

**MURANG'A COUNTY WATER BILL , 2025**

## ARRANGEMENT OF SECTIONS

### **PART I—PRELIMINARY**

1—Short title and commencement. 2— Interpretation.

### **PART II—OWNERSHIP AND CONTROL OF WATER RESOURCES**

3- Ownership of resources.

4—Aquisition of water rights.

5—Rights to water resources.

### **PART III—WATER SERVICES STRATEGY**

#### General

10- County water services and investment strategy.

11-County monitoring , evaluation and information on water services.

### **PART V—WATER AND SANITATION SERVICES**

- 9— Water service Providers
- 10— Duties of Water Service Providers
- 11— Water Service provider s Boards
- 13– Procedure and requirements for obtaining a licence
- 15-Grievances
- 16- Duty to provide water services
- 18- Special provisions with respect to commercially unviable rural areas
- 19-Jurisdictions of water services
- 20-Variations of areas of water services
- 22-Public Private Partnership
- 23-Special provisions with respect to commercially unviable rural areas
- 24-County Intervention on regulations
- 25- Disposal of effluent
- 26-Control of trade effluent
- 28-Monitoring and GIS
- 29-Reporting

## **PART VI—FINANCIAL PROVISIONS**

- 30 —Funds
- 31-Budgeting
- 32-Audit of ACCOUNTS
- 34-Ringfencing of revenues

**PART VII—GENERAL PROVISIONS**

35-Power to make regulations.

**SCHEDULES**

## **MURANG'A COUNTY WATER BILL 2025**

A Bill of Murang'a County Assembly to provide for the regulation, management and development of water resources, water and sewerage services; and for other connected purposes

**To be ENACTED** by the Murang'a County Assembly as follows—

### **PART I—PRELIMINARY**

#### **Short title and commencement**

1. This Bill may be cited as the Muranga county Water Bill, 2025 and shall come into operation on such a date as the Executive Member responsible for matters relating to water may, by notice in the *Gazette*, appoint, and different dates may be appointed for the coming into operation of different provisions.

#### **Interpretation**

2. (1) In this Bill, unless the context otherwise requires—

“Authorized” means the authorized by this Act.

‘Authority’ means the Water Resources Authority, established by the National Government;

“Board” means the Water Services Regulatory Board established by National water act 2016

“bulk water” means water supplied to a water services provider by the water services provider making the supply;

“catchment area” means an area that is part of a basin designated as such under section 14

“County” shall mean Murang'a County

“charges”, in relation to the use of water from a water resource, includes fees, levies and premiums of any kind;

“Domestic use” means the use of water for a home or household affairs;

“Executive Member” means the Murang'a county Executive Committee member

responsible for matters relating to water;

“easement” means the right to occupy so much of the land of another as may be necessary for or incidental to the construction or maintenance of works authorised, or the exercise of rights conferred by a permit;

“Governor” means the governor of Murang’a.

“Ground Water” the water of underground streams, channels, artesian basins, reservoirs, lakes and other bodies in the ground, and includes water in strata below the water table.

“inspector” means a person appointed by the Executive Member, the Authority, or the Board to exercise the powers of an inspector under this Act:

“Irrigation” includes the supply of land with water by means of canals, pipes, or streams to supplement rain water for growing of crops

“landholder”, in relation to land, means the registered owner of the land or the person in whom the land is otherwise vested by law, and includes—

- (a) any person who by any established right, custom or estate is entitled to be the holder or possessor of land;
- (b) any person lawfully holding or occupying land in accordance with the provisions of any law empowering the allotment of land upon the promise of title, subject to the fulfilment by the allottee of prescribed conditions; and
- (c) any person to whom a mining lease or mining location has been granted under the Mining Act,

“licence” means a licence in force under this Act;

“limits of supply”, in relation to a water undertaking, means the limits within which the licensee is for the time being authorised to supply water;

“Pollution”, in relation to a water resource, means any direct or indirect alteration of the physical, thermal, chemical or biological properties of the water resource so as to make it—

- (a) less fit for any beneficial purpose for which it is or is reasonably be expected to be used; or
- (b) harmful or potentially harmful to—

- (i) the welfare, health or safety of human beings;
- (ii) any aquatic or non-aquatic life or property; or
- (iii) the environment;

“Public consultation”, in relation to any application made, or action proposed to be taken under this Act, has the meaning assigned to it in the constitution and the County Government Act (No. 12 of 2012)

“reserve”, in relation to a water resource, means that quantity and quality of water required—

- (a) to satisfy basic human needs for all people who are or may be supplied from the water resource;

and

- (b) to protect aquatic ecosystems in order to secure ecologically sustainable development and use of the water resource;

“resource quality”, in relation to water resource, means the quality of all the aspects of a water resource including—

- (a) the water quality stipulated for the reserve;
- (b) the quantity, pattern, timing, water level and assurance of in-stream flow;
- (c) the physical, chemical and biological characteristics of the water;
- (d) the character and condition of the in-stream and riparian habitat; and
- (e) the characteristics, condition and distribution of the aquatic biota;

“resource quality objectives”, in relation to a water resource, means the level to be achieved and maintained in each aspect of resource quality for the water resource;

“riparian habitat” means the dynamic complex of plant, animal and micro-organism communities and their non-living environment adjacent to and associated with a watercourse;

“sewerage services” means the development and management of infrastructure for transport, storage,

treatment waste water originating from centralized and decentralized systems but shall not include household sanitation facilities;

“spring” means water emerging from beneath the surface of the ground other than as a result of drilling or excavation operations;

“stream” means the water contained in a watercourse, and includes a river:

“supply of water in bulk” means a supply of water to a licensee for distribution by or on behalf of the licensee taking the supply;

“swamp” means any shallow depression in which water collects either intermittently or permanently and where there is a small depth of surface water or a shallow depth of ground water and a slight range of fluctuation either in the surface level of the water or of the ground water level so as to permit the growth of aquatic vegetation:

“urban water services” means services provided in urban areas as shall be defined by the Regulatory Board from time to time:

“watercourse” means any natural channel or depression in which water flows regularly or intermittently, unless declared not to be a watercourse under this Act;

‘use’ in relation to water contained in or forming part of a water resource ,means-

- (a) abstraction , obstruction, or diversion of the water
- (b) discharge of materials or substances into the water ; or
- (c) any activity , of any kind prescribed by the rules under this Act, in relation to water.

“water resource” means any lake, pond, swamp, marsh, stream, watercourse, estuary, aquifer, artesian basin or other body of flowing or standing water, whether above

or below the ground.

“water right” means the right to have access to water through a water permit;

“water services” means any services of or incidental to the supply or storage of water and includes the provision of sewerage services;

“water services provider” means a company, Non Governmental organisation, or other person or body providing water services under and in accordance with an agreement with the licensee within whose limits of supply the services are provided .

“water storage” means a location or structure where water is stored for future use;

“water table” means—

- (a) impervious granular or detrital material, the upper surface of the body of free water which fills all openings in material that is sufficiently pervious to permit percolation; and
- (b) in fractured impervious rocks and in solution openings, the surface at the contact between the water body in the openings and the overlying ground air;

“water user” means a person using water from a water resource;

“Water course” means any natural channel or depression in which water flows regularly or intermittently, unless declared not to be a water course by this Act.

“works” means any structure, apparatus, contrivance, device or thing for carrying, recharging, treating, conducting, providing or utilizing water or liquid waste, but does not include hand utensils or such other contrivances as may be prescribed by rules made under this Act.

## **PART II—OWNERSHIP, USE AND CONTROL OF WATER RESOURCES**

**3.** Every water resource is vested in and held by the national government in trust for the people of Kenya.

**4.** Water works ;

(1) Subject to the Land Act, 2012, land required for County water works may be acquired in any manner provided by law for the acquisition of land for public purposes.

(2) The County Executive member may, after reasonable notice to any landholder concerned, cause to be constructed and maintained upon any land such works as the executive member may consider necessary for the purposes of any county public water works. The County Executive member shall work together with the Lands department to acquire such land

(3) Compensation on just terms shall be payable by the Government to the owner of the land on which any such works are constructed, but in assessing the amount of compensation payable, the executive member shall take into consideration any benefit accruing to the land by the construction of the works and any adverse effect on the land caused by the works, as the case may be.

6. Before authorization to abstract water, a no objection from the county government is required. The county shall take into account such factors as it considers relevant, including—

- (a) existing lawful uses of the water:
- (b) efficient and beneficial use of water in the public interest;

5. For the purposes of processing a no objection , the applicant shall be required to allow a county official entry into his premises and do his inspection work.

### **PART III—WATER SERVICES**

#### **General**

6. (1) Every person in Kenya has the right to clean and safe water in adequate quantities and to reasonable Standard as stipulated in Article 43 or the Constitution.

7. (1) The county executive member shall, within one year of the commencement of this Act and in every 5 years thereafter formulate a Water Services and investment Strategy.
  - (2) The object of the Water Strategy shall be to provide the County Government's plans and programs for the progressive realization of the right or every person in the County to water.
  - (3) The Water Strategy and investment plan shall contain, among other things, details of—
    - (a) existing water services;
    - (b) the number and location of persons who are not provided with a basic water supply and basic sanitation services;
    - (c) standards for the progressive realisation of the right to water and
    - (d) a resource mobilization strategy tor the implementation tif the plans.
  - (4) The County executive member shall in consultation with National governments. provide a County water sector investment and financing plan which shall include, among other details. the time frames for the plans and an investment programme based on the investment plans.
- (5) The County Executive Member shall review the Water Services Strategy every five years.

### **The Water Services Regulatory Board**

8. (1) The county water bill recognizes the regulatory roles done by the Water sector regulatory Board

## **PART V—WATER AND SANITATION SERVICES**

**9.** (1) Water services in the county shall be provided;-

(a)By the county government through county water service providers established by the county government as defined in section 42.

(b)By waters ervice providers licenced in accordance with this part.

(2) The county shall establish water services providers, and shall in doing so comply with the standards of commercial viability set out by the Regulatory Board.

(3) A water services provider established under this section may be a public limited liability company established under the Companies Act, 2015 or other body providing water services as may be approved by the Regulatory Board.

(4) A company intending to be licensed as a water service provider shall submit to the Regulatory Board its memorandum and articles of association that conform to the guidelines developed and approved by the Regulatory Board.

**10.** (1) A water services provider shall be responsible for-

(a) the provision of water services within the area specified in the licence; and

(b) the development of county assets for water service provision.

(2) A licensed water services provider shall have such other powers and functions as may be conferred on it by this Act or any other Act.

**11.** (1) A water services provider shall have a board of directors and in the case of a company, the members of its board of directors shall be constituted in accordance with the Companies Act, 2015 or any other written law and the directors shall be nominated to serve on the board in accordance with the company's memorandum and articles of association.

(2) All members nominated to the water services provider's board of directors shall possess qualifications which meet the standards set by the Regulatory Board.

(3)A member of a board of directors of a water services provider shall not—

- at the time of nomination for appointment to the board, be serving as an elected member of a county government;
- hold office in a political party; or
- be a serving member of Parliament.

(4). A water services provider may with the approval of the relevant licensing authority extend water services to rural or developing areas.

**12.** (1) A party aggrieved by the decision of a water services provider may appeal against the decision to the County Water director in the prescribed manner within fourteen days from the date the decision was made.

(2) A county or a cross-county owned water service provider established as a public institution and operating and providing water services shall hold the county or national public water services assets on behalf of the public.

**13.** (1) A person shall not provide water services except under a licence issued by the Regulatory Board, upon submission of an application and such supporting documents as the Board may require. The county Executive member shall vet and approve by giving a no objection to all waters service providers applying for service provision licence.

(2) A person who provides water services in contravention of this section commits an offence.

(3) Nothing in this section prohibits the provision of water services

(a) by a person to their employees;

(b) on the premises of an institution including a hospital, factory, school, hotel, research station or other comparable institution, in cases where the source of supply of the water is lawfully under the control of the institution or where the water is supplied to such institution in bulk by a licensee; or

(c) in circumstances which are prescribed by Regulations made by the Regulatory Board to be exempt from the requirement of a licence.

**14.** (1) An application for the licence under section 85 shall be made in the prescribed form to the Regulatory Board.

(2) In making the application, the applicant shall be required to submit the following particulars to the County government as the case may be—

(a) evidence that the applicant's board of directors complies with the standards set by the Regulatory Board under section 79 (2);

(b) the technical and financial capability of the applicant to provide the services and perform the functions authorized by the licence;

- (c) the applicant's business plans for the provision of efficient, affordable and sustainable water services;
- (d) details of planned financial and infrastructural improvements;
- (e) a proposed tariff structure; and
- (f) any other information required by the Regulatory Board.

**15.** Every water services provider shall establish a mechanism for handling consumer complaints which meets the standards set by the Regulatory Board.

**16.** (1) The county government shall put in place measures for the provision of water services to rural areas which to ensure no area is denied water services irrespective of its location, economic status or climatic conditions.

(2) The measures referred to in sub-section (2) shall include the development of point sources, small scale piped systems and stand pipes which meet the standards set by the Regulatory Board and which may be managed by the community associations, partnerships, public benefits organizations or a private person under a contract with the county government.

(3) In order to implement its obligations under this section, Murang'a county government shall formulate and submit annually to the Regulatory Board and to the Cabinet Secretary, a five year development plan incorporating an investment and financing plan for the provision of water services in the rural areas referred to subsection (1) within its area of jurisdiction.

(4) The county may request for provision of technical, financial and other assistance to a national government to enable the county to discharge its responsibility under this section if need be.

**17.** (1) The area of water service provision shall be prescribed by a licence.

(2) The area so prescribed may, but need not, coincide with the boundaries of the area or areas of jurisdiction or wards / sub-counties in the county .

**18.** (1) The county may, on the application—

- (a) Issue no objection to joint provision, by two or more licensees, of water services on such terms as it may approve; or
- (b) permit the transfer of a water service, or a part thereof, from one licensee to another licensee.

(2) Where it appears necessary to the county, for the purpose of securing a commercially viable water service, it may, by a letter to the regulatory board, recommend a joint provision of water services or a transfer of water service and vary the relevant licenses accordingly.

**19.** (1) The county may recommend to regulatory board variance of the areas of water service provision prescribed by one or more licences —

(a) on the application of a licensee whose area of water service is to be varied and with the consent of any other licensees affected; or

(b) without the consent, or against the objections of any such other licensee, if the county is satisfied that the other licensee is unable to meet the demands for water in its area of jurisdiction or is otherwise unable to provide a commercially viable service.

**20.** (1) Subject to any Regulations made under this Act, the county may direct a licensee to provide water services, outside its area of water services jurisdiction.

(2) Where under this section a licensee, in this section called the “supplying licensee”, is providing water services to premises outside its area of supply, any other licensee within whose area of supply those premises are situated may, in the absence of any agreement to the contrary, give not less than three months' notice to the supplying licensee that the licensee is able and intends to provide water services to the premises.

(3) A notice given under subsection (2) shall not be valid unless it relates to all the premises to which the water services are being provided by the supplying licensee in accordance with this section.

(4) If on the expiration of the notice under subsection

(2) the licensee giving the notice commences to supply water to the premises covered by the notice, the supplying licensee shall, except for the purpose of recovering water rates or other charges or expenses lawfully recoverable by the supplying licensee, and of removing any pipes, plant or apparatus belonging to the supplying licensee, cease to have any rights or duties in respect of providing water services to the premises concerned.

(5) The supplying licensee shall not remove any pipes, plant or apparatus which are required by the licensee giving the notice,

and any such pipes, plant or apparatus shall vest in the licensee giving the notice.

(6) The licensee giving notice shall pay to the supplying licensee —

- (a) any expenses reasonably incurred by the supplying licensee for the purpose of providing water services to the premises referred to in the notice;
- (b) such sum in respect of any pipes, plant or apparatus vested in the licensee giving the notice as may be agreed or, in default of agreement, as may be determined by the Regulatory Board.

(7) While the supplying licensee is in accordance with this section authorized to provide water services outside its area of service, any Regulations relating to its water service shall have effect as if the area to which those services were provided were within those limits.

**21.** (1) A person shall not supply water in bulk to a water services provider without a no objection issued by the county government.

**22.** (1) A licensee in consultation with the county government may enter into an agreement with any person with respect to the execution and maintenance, by any party to the agreement, of such works as the licensee considers necessary or as the conditions of the licence may require for the purpose of protecting the catchment areas, drainage of land, carrying out soil conservation measures, the control of vegetation or effectively collecting, conveying or preserving the purity and quantity of water which the licensee is for the time being authorised to take.

(2) An agreement under this section may be registered against any proprietor of the applicable land, and shall be binding upon and enforceable against such person or successor in title.

**23.** (1) A licensee who is of the opinion that there is a serious deficiency or threat of a deficiency of water available for distribution, may with the approval of the county, for such period as the licensee considers necessary, prohibit or restrict with respect to the whole or any part of such licensee's limits of supply, the use for any specified purpose of water.

(2) Before the prohibition or restriction in subsection

(1) comes into force, notice shall be given by the licensee, in one or more newspapers of daily circulation, within the affected area or by such other means as the county may approve, of the proposed prohibition or restriction and of the date when such prohibition or restriction shall come into force.

(3) Any person who contravenes the provisions of this section commits an offence.

**24.** Where a county government executive considers that the operation of any such Regulations would be unreasonable in any particular case, a county government may, in consultation with the Regulatory Board, by notice to any affected party, reduce or dispense with the requirements of the regulation.

**25.** (1) A licensee may, on any land belonging to it, or on land over or in which it has acquired any necessary easement or right, construct and maintain drains, sewers and other works for intercepting, treating or disposing of any foul water arising or flowing upon such land or otherwise for preventing water belonging to the licensee, or which it is for the time being authorised to take, from being polluted.

(2) The licensee shall before constructing any works, if the proposed works will affect or are likely to affect any water resource, obtain the consent of the Water Resources Authority and the Regulatory Board.

(3) Any licensee proposing to construct any drain, sewer or other works may, with the consent of the state organ concerned and subject to such conditions as the state organ may impose, carry the drain, sewer or other work under, across or along any road or road reserve or public place, whether within or outside the area of water service of the licensee.

(4) A consent required under subsection (2) shall not be unreasonably withheld, nor shall any unreasonable condition be attached to such consent, and any question arising from the operation of this subsection shall be decided by consultation between the state organs concerned.

**26.** (1) It shall be the duty of a licensee receiving trade effluent into its sewerage system to ensure that it has in place measures for the receipt and handling of the effluent without causing—

- a. pollution of the environment;
- b. harm to human health;
- c. damage to the sewerage system; or a contravention of applicable laws or standards set by the Regulatory Board.

(2) A person shall not discharge any trade effluent from any trade premises into the sewers of a licensee without the consent of the licensee.

(3) An application for consent shall be made to the licensee and shall state —

- (a) the nature or composition of the trade effluent;

(b) the maximum quantity of the effluent which it proposes to discharge on any one day;

(c) the highest rate at which it is proposed to discharge the effluent; and

(d) any other information required by the licensee.

(4) The licensee's consent may be given subject to conditions, including conditions requiring pre-treatment, and payments to the licensee of charges for the discharge.

(5) Any person who is dissatisfied with the decision of the licensee on an application under this section may, within thirty days of the decision, appeal to the county.

(6) A person who contravenes the provisions of this section commits an offence.

(7) In this section, "trade effluent" means any liquid, whether with or without suspended particles, produced as a by-product in the course of any trade or industry.

**27.** (1) The Regulatory Board in consultation with the county may impose a sewerage services levy on all water services within the area of a licensee, to cover a reasonable part of the cost of disposing of the water supplied within those limits.

37(1) A licensee, or an applicant for a license, who requires the compulsory acquisition of land for any of its purposes, may apply to the county, who on being satisfied that such compulsory acquisition is desirable, may take the steps necessary to secure the compulsory acquisition of the land in accordance with the applicable laws.

(2) under this section shall be deemed, for the purposes of the law on land acquisition, to be a public purpose.

**28.** (1) The county shall establish a national monitoring and georeferenced information system on water services.

(2) For the purposes of any systems established under this section, the county may, by order, require any person within a reasonable time or on a regular basis, to provide it with information, documents, samples or materials. As required

(3) The county executive member may make Regulations to facilitate the access to information by the public, and each service provider shall have a charter for service delivery/provision which is accessible to the public.

(4) Regulations made under this Act may specify requirements and the nature of information for the keeping of records and the furnishing of information to the Regulatory Board.

(5) Subject to any law relating to access to information and upon payment of the prescribed fee, a member of the public shall have access to information contained in any national information system.

**29.** Within three months after the end of each financial year, the water department shall prepare annual report of its

work and activities.

## **PART VII —FINANCIAL PROVISIONS**

### **30. ( 1) The funds of the county government and water service providers under the county shall consist of ;-**

- (a) Such monies that may be allocated by county assembly
- (b) Licence and other fees as may be payable under this act
- (c) Sums received , including contributions, gifts, or grants from or by way of testamentary bequest by any authority or any person.
- (d) Monies earned or arising from any investments from the fund
- (e) (All other sums which may in any manner become payable to , or vested in the fund.

### **31. (1)Three months before the commencement of each financial year, each body corporate established under this Act shall cause to be prepared estimates of the revenue and expenditure of the body corporate for that year.**

(2) The annual estimates shall make provision for all the estimated expenditure of the respective body corporate for the financial year concerned and in particular, shall provide for—

- (a) the payment of the salaries, allowances and other charges in respect of the staff of the body corporate;
- (b) the payment of pensions, gratuities and other charges and in respect of benefits which are payable out of the funds of the body corporate;
- (c) the maintenance of the buildings and grounds of the body corporate;
- (d) the funding of training, research and development of activities of the body corporate; and
- (e) the creation of such funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations, equipment and in respect of such other matters as the body corporates may consider necessary.

### **32. (1) Every body corporate established under this Act shall cause to be kept all proper books and records ot account of the income, expenditure, assets and liabilities.**

Within a period of three months after the end of each financial year, each body corporate shall submit to the Auditor-General the accounts of the body corporate in respect of that

year together with a—

(a) statement of the income and expenditure of the body corporate during that year; and

(b) statement of the assets and liabilities of the body corporate on the last day of that financial year.

(3) The annual accounts of the body corporate shall be prepared, audited and reported upon in accordance with the provisions of the Constitution and the Public Audit Act, 2015.

### **Application of funds**

**33.** The county may, subject to the Public Finance Management Act, 2012 retain in a fund managed by the respective bodies, any other authorized charges and shall use such revenue in meeting the costs incurred in the performance of their functions.

**34.** (1) All funds collected for water services by the licensed water services providers holding county or national public assets on behalf of the public through water services bills and other sources, shall be used entirely for the purpose of covering costs for the provision of water services and asset development according to Regulations made by the Regulatory Board.

(2) The licensed water services providers shall not be required to pay any fees for the use of public assets for the provision of water services other than the repayments of loans acquired for the development of those assets.

(3) Dividends or other payments shall not be paid to the owners of public water services providers as long as the universal rights of access to safe and clean water have not been achieved in the designated service areas.

## **PART VIII—GENERAL PROVISIONS**

**35.** (1) Any notice required to be served under this Act shall be served

(a) by delivering it personally to the person required to be served, or, if such person is absent or cannot be found—

- by leaving it at the person's usual or last known place of abode in Kenya;
- by post, addressed to the person's usual or last known address in Kenya; or

(b) in the case of a notice required to be served on a local authority, company or other corporate body, by delivering it to its principal officer or by leaving it at such principal officer's office with a person employed there, or by registered post.

(2) If any landholder is not known and, after diligent inquiry, cannot be found, such notice may be served by leaving it, addressed to such landholder, with an occupier of the land or, if there is no apparent occupier, by causing it to be put in a conspicuous position on the property in Kenya last known to have been occupied by the landholder.

(3) Any notice required to be given to a landholder may be addressed to the owner of land or premises described in the address in respect of which the notice is given.

## **SCHEDULES**

### **MEMBERSHIP AND PROCEDURE OF BOARDS, AND COMMITTEES**

1. (1) This Schedule applies to—
  - (a) the board of the water services providers

(2) In this Schedule, unless the context otherwise requires —

“board” means a board to which this Schedule applies; “Chairperson” means the Chairperson of a board, Tribunal or Committee;

“member” means a member of a board, l or committee.

2. (1) In making an appointment to a board, the Tribunal or a committee, the person making the appointment shall have regard to—

- (a) Article 10 of the Constitution of Kenya on national values and principles of governance;
- (b) Article 232 of the Constitution of Kenya on values and principles of public service;
- (c) the academic qualifications, professional experience, expertise, character and integrity of the potential candidates for appointment;
- (d) gender, regional and ethnic diversity; and
- (e) the degree to which water users, or water users of particular kinds, are represented on the board or committee at the time the appointment is made.

(2) The Chairperson and members shall be identified

for appointment through an open competitive process.

3. (1) A member shall hold office for such term, not exceeding three years, as may be specified in the instrument of appointment.

(2) A member shall be eligible for re-appointment for one further term.

4. (1) A member may be appointed to act in the office of Chairperson during the illness or absence of the Chairperson, and a member so appointed shall have all the powers and be able to carry out all the functions of the Chairperson.

(2) An appointment under this paragraph may be made, and at any time revoked, by the person or body who appointed or elected the Chairperson.

5. The terms and conditions of service of a member, including the remuneration, allowances and other expenses to which the member shall be entitled to, shall be prescribed by Regulations made under this Act.

6. (1) The office of a member shall become vacant if—

- (a) such member dies, resigns or is removed from office;
- (b) such member absents himself or herself from four consecutive meetings of the board or committee of which reasonable notice has been given to the member, unless—
  - (i) the board or committee has granted the member leave to be absent from those meetings; or
  - (ii) within four weeks after the last of the four meetings, the member is excused by the board or committee for having been absent from the meetings;
- (c) the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;

(d) such member is adjudged or declared by any competent court or tribunal to be of unsound mind; or

(e) such member is convicted of an offence punishable by imprisonment for twelve months or more.

(2) If the office of a member becomes vacant, the respective appointing authority shall fill the vacancies as prescribed in this Act.

7. (1) A member who has a direct or indirect pecuniary interest—

(a) in a matter which is being considered, or is about to be considered, at a meeting of a board or committee of which he or she is a member; or

(b) in a thing being done or about to be done by the board or committee,

shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the board or committee.

(2) A disclosure to the Board or committee that the member concerned—

(a) is a member, or is in the employment, of a specified company or any other body;

(b) is a partner, or is in the employment, of a specified person; or

(c) has some other specified interest relating to a specified company or other body or a specified person,

shall be deemed to be a sufficient disclosure of the nature of the interest in any matter or thing relating to that company or other body or to that person which may arise after the date of the disclosure.

(3) The board or committee shall cause particulars of any disclosure made under subparagraph (1) or (2) to be recorded in a book kept for the purpose and that book shall be open at all reasonable hours to the inspection, free of charge, of any person.

(4) After a member has, or is deemed to have, disclosed the nature of an interest in any matter or thing

under subparagraph (1) or (2), the member shall not, unless it is otherwise determined—

(a) be present during any deliberation, or take part in any decision of the board or committee with respect to that matter; or

(b) exercise or perform any powers or functions under this Act with respect to the subject matter of the disclosure.

(5) A determination under subparagraph (4) may only

be made —

(a) in relation to the Management Board, WSP Board, or the Water Board by the Executive member;

(b) in relation to a basin water resources committee by the Authority; or

(c) in relation to a water services provider by the Board.

(6) Subparagraph (4) does not apply to a member whose interest consists merely of the fact that the member is the holder of a permit.

(7) A contravention of this paragraph does not invalidate any decision of the board or committee or the exercise or performance of any power or function under this Act.

(8) A reference in this paragraph to a meeting of a board or committee includes a reference to a meeting of any subcommittees of the board or committee.

8. Except as otherwise provided by or under this Act—

(a) meetings of a board or committee shall be held as often as maybe necessary for the dispatch of their business but they shall not be less than four any financial year.

(b) a meeting of the board or committee shall be held on such date time and place as the chairperson may decide;

(c) the chairperson shall, on the written application of one third of the members convene a special meeting of the board or committee;

(d) unless the majority of the total membership of the board or committee otherwise agree, at least fourteen days written notice of every meeting of the board or committee shall be given to every member of the board or committee; and

(e) the procedure for the convening of meetings and for the conduct of business at those meetings shall be as determined by the Chairperson.

9. A third of the members of a board or a committee shall constitute a quorum at any meeting of the board or committee.

10. The Chairperson or, in the absence of the Chairperson, the acting Chairperson or in his or her absence, a member appointed by the members then present shall preside at a meeting of a board or committee.

11. (1) A decision supported by a majority of the votes cast at a meeting of a board or committee at which a quorum is present shall be the decision of the board or committee.

12. Subject to paragraph 9, proceedings of the board or committee shall not be invalid by reason only of a vacancy among the members.

13.(1) The presiding member at a meeting of a board

or committee shall cause a record of the proceedings at the meeting to be made.

(2) Records made for the purposes of this paragraph may be destroyed after the expiry of the period prescribed by Regulations made under this Act.

14. (1) The first meeting of the board of the water, services Board, the Fund or the water dispute committee shall be called by the county executive member.

(2) The first meeting of a basin water resources committee shall be called by the board in such manner as the Authority consider necessary.

(3) The first meeting of a water services provider shall be called by the county government establishing it in such manner as it considers necessary.

15. The First Schedule applies to the county and cross-county water services providers and the Regulatory Board will set additional criteria.

