - (f) The Act, or any regulations made in terms thereof, is not complied with
 - (i) that the WSA may only grant exemption as set out in sub-section (3) hereon
 - (ii) that, upon receipt of the application, the WSP as duly authorised agent shall:
 - (a) immediately forward such application to the WSA together with the recommendations of the WSP; and
 - (b) may grant temporary exemption pending receipt of the Water Services Resolution

- (iii) that such temporary exemption shall terminate after ninety (90) days if:
 - (a) the WSA has not agreed to the exemption; or
 - (b) the WSA has not granted extension of the temporary extension while it continues to consider the application
 - (iv) that if the WSA has not approved the exemption after a further ninety (90) days, it will lapse regardless
- (2) The WSP as authorised agent may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of sub-section (1)
- (3) No owner, client any other person or category of owner, clients or other persons shall be exempted unless with the authority and consent of the WSA, by resolution of the Municipal Council of the WSA after receipt of a resolution requesting such exemption and the reasons therefore from the WSP
- (4) The WSP shall report monthly to the WSA during such exemption period and motivate and report as to why the exemption should remain in place. A monthly list of active exemptions shall be submitted to the WSA
- (5) The WSA and WSP shall review all exemptions quarterly and a report submitted on this review
- (6) The WSA must submit the application to the Council meeting immediately following receipt of the submission and should the said WSA fail to do so and/or the Council fail to address the issue and take a resolution then and in that event, the Applicant for exemption may appeal to the MEC for Government to intervene in the matter

35. Offences

- (1) A person who -
 - (a) fails or refuses to give access required by a duly authorised official of the water services authority or an authorised agent in terms of section 24;
 - (b) obstructs or hinders any duly authorised official of the water services authority or an authorised agent in the exercise of his or her powers or performance of his or her functions or duties under these by-laws;
 - (c) contravenes or fails to comply with a provision of these by-laws;
 - (d) contravenes or fails to comply with a condition or prohibition imposed in terms of these by-laws;
 - (e) contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of these by-laws; or
 - (f) fails to comply with the terms of a notice served upon him or her in terms of these by-laws.shall be guilty of an offence.

- (2) An officer who is negligent in the execution of his or her duties provided for in sections 12(3) and 13(3), or who discloses any information given to him by a consumer that he or she is assisting as contemplated in those sections without the consent of such consumer shall be guilty of an offence.

CHAPTER 3

Water Supply Services

PART 1 - CONNECTION TO WATER SUPPLY SYSTEM

36. Provision of connection pipe

- (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the water services authority or an authorised agent may agree to the extension subject to such conditions as it may impose.
- (3) Pipe connection without the approval of the WSA is illegal and punishable.

37. Location of connection pipe

- (1) A connection pipe provided and installed by the water services authority or its authorised agent shall -
- (a) be located in a position agreed to between the owner and the water services authority or its authorised agent and be of a suitable size as determined by the water services authority or its authorised agent;
 - (b) terminate at -
 - (i) the boundary of the land owned by or vested in the water services authority or its authorised agent, or over which it has a servitude or other right; or
 - (ii) at the outlet of the water meter if it is situated on the premises; or
 - (iii) at the isolating valve if it is situated on the premises.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the water services authority or its authorised agent shall ensure that the owner is aware of -
- (a) practical restrictions that may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;

- (c) whether or not the water services authority or its authorised agent requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the water services authority or its authorised agent to connect to such installation.
- (3) A water services authority or its authorised agent may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the water services authority or its authorised agent and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.

38. Provision of single water connection for supply to several consumers on same premises

- (1) Notwithstanding the provisions of section 37 only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the water services authority or its authorised agent may, in its discretion, provide and install either -
 - (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the water services authority or its authorised agent has installed a single measuring device as contemplated in subsection (2)(a), the owner or the person having the charge or management of the premises, as the case may be, -
 - (a) must, if the water services authority or its authorised agent so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units -
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) will be liable to the water services authority or its authorised agent for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding subsection (1), the water services authority or its authorised agent may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title

units or if, in the opinion of the water services authority or its authorised agent, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.

- (4) Where the provision of more than one connection pipe is authorised by the water services authority or its authorised agent under subsection (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

39. Interconnection between premises or water installations

An owner of premises shall ensure that no interconnection exists between –

- (a) the water installation on his or her premises and the water installation on other premises; or
- (b) where several accommodation units are situated on the same premises, the water installations of the accommodation units;

unless he or she has obtained the prior written consent of the water services authority or its authorised agent and complies with any conditions that it may have imposed.

40. Disconnection of water installation from connection pipe

The water services authority or its authorised agent may disconnect a water installation from the connection pipe and remove the connection pipe if –

- (a) the agreement for supply has been terminated in terms of section 15 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

PART 2 - COMMUNAL WATER SERVICES WORKS

41. Provision of a water services work for water supply to several consumers

A water services authority or its authorised agent may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate, provided that the consumers to whom water services will be provided through that water services work have been consulted in respect of the level of service, tariff that will be payable and location of the work.

PART 3 - TEMPORARY SUPPLY

42. Water supplied from a hydrant

- (1) The water services authority or its authorised agent may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.
- (2) A person who desires a temporary supply of water referred to in subsection (1) must apply for such water services in terms of section 4.
- (3) The supply of water in terms of subsection (1) must be measured.
- (4) The water services authority or its authorised agent may for purposes of measuring provide a portable water meter to be returned to the water services authority or its authorised agent on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the water services authority or its authorised agent and will be provided subject to any conditions imposed by the water services authority or its authorised agent.

PART 4 - STANDARDS AND GENERAL CONDITIONS OF SUPPLY

43. Quantity, quality and pressure

Water supply services provided by the water services authority or its authorised agent will comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

44. General conditions of supply

- (1) The water services authority or its authorised agent may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will be responsible therefor.
- (2) The water services authority or its authorised agent may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (4) If in the opinion of the water services authority or its authorised agent the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

PART 5 - MEASUREMENT OF WATER SUPPLY SERVICES**45. Measuring of quantity of water supplied**

- (1) The water services authority or its authorised agent will measure the quantity of water supplied at regular intervals.
Any measuring device through which water is supplied to a consumer by the water services authority or its authorised agent and its associated apparatus shall be provided and installed by the water services authority or its authorised agent, shall remain its property, and may be changed and maintained by the water services authority or its authorised agent when deemed necessary by it.
- (3) The water services authority or its authorised agent may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) If the water services authority or its authorised agent installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
- (5) If the water services authority or its authorised agent installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner shall -
 - (a) provide a place satisfactory to the water services authority or its authorised agent in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation; and
 - (h) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the water services authority or its authorised agent on the measuring device.
- (6) No person other than an authorised agent shall -
 - (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the water services authority or its authorised agent has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the water services authority or its authorised agent considers that, in the event of the measuring device being a meter that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (8) The water services authority or its authorised agent may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to

each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

46. Quantity of water supplied to consumer

- (1) For purposes of assessing the quantity of water measured by a measuring device installed by the water services authority or its authorised agent on the premises of a consumer or, where applicable, estimated or determined by the water services authority or its authorised agent in terms of any provision of these by-laws, it will, for the purposes of these by-laws, be deemed, unless the contrary can be proved, that –
- (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) the measuring device was accurate during such period; and
 - (c) the entries in the records of the water services authority or its authorised agent were correctly made;
- provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the water services authority or its authorised agent of the quantity of such water shall be deemed to be correct.

47. Estimate of Quantity

- (1) Where water supplied by the water services authority or its authorised agent to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the water services authority or its authorised agent, the water services authority or its authorised agent may for the purpose of rendering an account estimate, in accordance with subsection (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.
- (2) For the purposes of subsection (1) an estimate of the quantity of water supplied to a consumer shall be based on the following provisions, as the water services authority or its authorised agent may decide –
- (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in subsection (1) was discovered; or
 - (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in subsection (2)(a).
- (3) Nothing in these regulations shall be construed as imposing on the water services authority or its authorised agent an obligation to cause any measuring device installed by the water services authority or its authorised agent on any premises to be measured at the end of every month or any other fixed period, and the water services authority or its authorised agent may estimate the quantity of water

supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.

- (4) The Water services authority or its authorised agent must, on receipt from the consumer of written notice of not less than seven days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
- (5) If a contravention of subsection 45(6) occurs, the consumer shall pay to the water services authority or its authorised agent the cost of such quantity of water as in the water services authority or its authorised agent's opinion was supplied to him or her.
- (6) Until such time as a measuring device have been installed in respect of water supplied to a consumer the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
- (7) Where in the opinion of the water services authority or its authorised agent it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the water services authority or its authorised agent may, determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.
- (8) A tariff or charge determined in terms of subsection (7) will be based on the estimated average consumption of water supplied to that zone.
- (9) Where water supply services are provided through a communal water services work the amount due and payable by consumers gaining access to water supply services through that communal water services work, must be based on the estimated average consumption of water supplied to that water services work.

48. Defective measurement

- (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the water services authority or its authorised agent is defective he or she may, against payment of the prescribed charge, make application in writing for the measuring device to be tested.
- (2) The provisions of Sections 12(9) to 12(13) will apply to such an application.

49. Special measurement

- (1) If the Water services authority or its authorised agent wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in Subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the water services authority or its authorised agent.

- (3) The provisions of sections 45(5) and 45(6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection (1).

50. No reduction of amount payable for water wasted

A consumer shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

51. Adjustment of quantity of water supplied through defective measuring device

- (1) If a measuring device is found to be defective in terms of section 12(13), the water services authority or its authorised agent may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over
- (a) a period between two successive measurements subsequent to the replacement of the measuring device; or
 - (b) a period in the previous year corresponding to the period in which the measuring device was defective; or
 - (c) the period between three successive measurements prior to the measuring device becoming defective; whichever it considers the most appropriate.
- (2) If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1), the Water services authority or its authorised agent may estimate the quantity on any basis that is available to it.

PART 6 - INSTALLATION WORK

52. Approval of installation work

- (1) If an owner wishes to have installation work done, he or she must first obtain the water services authority or its authorised agent's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by -
- (a) the prescribed charge, if applicable; and
 - (b) copies of the drawings as prescribed by the water services authority or its authorised agent, giving information in the form required by Clause 4.1.1 of SABS Code 0252 : Part I;

- (c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252 : Part I or has been designed on a rational basis.
- (3) The provisions of subsections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (4) Authority given in terms of subsection (1) shall lapse at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
- (5) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of subsection (1).
- (6) If installation work has been done in contravention of subsection (1) or (2), the water services authority or its authorised agent may by written notice require the owner of the premises concerned to –
 - (a) comply with that regulation within a specified period;
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all such work which does not comply with these by-laws.

53. Provision and maintenance of water installations

- (1) An owner must provide and maintain his or her water installation at his or her own cost and, unless permitted in terms of section (54), must ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his premises, an owner shall obtain the written consent of the water services authority or its authorised agent or the owner of the land on which such portion is situated, as the case may be.

The maintenance and installation function on a water supply scheme that makes use of community standpipes shall be the sole responsibility of a legally instituted Water Service Provider appointed by the Water Services Authority.

54. Use of pipes and water fittings to be authorised

- (1) No person shall, without the prior written authority of the water services authority or its authorised agent, install or use a pipe or water fitting in a water installation within the water services authority or its authorised agent's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the water services authority or its authorised agent.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the water services authority or its authorised agent and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be included in the Schedule referred to in subsection (1) if-
 - (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or

- (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.
- (4) The water services authority or its authorised agent may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.
- (5) A pipe or water fitting shall be removed from the Schedule if it -
 - (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current schedule shall be available for inspection at the office of the water services authority or its authorised agent at any time during working hours.
- (7) The water services authority or its authorised agent may sell copies of the current schedule at the prescribed charge.

55. Labelling of terminal water fittings and appliances

All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:

- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate;
- (b) the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures -
 - (i) 20 kPa
 - (ii) 100 kPa
 - (iii) 400 kPa

PART 7 - WATER POLLUTION, RESTRICTION AND WASTEFUL USE OF WATER

56. Owner to prevent pollution of water

An owner shall provide and maintain measures, approved by the water services authority, to prevent the entry of a substance, which may be a danger to health or adversely affect the potability of water or affect its fitness for use, into -

- (a) the water supply system; and
- (b) any part of the water installation on his or her premises.

57. Water restrictions

- (1) The Water services authority or its authorised agent may by public notice prevent the wasteful use of water in terms of section (58) or in the event of a water shortage, drought, flood -
 - (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for -
 - (i) specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
 - (b) determine and impose -
 - (i) limits on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subsection (1)(b)(i); and
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
 - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The water services authority or its authorised agent may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds
- (3) The water services authority or its authorised agent may -
 - (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
 - (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), subject to notice in terms of section 26; and
 - (c) where the supply has been discontinued, it shall only be restored when the prescribed charge for discontinuation and reconnecting the supply has been paid.
- (4) The provisions of this section shall also apply in respect of water supplied directly by the water services authority or its authorised agent to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).

58. Waste of water unlawful

- (1) No consumer shall permit -
 - (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings;
 - (d) an overflow of water to persist; or
 - (e) an inefficient use of water to persist.
- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), the water services authority or its authorised agent shall, by written notice in terms of section 26, require the owner to comply with the provisions of subsection (1).
- (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The water services authority or its authorised agent may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the water services authority or its authorised agent.

PART 8 - WATER AUDIT**59. Water Audit**

- (1) Water users using more than 3 650 Kl per annum, excluding those comprising multiple dwelling units, must within one month after the end of each financial year of the water services authority or its authorised agent undertake an annual water audit at their own cost.
- (2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and Forestry and the water services authority or its authorised agent.
- (3) The audit must contain details in respect of -
 - (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (c) the number of people living on the stand or premises;
 - (d) the number of people permanently working on the stand or premises;
 - (e) the seasonal variation in demand through monthly consumption figures;
 - (f) the water pollution monitoring methods;
 - (g) the plans to manage their demand for water;
 - (h) estimates of consumption by various components of use; and comparison of the above factors with those reported in each of the previous three years, where available.

60. Financial Controls

- (1) The Water Services Authority or its authorised agent shall keep the books of accounts as it may be necessary to maintain a detailed record of all its assets, liabilities and financial transactions, showing inter alia, capital transactions and revenue transactions separately, as well as such books and records as may be required in terms of the audit requirements.

PART 9 - GENERAL PROVISIONS**61. Notification of private boreholes**

- (1) No boreholes will be drilled without the approval of the WSA upon application. The Water services authority or its authorised agent may, by public notice, require-
 - (a) the owner of any premises within the area of jurisdiction of the Water services authority or its authorised agent upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- (2) The Water services authority or its authorised agent may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Water services authority or its authorised agent, before sinking the borehole.
- (3) Boreholes are subject to any requirements of the National Water Act, Act No 136 of 1998.
- (4) The water services authority or its authorised agent may by notice to a owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to –
 - (a) obtain approval from it for the use of the borehole for water services in accordance with sections 6, 7 or 22 of the Act;
 - (b) impose conditions in respect of the use of the borehole for water services; and
 - (c) may impose a fixed charge in respect of the use of such borehole.

62. Sampling of water

- (1) The water services authority or its authorised agent may take samples of water obtained from a source, authorised in terms of sections 6 or 7 of the Act, other

than the water supply system for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of section 9 of the Act

- (2) The prescribed charge for the taking and testing of the samples referred to in subsection (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of section 6(1) or 7(1) of the Act.

63. Supply of non-potable water by water services authority or its authorised agent

- (1) The water services authority or its authorised agent may, on application in terms of section (4), agree to supply non-potable water to a consumer, subject to such terms and conditions as the Water services authority or its authorised agent may impose.
- (2) Any supply of water agreed to in terms of subsection (1) shall not be used for domestic or any other purposes, which, in the opinion of the water services authority or its authorised agent, may give rise to a health risk.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the water services authority or its authorised agent or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the water services authority or its authorised agent or the malfunction of a treatment plant.

64. Testing of pressure in water supply systems

The water services authority or its authorised agent may, on application by an owner and on payment of the prescribed charge, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.

65. Pipes in streets or public places

No person shall for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of any water services authority or its authorised agent, except with the prior written permission of that water services authority or its authorised agent and subject to such conditions as it may impose.

CHAPTER 4

Sanitation Services

PART 1 - STANDARDS AND GENERAL PROVISIONS

66. Standards for sanitation services

Sanitation services provided by the water services authority or its authorised agent will comply with the minimum standards set for the provision of sanitation services in terms of the section 9 of the Act.

67. Objectionable discharge to sewage disposal system

- (1) No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance -
 - (a) which does not comply with the standards and criteria prescribed in sections 81, 82, 84 below;
 - (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent for discharge at any sewage treatment plant or sea outfall discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
 - (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
 - (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
 - (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, Act No. 36 of 1998;
 - (f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the water services authority or its authorised agent for the sewage disposal system, other than in compliance with the permissions issued in terms of these by-laws; and
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person shall cause or permit any stormwater to enter the sewage disposal system.
- (3) The water services authority may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with these by-laws and to report such findings to an authorised agent.

- (4) If any person contravenes any provision of subsection (1) or subsection (2) he or she shall within twelve hours, or earlier if possible, advise the water services authority or its authorised agent of the details of the contravention and the reasons for it.

PART 2 - ON-SITE SANITATION SERVICES AND ASSOCIATED SERVICES

68. Application for infrastructure

- (1) If an agreement for on site sanitation and associated services in accordance with section 4 exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on a form approved by the water services authority and –
 - (a) pay the prescribed charge for the installation of necessary infrastructure; or
 - (b) with the approval by the water services authority or its authorised agent, install the connecting sewer or on site sanitation services in accordance with the specifications of the water services authority or its authorised agent.
- (2) A water services authority or its authorised agent may specify the type of on site sanitation services to be installed, where a Ventilated Improved Pit Latrine is not appropriate in specific circumstances.
- (3) Under no circumstances will the consumer or institution erect an on-site facility without submitting a geohydrological study to the Water Services Authority.

69. Services associated with on-site sanitation services

- (1) The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the water services authority or its authorised agent in accordance with a removal and collection schedule determined by the water services authority or its authorised agent.
- (2) Copies of the collection and removal schedule will be available on request.

70. Charges in respect of services associated with on-site sanitation services

- (1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will be based on the volume removed by vacuum tank or otherwise.
- (2) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be quantified the water services authority or its authorised agent may charge a fixed charge as prescribed.

PART 3 - SEWAGE DISPOSAL**71. Provision of a connecting sewer**

- (1) If an agreement for the use of the sewage disposal system in accordance with section 2 exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on a form approved by the water services authority and
 - (a) pay the prescribed charge for the installation of such a connecting sewer; or
 - (b) with the approval by the water services authority or its authorised agent, install the connecting sewer in accordance with any specifications of the water services authority or its authorised agent.
- (2) If an application is made for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the water services authority or its authorised agent may agree to the extension subject to such conditions as it may impose.

72. Location of connecting sewer

- (1) A connecting sewer provided and installed by the water services authority or its authorised agent or owner in terms of section (70) shall -
 - (a) be located in a position agreed to between the owner and the water services authority or its authorised agent and be of a size determined by an authorised officer;
 - (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Water services authority or its authorised agent or over which it has a servitude or other right or when subsection (3) applies at the connecting point designated in terms of that subsection;
- (2) In reaching agreement with an owner concerning the location of a connecting sewer, the water services authority or its authorised agent shall ensure that the owner is aware of -
 - (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
 - (b) the cost implications of the various possible locations of the connecting sewer;
 - (c) whether or not the water services authority or its authorised agent requires the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the water services authority or its authorised agent to connect to such installation.

- (3) A water services authority or its authorised agent may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by an authorised officer and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.
- (5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations the rate and time of discharge into the sewer shall be subject to the approval of the water services authority or its authorised agent.

73. Provision of one connecting sewer for several consumers on same premises

- (1) Notwithstanding the provisions of section 70 only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the water services authority or its authorised agent may, in its discretion, provide and install either –
 - a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the water services authority or its authorised agent has installed a single measuring device as contemplated in subsection (2)(a), the owner or the person having the charge or management of the premises, as the case may be, –
 - (a) must if the water services authority or its authorised agent so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units –
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) will be liable to the water services authority or its authorised agent for the tariffs and charges for all sewage disposed from the premises through such a single measuring device, irrespective of the different quantities disposed by the different consumers served by such measuring device.
- (4) Notwithstanding subsection (1), the water services authority or its authorised agent may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the water services authority or its authorised agent, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.

- (5) Where the provision of more than one connecting sewer is authorised by the water services authority or its authorised agent under subsection (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

74. Interconnection between premises

An owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on other premises, unless he or she has obtained the prior written consent of the water services authority or its authorised agent and complies with any conditions that it may have imposed.

75. Disconnection of draining installation from connecting sewer

The water services authority or its authorised agent may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if -

- (a) the agreement for provision has been terminated in terms of section (14) and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

PART 4 - SEWAGE DELIVERED BY ROAD HAULAGE

76. Acceptance of sewage delivered by road haulage

- (1) A water services authority or its authorised agent may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the municipalities sewage treatment plants by road haulage.

77. Written permission for delivery of sewage by road haulage

- (1) No person shall discharge sewage into the municipalities sewage treatment plants by road haulage except with the written permission of the water services authority or its authorised agent and subject to such period and any conditions that may be imposed in terms of the written permission.
- (2) The charges for any sewage delivered for disposal to the municipalities sewage treatment plants shall be assessed by the water services authority or its authorised agent in accordance with the prescribed tariffs/ charges.

78. Conditions for delivery of sewage by road haulage

- (1) When sewage is delivered by road haulage-

- (a) the time of delivery shall be arranged with the water services authority or its authorised agent; and
- (b) the nature and composition of the sewage shall be established to the satisfaction of the water services authority or its authorised agent prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of these by-laws.
- (c)

79. Withdrawal of permission for delivery of sewage by road haulage

- (1) The water services authority or its authorised agent may withdraw any permission, after giving at least fourteen days written notice of its intention to a person permitted to discharge sewage by road haul if the person –
 - (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A" or "B", as applicable, or in the written permission; or
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed on him in terms of any permission granted to him or her; and
 - (c) fails to pay the assessed charges in respect of any sewage delivered.

PART 5 - DISPOSAL OF INDUSTRIAL EFFLUENT AND TRADE PREMISES

80. Application for disposal of industrial effluent

- (1) A person must apply for permission to discharge industrial effluent into the sewage disposal system of the water services authority or its authorised agent in terms of section 4.
- (2) The water services authority or its authorised agent may, if in its opinion, the capacity of a sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent it will, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.
- (3) The provisions of Chapter 2 will *mutatis mutandis* apply to any permission to discharge industrial effluent.
- (4) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of section (4) of the National Building Regulations and Building Standards Act also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (2).

81. Unauthorised discharge of industrial effluent

- (1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in terms of the written permission of the water services authority or its authorised agent and in accordance with the provisions of this part.
- (2) A person to whom such permission is granted shall pay to the water services authority or its authorised agent any prescribed charges.

82. Quality standards for disposal of industrial effluent

- (1) A person to whom permission has been granted in terms of section 79 must ensure that no industrial effluent is discharged into the sewage disposal system of the water services authority or its authorised agent unless it complies with the standards and criteria set out in Schedules A and B hereto.
- (2) The water services authority or its authorised agent may by writing in the permission concerned, relax or vary the standards in Schedules A or B, provided that the water services authority or its authorised agent is satisfied that any such relaxation represents the best practicable environmental option.
- (3) In determining whether relaxing or varying the standards in Schedules A or B represents the best practicable environmental option a water services authority or its authorised agent will consider -
 - (a) whether the applicant's undertaking is operated and maintained at optimal levels;
 - (b) whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - (c) whether the applicant is implementing a program of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the water services authority or its authorised agent;
 - (d) the cost to the water services authority or its authorised agent of granting the relaxation or variation; and
 - (e) the environmental impact or potential impact of such a relaxation or variation.
- (4) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A and B or any other standard laid down in a written permission.

83. Conditions for disposal of industrial effluent

- (1) The water services authority or its authorised agent may in the written permission or at any time, by written notice, require a person to -
 - (a) subject the industrial effluent to such preliminary treatment as in the opinion of the water services authority or its authorised agent will ensure that the

- industrial effluent conforms to the standards prescribed in Schedules A and B before being discharged into the sewage disposal system;
- (b) install such equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the water services authority or its authorised agent will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;
 - (c) install for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such person from disposing of his or her industrial effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;
 - (d) construct on any pipe conveying his or her industrial effluent to any sewer, a manhole or stop-valve in such position and of such dimensions and materials as the water services authority or its authorised agent may prescribe;
 - (e) provide all such information as may be required by the water services authority or its authorised agent to enable it to assess the tariffs or charges due to the water services authority or its authorised agent;
 - (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these by-laws;
 - (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of that person at such intervals as required by the water services authority or its authorised agent and copies of the calibration to be forwarded to it; and
 - (h) cause his or her industrial effluent to be analyzed as often and in such manner as may be prescribed by the water services authority or its authorised agent and provide it with the results of these tests when completed.
- (2) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in terms of subsection (1) shall be borne by the permit holder concerned.
 - (3) The written permission of the water services authority or its authorised agent must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.
 - (4) In the event that industrial effluent that does not comply with the standards in Schedules A or B or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the water services authority or its authorised agent must be informed of the incident and the reasons therefore within twelve hours of such discharge.

84. Withdrawal of written permission for disposal of industrial effluent

- (1) The water services authority or its authorised agent may withdraw any permission, after giving at least fourteen days written notice of its intention to a person

permitted to discharge industrial effluent into the sewage disposal system if the person –

- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedules A and B of these by-laws or the written permission;
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed in terms of any permission granted to him or her; or
 - (c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- (2) The water services authority or its authorised agent may on withdrawal of any written permission –
- (a) in addition to any steps prescribed in these by-laws, and on fourteen days' written notice authorise the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the Water services authority or its authorised agent's tariff of charges; and
 - (b) refuse to accept any industrial effluent until it is satisfied that adequate steps are or have been to ensure that the industrial effluent to be discharged conforms with the standards prescribed in these by-laws.

PART 6 - MEASUREMENT OF QUANTITY OF EFFLUENT DISCHARGED TO SEWAGE DISPOSAL SYSTEM

85. Measurement of quantity of standard domestic effluent discharged

- (1) The quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the water services authority or its authorised agent; provided that where the water services authority or its authorised agent is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the water services authority or its authorised agent may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (2) Where a premises is supplied with water from a source other than or in addition to the water services authority or its authorised agent's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the water services authority or its authorised agent.

86. Measurement of quantity of industrial effluent discharged

- (1) The quantity of industrial effluent discharged into the sewage disposal system or to sea outfalls shall be determined -
 - (a) where a measuring device is installed by the quantity of industrial effluent discharged from a premises as measured through that measuring device;
 - (b) until such time as a measuring device is installed by a percentage of the water supplied by the water services authority or its authorised agent to that premises.
- (2) Where a premises is supplied with water from a source other than or in addition to the water services authority or its authorised agent's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the water services authority or its authorised agent.
- (3) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the water services authority or its authorised agent may on application reduce the assessed quantity of industrial effluent.

87. Reduction in the quantity determined in terms of Sections 85 and 86 (1)(a)

- (1) A person shall be entitled to a reduction in the quantity determined in terms of Sections 85 and 86 (1)(a) in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted or a leakage was undetected if the consumer demonstrates to the satisfaction of the water services authority or its authorised agent that the said water was not discharged into the sewage disposal system.
- (2) The reduction in the quantity shall be based on the quantity of water loss through leakage or wastage during the leak period.
- (3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.
- (4) The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding three months, for the same length of time. In the event of no previous consumption history being available the average water consumption will be determined by the water services authority or its authorised agent, after due consideration of all relevant information.
- (5) There shall be no reduction in the quantity if the loss of water directly or indirectly resulted from the consumer's failure to comply with or contravention of these by-laws.

PART 7 - DRAINAGE INSTALLATIONS**88. Construction or installation of drainage installations**

- (1) Any drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.
- (2)(a) Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type having—
 - (i) a pit of 2 m³ capacity;
 - (ii) lining as required;
 - (iii) a slab designed to support the superimposed loading; and
 - (iv) protection preventing children from falling into the pit;
- (b) The ventilated improved pit latrine must conform with the following specifications—
 - (i) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place.
 - (ii) The ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, must be installed vertically with no bend;
 - (iii) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
 - (iv) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
 - (v) must be sited in a position that is independent of the residential structure;
 - (vi) must be sited in positions that are accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
 - (vii) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress;
 - (viii) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil;
- (c) any ventilated pit latrine should not usually be used by more than one household;
- (d) access to water for handwashing;
- (e) the water services authority or its authorised agent may levy a charge that covers all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.

The charge may be in the form of a monthly contribution or it may be levied as a single payment when the service is rendered.

89. Drains in Streets or Public Places

No person shall for the purpose of conveying sewage derived from whatever source, lay or construct a drain on, in or under a street, public place or other land owned by, vested in, or under the control of the water services authority or its authorised agent, except with the prior written permission of the water services authority or its authorised agent and subject to such conditions as it may impose.

90. Construction by water services authority or its authorised agent

The water services authority or its authorised agent may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of these by-laws or the Building Regulations, will be constructed by the water services authority or its authorised agent against payment, in advance or on demand, of all costs associated with such construction.

91. Maintenance of drainage installation

- (1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- (2) Any person who requests the water services authority or its authorised agent to clear a drainage installation will be liable to pay the prescribed tariff.
- (3) A water services authority or its authorised agent may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff of charges.

92. Installation of pre-treatment facility

A water services authority or its authorised agent may require that any new premises must be provided with a minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sewage disposal system.

93. Protection from ingress of floodwaters

Where a premises is situated in the 1 in 50 years flood plain the top level of manholes, inspection chambers and gullies is to be above the 1 in 50 years flood level, except, in the case of manholes and inspection chambers, where the cover is secured in place by means approved by the water services authority.

PART 8 - PROTECTION OF INFRASTRUCTURE**94. Power of Entry and Inspection**

- (1) An officer of the water services authority and/or water service provider may for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times or in an emergency at any time, enter premises, request information, take samples, make such inspection, examination and enquiry and carry out work as he or she may deem necessary, and for those purposes operate any component of the drainage installation.
- (2) If the authorised officer considers it necessary that work be performed to enable an authorised officer properly and effectively to implement a function referred to in subsection (1), he may -
 - (a) by written notice require the owner or occupier of the premises at his own cost to do specified work within a specified period; or
 - (b) if in his opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done, at the cost of the owner.
- (3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of these by-laws has been committed and no such contravention is established, the water services authority shall bear the expense connected therewith together with that of restoring the premises to its former condition but it shall no otherwise bear such expense.

95. Trespassing on the Sewage Disposal System

- (1) No person shall without the prior written permission of the authorised officer enter -
 - (a) upon an area used for the purpose of the sewage disposal system which is enclosed by a fence or where entry is prohibited by notice boards; or
 - (b) a structure used by the water services authority in connection with its sewage disposal system.

96. Interference with the Sewage Disposal System

- (1) Except with the prior authority of an authorised officer -
 - (a) no person shall interfere or tamper with the sewage disposal system,
 - (b) no person shall make a connection to the sewage disposal system save as contemplated in section 67.
 - (c) no person shall construct a building or raise or lower the ground level within an area that is subject to a sewer servitude.

97. Damage to Sewage Disposal System

- (1) No person shall damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) Any person who intends performing work which may cause damage to the sewage disposal system on land owned by or vested in the water services authority or over which it has a servitude or other right, shall prior to commencement of such work, ascertain from an authorised officer if any part of the sewage disposal system is situated on the land.
- (3) If work which in the opinion of an authorised officer could damage or endanger the sewage disposal system is to be performed or is being performed on land referred to in subsection (2), or on land adjacent thereto, he may by notice in writing require the person concerned not to commence, or to cease performing, the work until such time as he has complied with the conditions specified in the notice.

98. Consequential Maintenance of Sewers

- (1) Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of these by-laws or otherwise, the water services authority shall be entitled to carry out such work of maintenance or repair as an authorised officer considers necessary or to remove the obstruction at the expense of such person and to recover from him the full cost of doing so.

99. Obstruction of Access to Sewage Disposal System

- (1) No person shall prevent or restrict access to the sewage disposal system.
- (2) If a person contravenes subsection (1), the authorised officer may:
 - (a) by written notice require the person to restore access at his or her own cost within a specified period; or
 - (b) if he or she is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the full cost of doing so from such person.

100. Work By Private Persons

- (1) The water services authority or its Agents shall lay all sewers and connecting sewers unless it elects not to do so in which case the work shall be executed in accordance with the water services authority's Conditions of Contract applicable to the work and the following provisions shall apply:
 - (a) any persons carrying out such work in terms of this section shall prior to commencement of such work lodge with an authorised officer a written indemnity to his satisfaction indemnifying the water services authority

- against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct result of the execution of such works;
- (b) where a connection is to be made with any sewer it shall be made at a point indicated by the authorised officer;
 - (c) whenever the surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be undertaken solely by the water services authority at the expense of the person carrying out such work.
- (2) Prior to the disturbance of the surface of such street or road a deposit shall be made by such person with the water services authority which in the opinion of the authorised officers is sufficient to cover the estimated cost of such restoration.
 - (3) When the actual cost is greater or less than the amount deposited an excess shall be recoverable from such person and any balance shall be refunded to him.
 - (4) All work shall be carried out in accordance with the requirements and to the satisfaction of an authorised officer.

CHAPTER VI

Approvals of Water Service Providers, Suppliers of Water for Industrial Use and Registration of Water Services Intermediaries

PART 1 - WATER SERVICES PROVIDER - APPROVAL

101. Request for Applications for Approval

- (1) The water services authority may, in respect of any water scheme established or to be established in its area of jurisdiction, at any time if it decides not to be the water services provider in respect of such water scheme as contemplated in section 19(1)(a) of the Act, by public notice, call for proposals from suitable persons or institutions to seek the approval of the water services authority to be the water services provider in respect of such water scheme as contemplated in section 22(1), read with section 19(1)(b), of the Act.
- (2) The public notice referred to in section 101(1) shall be delivered to every public sector water services provider known to the water services authority and shall also be published in a newspaper or newspapers circulating in the area where the water scheme is situated which notice shall be published in the predominant language of such newspaper and of the majority of people to be served by such water scheme.
- (3) The water services authority shall give prior consideration to any proposals submitted by any public sector water services provider as contemplated in section 19(2) of the Act before considering any proposals submitted by any private sector water services providers.
- (4) The water services authority shall, in respect of every water scheme for which it intends to approve a water services provider
 - (a) prepare a full and detailed description of the water scheme or schemes which will be operated by the water services provider and which shall

provide that the water services authority complies with the criteria set in section 11 of the Act, these by-laws and the water development plan adopted by the water services authority in terms of section 15 of the Act, which description shall include, but not be limited to:

- (i) the name or names of the water scheme or schemes,
 - (ii) an indication of the nature of the water services to be provided by the water services provider;
 - (iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the proposal;
 - (iv) a detailed description, including numbers and locality, of the consumers or potential consumers that will be supplied with water by the water services provider;
 - (v) details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers and what arrangements are in place to ensure that such quality and quantity is consistently maintained; and
 - (vi) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are; and
 - (vii) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate.
- (b) make such information available to all persons or institutions who wish to submit a proposal in response to the public notice published in terms of subsection (4)(a).
- (5) Any proposal submitted in response to the public notice contemplated in section 2(1) shall include the following:
- (a) a certified copy of the identity document of the applicant, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person;
 - (b) a certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for approval as a water services provider;
 - (c) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;
 - (d) a detailed statement, supported by adequate proof of authenticity, setting out the applicants qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services to be provided by the applicant;
 - (e) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period the water services provider

- will undertake the supply of water services as contemplated in the proposal, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
- (f) a budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes;
 - (g) details of tariffs and charges that the applicant will levy on all consumers and potential consumers, the method of calculating such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act; and
 - (h) full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of section 19(4) of the Act.

102. Application for Approval

- (1) Any person or institution seeking approval from the water services authority in terms of sections 6(1) or 22(1) of the Act under circumstances other than in response to a notice published in terms of section 101(1), or the renewal of an existing approval, shall do so in accordance with the provisions of these by-laws and at its own expense.
 - (a) No application for approval in terms of section 6(1) of the Act shall be granted in respect of any water scheme where the consumers or potential consumers exceed 50 persons or where the population density exceeds one person per hectare.
 - (b) Any application for an approval in terms of section 30(2)(d) of the Act shall be made under the provisions of section 22(1) of the Act.
- (2) An application for such approval, or the renewal of such approval, shall be made to the water services authority in writing.
- (3) Immediately on receipt of an application made in terms of section 22(1) of the Act, if the applicant is a private sector water services provider, the water services authority shall, in terms of section 19(2) of the Act, notify all public sector water providers known to it and:
 - (a) request such public sector water services providers to notify the water services authority within a period of 30 days from the date of the receipt by the public sector water provider of such notice whether it is willing and able to perform the functions contained in the application, and if it is, to provide the water services authority with the documents and particulars referred to in subsection (4), and
 - (b) on receipt of such documentation and particulars, the water services authority shall consider such application and decide whether to approve a public sector water services provider or a private sector water services provider in respect of the water scheme concerned.

- (4) Any application for approval in terms of section 102(1), or the renewal of any approval granted by the water services authority, shall be accompanied by, at least, the following documents or particulars, provided that, in the case of a renewal of an approval, the water services authority may, in its discretion, dispense with some of the documents or particulars to avoid unnecessary duplication:
- (a) a certified copy of the identity document of the applicant, if a natural person, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person;
 - (b) a certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for approval as a water services provider;
 - (c) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;
 - (d) a detailed statement, supported by adequate proof of authenticity, setting out the applicants qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services to be provided by the applicant;
 - (e) a full and detailed description of the water scheme or schemes which will be operated by the applicant containing sufficient information to enable the water services authority to determine whether the water scheme or schemes complies with the criteria set in section 11 of the Act, these by-laws and the water development plan adopted by the water services authority in terms of section 15 of the Act, which description shall include, but not be limited to:
 - (i) the name or names of the water scheme or schemes,
 - (ii) an indication of the nature of the water services to be provided by the applicant;
 - (iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;
 - (iv) a detailed description, including numbers and locality, of the consumers or potential consumers that will be supplied with water by the applicant;
 - (v) details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers and what arrangements are in place to ensure that such quality and quantity is consistently maintained;
 - (vi) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period the applicant undertakes the supply of water services as contemplated in the

- application, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
- (vii) a budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes; and
 - (viii) details of tariffs and charges that the applicant will levy on all consumers and potential consumers, the method of calculating such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act.
 - (ix) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are;
 - (x) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and
 - (xi) full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of section 19(4) of the Act.

103. Additional Information to make Decision

- (1) The water services authority may call for any additional information or documents reasonably required to enable it to determine whether the proposer or applicant, including a public sector water provider, or the water scheme or schemes will comply with the Act, these by-laws and the water development plan of the water services authority, and whether the obligations of the water services authority, imposed on it by the Act, will be met.
- (2) The water services authority may, and it shall, if it initially decides to refuse to accept a proposal made as contemplated in section 101(1), or if it, initially decides to refuse an application made in terms of section 102(1), including an application made by a public sector water provider, prior to making a final decision, meet with the proposer or applicant, as the case may be, and any organisation reasonably representative of the consumers or potential consumers of the water scheme or schemes, in order to hear representations made by the applicant and such representative organisations in support of, or against, the applications, and it shall take such representations into account in arriving at its final decision.

104. Procedure on Approval

- (1) In the event of the water services authority granting such approval it shall,
 - (a) in the case of an application for approval in terms of section 6(1) of the Act, issue a letter of approval to the applicant containing such conditions

- as the water services authority may deem appropriate, which conditions shall be binding on the applicant, and which may contain an obligation to comply with any provision of these by-laws as though such person or institution was an approved water services provider;
- (b) in the case of an application for approval in terms of section 22(1) of the Act,
- (i) if the applicant is a private sector water services provider, cause a notice to be published in a newspaper or newspapers circulating in the area where the water scheme to which the application relates is situated, publicly disclosing its intention to approve such application; and
 - (ii) (enter into a contract with the applicant, as contemplated in section 19(1)(b)(i) of the Act, provided that, in the case of a private sector water services provider, such contract shall not commence until a period of thirty days has elapsed after the date of the publication of the notice contemplated in subsection (1)(b)(i) and after the water services authority has taken into account any representations made by any person or institution in response to the said notice; or
- (a) full details in regard to:
- (i) the names and addresses of all consumers;
 - (ii) the quantity of water consumed by each consumer;
 - (iii) the record of payments made by each consumer;
 - (iv) arrears owing by consumers to the approved water services provider and the steps being taken to recover such arrears;
 - (v) arrears written off as irrecoverable and reasons why they are deemed to be irrecoverable; and
 - (vi) circumstances where water services are limited or discontinued and the reasons why such services are so limited or discontinued.
- (b) Failure to submit the said report shall constitute grounds upon which the water services authority shall be entitled to review the approval granted by it in terms of section 22(1) of the Act to the water services provider concerned.

108. Disputes

Any dispute or conflict arising between the water services authority and an approved water services provider shall be resolved by mediation and arbitration and every agreement referred to in section 104(1)(a), 104(1)(b)(ii) or (iii) shall contain appropriate provisions in that respect.

PART 3 - WATER SUPPLY FOR INDUSTRIAL USE AND ACCEPTANCE OF INDUSTRIAL EFFLUENT

109. Industrial Use – Application

- (1) Any person or institution seeking approval, or the renewal of an approval, from the water services authority in terms of section 7(1) of the Act shall do so in accordance with the provisions of these by-laws and at its own expense.
- (2) If an applicant intends making application simultaneously for approval in terms of section 7(1) and any other provision of the Act, he shall deal with each application separately, provided that information may be incorporated in one or the other application by reference.
- (3) An application for approval contemplated in subsection (1), or the renewal of such approval, shall be made to the water services authority in writing.
- (4) Any submission application for any approval in terms of subsection (1), or the renewal of any approval granted by the water services authority, shall be accompanied by, at least, the following documents or particulars, provided that, in the case of a renewal of an approval, the water services authority may, in its discretion, dispense with some of the documents or particulars to avoid unnecessary duplication:
 - (a) a certified copy of the identity document of the applicant, if a natural person, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person;
 - (b) a certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for approval as a water services provider;
 - (c) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;
 - (d) a detailed statement, supported by adequate proof of authenticity, setting out the applicants qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services to be provided by the applicant;
 - (e) a full and detailed description of the water scheme or schemes which will be operated by the applicant containing sufficient information to enable the water services authority to determine whether the water scheme or schemes complies with the criteria set in section 11 of the Act, these by-laws and the water development plan adopted by the water services authority in terms of section 15 of the Act, which description shall include, but not be limited to:
 - (i) the name or names of the water scheme or schemes,
 - (ii) an indication of the nature of the water services to be provided by the applicant;
 - (iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with

- the water scheme or schemes, including all the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;
- (iv) a detailed description, including numbers and locality, of the consumers or potential consumers that will be supplied with water by the applicant;
 - (v) details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers and what arrangements are in place to ensure that such quality and quantity is consistently maintained;
 - (vi) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period the applicant undertakes the supply of water services as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
 - (vii) a budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes; and
 - (viii) details of tariffs and charges that the applicant will levy on all consumers and potential consumers, the method of calculating such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act.
- (f) The applicant shall also provide:
- (i) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are;
 - (ii) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and
 - (iii) full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of section 19(4) of the Act.
- (5) The water services authority may call for any additional information or documents reasonably required to enable it to determine whether the proposer or applicant, including a public sector water provider, or the water scheme or schemes will comply with the Act, these by-laws and the water development plan of the water services authority, and whether the obligations of the water services authority, imposed on it by the Act, will be met.
- (6) The water services authority may, and it shall, if it initially decides to refuse an application made in terms of subsection (1), including an application made by a public sector water provider, prior to making a final decision, meet with the applicant, as the case may be, and any organisation reasonably representative of

the consumers or potential consumers of the water scheme or schemes, in order to hear representations made by the applicant and such representative organisations in support of, or against, the applications, and it shall take such representations into account in arriving at its final decision.

110. Procedure on Approval

In the event of the water services authority granting such approval it shall issue a letter of approval to the applicant containing such conditions as the water services authority may deem appropriate, which conditions shall be binding on the applicant.

PART 4 - WATER SERVICES INTERMEDIARY - REGISTRATION

111. Application for Registration

- (1) Any person or institution seeking registration with the water services authority as a water services intermediary in terms of section 24 of the Act shall do so in accordance with the provisions of these by-laws and at his or its own expense.
- (2) An application for such registration shall be made to the water services authority in writing.
- (3) An application for such registration shall be accompanied by, at least, the following documents or particulars:
 - (f) a certified copy of the identity document of the applicant, if a natural person, or a certified copy of the founding document or constitution of the applicant, if the applicant is a legal person;
 - (g) a certified resolution adopted by the management body of the applicant, if the applicant is a legal person, resolving to apply for registration as a water services intermediary;
 - (h) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;
 - (i) a detailed statement, supported by adequate proof of authenticity, setting out the applicants qualifications, capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application, and the experience, skills and financial resources available to it to undertake the provision of water services to be provided by the applicant;
 - (j) the grounds upon which the applicant contends that it is a water services intermediary as defined in the Act;
 - (k) a full and detailed description of the water scheme or schemes which will be operated by the applicant containing sufficient information to enable the water services authority to determine whether the water scheme or schemes complies with the criteria set in section 11 of the Act, these by-laws and the water development plan adopted by the water services

authority in terms of section 15 of the Act, which description shall include, but not be limited to:

- (xii) the name or names of the water scheme or schemes,
- (xiii) an indication of the nature of the water services to be provided by the applicant;
- (xiv) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;
- (xv) a detailed description, including numbers and locality, of the consumers or potential consumers that will be supplied with water by the applicant;
- (xvi) details of the source, the quality and quantity of water that will be supplied to consumers or potential consumers and what arrangements are in place to ensure that such quality and quantity is consistently maintained;
- (xvii) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period the applicant undertakes the supply of water services as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
- (xviii) a budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements, and an indication of the sustainability of the water scheme or water schemes; and
- (xix) details of tariffs and charges that the applicant will levy on all consumers and potential consumers, the method of calculating such tariffs and charges, the process whereby increases or decreases in such tariffs and charges will be dealt with, and the manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act.
- (xx) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are;
- (xxi) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and
- (xxii) full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of section 19(4) of the Act.

112. Additional Information to make Decision

- (1) The water services authority may call for any additional information or documents reasonably required to enable it to determine whether the applicant, or the water scheme or schemes will comply with the Act, these by-laws and the water development plan of the water services authority, and whether the obligations of the water services authority, imposed on it by the Act, will be met.
- (2) The water services authority may, and it shall, if it initially decides to refuse an application made in terms of section 111(1), prior to making a final decision, meet with the applicant and any organisation reasonably representative of the consumers or potential consumers of the water scheme or schemes, in order to hear representations made by the applicant and such representative organisations in support of, or against, the applications, and it shall take such representations into account in arriving at its final decision.

113. Approval of Application

- (1) The water services authority may approve or refuse the application, provided that:
 - (a) if it approves the application, it may make such registration subject to such reasonable and relevant conditions as it deems necessary;
 - (b) if it refuses the application, it shall advise the applicant of the reasons for such refusal.
- (2) In the event of the water services authority granting such registration it shall deliver a written notification thereof to the applicant and in such notice it shall:
 - (a) draw the applicants attention to the provisions of sections 25, 26 and 27 of the Act;
 - (b) draw the applicants attention to the provisions of these by-laws; and
 - (c) set out any conditions referred to in subsection 113(a).

114. Suspension of by-laws

- (1) The water services authority may in respect of any water scheme operated by a registered water services intermediary, in its discretion, suspend any by-law for a defined period of time or indefinitely upon such conditions as it may impose, which conditions may be imposed either at the time that it resolves to suspend any by-law or at any time thereafter, and it may at any time, in its discretion, withdraw such suspension, provided that it shall give not less than 60 days written notice of such withdrawal to all interested and affected parties.
- (2) No by-law shall be suspended if the consequences of such suspension shall constitute a contravention of the Act.

115. Monthly Report

A registered water services intermediary shall submit a quarterly report to the water services authority providing at least such information as the water services authority may reasonably require in order to enable it to monitor and evaluate the operation of the water scheme concerned and to satisfy itself that the said scheme is being operated in such a manner so as to fulfil the requirements of Act, the applicable water development plan, these by-laws and any conditions imposed as a condition of registration.

SCHEDULES**Quality Standards
(See Section 78(1)(a))****SCHEDULE A****Acceptance of industrial effluent for discharge into the sewage disposal system**

No industrial effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions.

The industrial effluent shall not contain concentrations of substances in excess of those stated below:-

Large Works general quality limits are applicable when an industries effluent discharges in a catchment leading to a sewage works of greater than 25 M /d capacity. Small Works quality limits apply for catchments leading to sewage works with less than 25 M /d capacity.

GENERAL QUALITY LIMITS	LARGE WORKS > 25 M /d	SMALL WORKS < 25 M /d	UNITS
1. Temperature (C)	< 44 C	< 44 C	Degrees Celcius
2. pH	6 < pH < 10	6,5 < pH < 10	pH units
3. Oils, greases, waxes of mineral origin	50	50	mg/
4. Vegetable Oils, greases, waxes	250	250	mg/
5. Total sugar and starch (as glucose)	1 000	500	mg/
6. Sulphates in solution (as SO_4^{2-})	250	250	mg/
7. Sulphides, hydrosulphides (as S^{2-}) and polysulphides	1	1	mg/
8. Chlorides (as Cl^-)	1 000	500	mg/
9. Flouride (as F^-)	5	5	mg/
10. Phenols (as phenol)	10	5	mg/
11. Cyanides (as CN^-)	20	10	mg/
12. Settleable Solids	Charge	Charge	m /
13. Suspended Solids	2 000	1 000	mg/
14. Total dissolved solids	1 000	500	mg/
15. Electrical Conductivity	-	400	MS/m
16. Anionic Surfactants	-	500	mg/
17. C.O.D.	Charge	Charge	mg/

GENERAL QUALITY LIMITS	LARGE WORKS > 25 M /d	SMALL WORKS < 25 M /d	UNITS
Heavy Metal Limits			
18. Copper (as Cu)	50	5	mg/
19. Nickel (Ni)	50	5	mg/
20. Zinc (Zn)	50	5	mg/
21. Iron (Fe)	50	5	mg/
22. Boron (B)	50	5	mg/
23. Selenium (Se)	50	5	mg/
24. Manganese (Mn)	50	5	mg/
25. Lead (Pb)	20	5	mg/
26. Cadmium (Cd)	20	5	mg/
27. Mercury (Hg)	1	1	mg/
28. Total Chrome (Cr)	20	5	mg/
29. Arsenic (As)	20	5	mg/
30. Titanium (Ti)	20	5	mg/
31. Cobalt (Co)	20	5	mg/
TOTAL METALS	100	20	mg/

Special limitations

- 1 No calcium carbide, radio active waste or isotopes
- 2 No yeast & yeast wastes, molasses spent or unspent
- 3 No cyanides or related compounds capable of liberating HCN gas or cyanogen
- 4 No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21 C

SCHEDULE 'B'**Acceptance of industrial effluent for discharge into sea outfalls**

No industrial effluent shall be accepted for discharge into the sea outfall unless it complies with the following conditions. The industrial effluent shall not contain concentrations of substances in excess of those stated below:-

SEA OUTFALL QUALITY LIMIT		UNIT
1. Temperature	44	C
2. Ph	5,5 < pH < 9,5	
3. Settleable solids	2	m /
4. Oils, greases and waxes of mineral origin	50	mg/
5. Arsenic (expressed as As)	5	mg/
6. Cadmium (expressed as Cd)	1,5	mg/
7. Total chromium (expressed as Cr)	3	mg/
8. Copper (expressed as Cu)	3	mg/
9. Lead (expressed as Pb)	5	mg/
10. Mercury (expressed as Hg)	0,05	mg/
11. Cyanides (expressed as CN ⁻)	10	mg/
12. Nickel (expressed as Ni)	10	mg/
13. Zinc (expressed as Zn)	20	mg/
14. Sulphide (expressed as S ⁼)	1	mg/
15. Sulphates in solution (expressed as SO ₄ ⁼)	250	mg/

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