

SPECIAL ISSUE

Embu County Gazette Supplement No. 33 (Acts No. 15)



REPUBLIC OF KENYA

**EMBU COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2015

NAIROBI, 23rd December, 2015

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PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

THE EMBU COUNTY WATER ACT, 2015

No. 15 of 2015

Date of Assent: 18th December, 2015

Date of Commencement: 23rd December, 2015

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THE EMBU COUNTY WATER ACT, 2015

AN ACT of the County Assembly of Embu to provide for provision of water and sanitation services, water and soil conservation, development, regulation and management of water and sanitation services, storm water management systems and for connected purposes

ENACTED by the County Assembly of Embu as follows—

PART I — PRELIMINARY

1. This Act may be cited as the Embu County Water Act, 2015 and shall come into operation upon publication in the *Gazette*.

Short title and
Commencement.

2. In this Act, unless the context otherwise requires—

Interpretation.

“Board” means the Embu County Public Service Board;

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

“County” means the Embu County;

“County Assembly” means County Assembly of Embu;

“County Government” means the Embu County Government;

“County Water Service Provider” means a water service provider established and owned by the Embu County Government;

“county public water works” includes water and sanitation infrastructure, management and regulation of water service providers in the county;

“Department” means Department of Water Service established under section 4;

“Executive Committee Member” means the County Executive Committee Member for the time being responsible for matters relating to Water in the County;

“Gazette” means a Kenya Gazette or County Gazette published by the authority of the County Government or a supplement of such Gazette;

"Governor" means the Governor of Embu County;

"Inspector" means an inspector appointed under section 6;

"Land and Environment Court" means the Land and Environment Court as established under Article 162 (2) of the Constitution;

"license" means a license in force under this Act;

"management of water resources" means the development, augmentation, conservation or protection of a water resource;

"permit" means a permit for the time being in force under this Act;

"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 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;

"sanitation" means the provision of on-site sanitation services including latrines, septic tanks and conservancies including the associated exhauster services;

"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;

"water services" means any services of or incidental to the supply of water and includes the provision of sewerage services;

"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 Service" means any service of or incidental to the supply of water or the provision of sewerage;

"water services provider" means a company, non-governmental organization or other person or body licensed to provide water services including water bottling and packaging under this Act and in accordance with an agreement as provided under section 9;

"works" means any structure, apparatus, contrivance, device or thing for carrying, conducting, providing or utilization of water or liquid waste, but does not include hand utensils or such other contrivances as may be prescribed by Regulations made pursuant to this Act.

3. (1) The object and purpose of this Act is to provide for a legal framework for the implementation of Article 43 (1) (b) and (d) and paragraphs 10 (a) and 11 of Part 2 of the Fourth Schedule to the Constitution.

Object and Purpose
of the Act.

(2) Without prejudice to the generality of the provision of subsection (1), the Act makes provisions which—

- (a) provides for equitable and continuous access to safe, clean water in adequate quantities;
- (b) promotes soil water conservation;
- (c) promotes conservation and protection of water catchment;
- (d) provides for the development and management of county water and sanitation services public works;
- (e) provides for effective and efficient provision of water and sanitation services;
- (f) promote effective and efficient management of storm water in built up areas;
- (g) enhances sustainable management of water resources, and
- (h) Promote inter-agency collaboration and public participation in water resource development and management.

PART II—ADMINISTRATION

4. (1) There is established, a Department of Water Service which shall be a Department in the County Public Service.

Establishment of the Department

(2) The Department shall have all the necessary powers for the execution of its functions under this Act.

5. The Department shall be responsible for—

Functions of the Department.

- (a) recommending for licensing of water service providers to the Executive Committee Member;
- (b) establishing a mechanism for handling complaints from consumers regarding the quality of water services and address those complaints ;
- (c) facilitating public awareness and participation on sustainable water, sanitation and storm water management;
- (d) developing policies, strategies and mechanisms for climate change mitigation and adaptation in the water sector;
- (e) developing performance management system and overseeing its implementation by the agencies established under this Act;
- (f) monitoring and evaluating the implementation of this Act and the water sector;
- (g) maintaining a database on information, data dissemination and communication on water sector issues;
- (h) developing and advising the Executive Committee Member on the necessary policy, plan or strategy to be adopted for sustainable Water and Sanitation Service Provision;
- (i) formulating development and investment plans for rural and urban areas; aggregated from the county development plans and established by the county water service providers and through the County Government Water Services Institutional Structures for their designated areas;
- (j) providing technical assistance to the water services providers as County Government Agents

for County asset development and hand over developed public assets to the licensed water services providers according to the Regulations by the Executive Committee Member;

- (k) ensuring compliance by the water service providers with the established standards relating to water and sanitation services ;
- (l) mobilization of resources for water and sanitation services provision and support, financing of water conservation and protection of catchment areas within the County;
- (m) supporting and direct enforcement of reserve flow maintenance at all times;
- (n) in collaboration with Water Resource Users Associations, participation in development, implementation and monitoring of sub catchment management plans;
- (o) determining, set charges for Water Catchment protection;
- (p) monitoring compliance by water users with the conditions of licenses and the requirements of this Act;
- (q) developing a report, at least, annually on water issues including the performance of water resource institutions; and
- (r) performing any other functions as may from time to time be assigned to it by the Executive Committee Member or as may be assigned through any other relevant law;

6. (1) The Executive Committee Member shall, in consultation with the Board and by a notice in the *Gazette*, appoint inspectors under this Act.

Appointment of
Inspectors.

(1) An inspector appointed under subsection (1) shall be a holder of at least a diploma in a relevant field.

7. (1) An inspector may enter on to any kind or premises in the county for the purpose of—

Powers of Inspectors

- (a) ascertaining whether there is or has been any contravention of any such regulations;

- (b) in the case of any regulations in respect of tariffs and the payment therefore, non-payment; or
- (c) in the case of any regulations made for preventing water degradation—
 - (i) ascertaining whether or not circumstances exist which may justify the water service provider's imposing a requirement to execute works or take other action to prevent degradation; or
 - (ii) exercising any right conferred on the licensee, to execute and maintain works or take other action.

8. An Inspector shall not enter to the land or premises without first identifying himself or herself and giving reasonable notice, whether written or verbal, to the landholder or his employee or agent in charge of the land or premises, and such entry shall be at reasonable hours provided that an Inspector may enter without giving notice if—

Notice of Entry.

- (a) he has reason to believe that a provision of this Act or regulations made under this Act has been or is about to be contravened;
- (b) he is unable to give notice within a reasonable time having regard to the circumstances; or
- (c) He has been given reasonable grounds for not giving notice.

(2) If requested by the owner or occupier of the land or premises, the Inspector shall produce evidence of his right or permission, as the case may be, to enter on to the land.

(3) It shall be the duty of any person exercising any powers under this section to do so with reasonable care and in such a manner as to cause as little damage as possible in doing so.

PART III—PROVISION OF WATER AND SANITATION SERVICES.

9. (1) Water and Sewerage services in the county shall be provided by or on the basis of an agreement with water services providers in accordance with the provisions of this Act.

Water Service Providers

(2) The Executive Committee Member shall, by notice published in the *Gazette* appoint a water service provider.

10. (1) A water service provider shall not provide water services except under the authority of a licence issued by the Executive Committee Member.

Licensing of Water
Service Providers.

(2) A license issued under subsection (1) shall specify the conditions and terms of the license.

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

- (a) by a person to his employees;
- (b) on the premises of an institution including a hospital, factory, school, hotel, research station or other institution of a similar nature to the occupants thereof, 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 it in bulk by a licensee; or
- (c) In circumstances where a person supplies less than fifty households per day.

11. (1) An agreement entered into between a water service provider and the Executive Committee Member shall specify the powers and functions of the licensee which shall be performed by the water service provider.

Agreements with
Water Service
Providers.

(2) The agreement specified under subsection (1) shall make provisions with respect to—

- (a) indemnifying the water service provider of any liability to the Department arising from performance or non-performance of functions conferred by the licence; and
- (b) The maintenance, rehabilitation and development by the water service provider of water and sewerage infrastructure and facilities in the County.

12. A water service provider shall be responsible for—

Responsibilities of
Water Service
Providers.

- (a) provision of water services within the area specified in the licence and ensure that water and sewerage services in the county are performed in effective and efficient manner;

- (b) development and maintenance of county assets for water service provision;
- (c) collection, treatment and management of wastewater; and
- (d) treatment and management of sludge.

13. (1) A water service provider shall make an application to the Executive Committee Member for a license to supply water and sewerage services in the county.

*Application for a
Licence by a Water
Service Provider.*

(2) The application shall be made by submitting to the Executive Committee Member the prescribed form together with the prescribed fees.

(3) An application for a license shall require the following particulars to be furnished by the applicant—

- (a) the technical and financial capability of the applicant to provide the services and perform functions authorized by the license;
- (b) business plans for the provision of efficient, affordable and sustainable water services;
- (c) details of planned financial and infrastructural improvements;
- (d) a proposed tariff structure; and
- (e) Any other information required by the County.

(4) The Department may recommend to the Executive Committee Member to grant or refuse to issue a licence.

(5) Where the Executive Committee Member refuses to grant or issue a license, the Executive Committee Member shall inform the applicant the reasons for refusal within seven working days from the day the decision to refuse is made.

14. (1) A license shall be subject to—

*Conditions of a
Licence*

- (a) such conditions as may be prescribed by or under this Act in relation to the license; and
- (b) such other conditions, not inconsistent with the conditions prescribed, as the national water regulatory agency may impose by endorsement on, or instrument in writing annexed to, the licence;

(2) Rules made under this Act may make provision for imposing conditions on, or with respect to the conditions which are or shall be imposed on licenses generally or any class or description of licenses.

(3) Without prejudice to the generality of subsection (2), such rules may —

- (a) require the imposition of prescribed conditions in prescribed circumstances;
- (b) require the licensee to maintain, in the prescribed manner, a contingency fund for the purpose of renewal, repair, enlargement or improvement of any plant, equipment, facilities or works used for the purposes of the licence or for meeting any other prescribed contingency.

(c) provide that a contravention of any, or of any specified, conditions prescribed by or under this Act as conditions of licenses shall constitute an offence punishable by a penalty specified in the licence.

(4) The imposition of a penalty by a regulation made in accordance with subsection (3) (c) shall not prejudice any remedy for the recovery of damages for any loss, damage or injury sustained by any person by reason of the contravention in respect of which the penalty is imposed.

(5) The limits of supply of water shall be as prescribed by the license.

15. (1) A water service provider shall pay to the Department, on issue of a license any such fees as the Executive Committee Member shall determine.

Fees or Charges.

(2) Without prejudice to the generality of the provisions of subsection (1), a county water service provider shall pay to the county ten percent of their total collection per year which amount shall be used only for development of the water and sanitation systems.

(3) A water services provider who contravenes the provision of this section commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or imprisonment for a term not exceeding three years or to both.

16. (1) Where a water service provider more than three times defaults in complying with the conditions of the licence or the requirements of the Act the Executive Committee Member may impose a special regulatory regime, on the licensee requirements which may include—

Revocation of a
Licence.

- (a) enhanced monitoring and reporting;
- (b) loss of privileges;
- (d) the imposition of financial penalties;
- (e) the removal of the senior management of the licensee;
- (f) dissolution of the Board of directors of the licensee; and
- (g) Appointment of a special manager of the water services.

(2) If the Executive Committee Member is satisfied that, notwithstanding the imposition of measures under a special regulatory regime, the default has not been remedied and is not likely to be remedied by the licensee, he may by notice in the Gazette, order the transfer to another licensee of the water services within the county.

(3) The order of transfer under subsection (2) shall make such provision as it appears to the Executive Committee Member to be desirable or necessary with respect to any property or assets being used by the defaulting licensee for the purposes of providing the water services.

17. (1) Subject to subsection (2), a licence issued under this Act shall not be capable of being sold, leased, charged, transferred, attached or otherwise assigned, demised or encumbered.

Non transferability
of a Licence

(2) Despite subsection (1), a water service provider may enter into an agreement with any other person for the supply of water in bulk for any period and on any terms and conditions approved by the Executive Committee Member.

(3) Where it appears to the Executive Committee Member that it is expedient that—

- (a) any water service provider should give a supply of water in bulk to another water service provider; and

- (b) the other water service provider should take such a supply; and
- (c) the giving and taking of such a supply cannot be secured by agreement, the Executive Committee Member may, by order served on him or her, require the water service providers concerned to give and take such supply for such period and on such terms as it may specify

18. (1) A water service provider which is of the opinion that there is a serious deficiency of water available for distribution or that there is a likelihood of such a deficiency may, with the approval of the Executive Committee Member, for such period as the Executive Committee Member thinks necessary prohibit or restrict, as respects the whole or any part of his limits of supply, the use for any specified purpose of water supplied that service provider.

Prohibitions.

(2) Before any such prohibition or restriction comes into force, public notice shall be given by the licensee, in at least two newspapers with wide circulating within the affected area of the proposed prohibition or restriction and of the date when it shall come into force.

Any person who, while such prohibition or restriction is in force, contravenes its provisions shall commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand or to imprisonment for a period not exceeding twelve months or to both.

19. (1) Any riparian land shall be demarcated and protected.

Demarcation of
Riparian Land.

(2) The county department responsible for land shall, in consultation with the Department and County Land Management Board ensure that this section is implemented.

20. A person shall not carry any of the following activities on riparian land—

Prohibited Activities
on the Riparian
Land.

- (a) tillage or cultivation;
- (b) clearing of indigenous trees or vegetation;
- (c) building of structures;
- (d) disposal of any form of waste within the riparian land;

- (e) Excavation of soil or development of quarries; or
- (f) Planting of exotic species that may have adverse effect to the water resource or any other activity that in the opinion of the Department may degrade a water resource.

21. (1) No person shall, without authority under this Act or other written law willfully obstruct, interfere with, divert or abstract water from any watercourse or water resource, or negligently allow any such obstruction, interference, diversion or abstraction.

Obstruction of Water Resource.

(2) A person who contravenes this commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment of a term not exceeding twelve months or to both.

(3) Any person who without any written authority from the department, or water service provider, knowingly or wilfully—

- (a) defaces, alters, removes or interferes with water works developed by the department, Board or water service provider ; or
- (b) causes to be defaced, altered, connect storm water to the sewer system, removes or interfered with any public works developed by the Department or water service providers;
- (c) use or cause to divert domestic water for other purposes other than domestic use, commits an offence and shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment term not exceeding twenty four months or both.

22. (1) No person shall, without authority under this Act or any other written law throw or convey, or cause or permit to be thrown or conveyed, any rubbish, dirt, refuse, effluent, trade waste or other offensive or unwholesome matter or thing into or near to any water resource in such manner as to cause, or likely to cause, pollution of the water resource.

Pollution of Water Course or Water Resource.

(2) A person who contravenes this commits an offence and shall be liable upon conviction to a fine not exceeding

five hundred thousand shillings or to an imprisonment term not exceeding twelve months or both.

(3) No person shall carry on agricultural activities along the banks of any water resource unless he does so ten meters from the banks of a water resource.

(4) A person who contravenes this shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment of a term not exceeding twelve months or to both.

23. (1) The County may, on application by Consumers and with consultation of the licensees concerned permit the transfer of a water service, or part thereof, from one licensee to another licensee.

Clustering of Areas
of Water Service
Provision.

(2) Where it appears necessary to the Executive Committee Member to cluster, merge or restructure the County water service providers, for the purpose of securing a commercially viable water service, he may, by notice in the Gazette, order such a joint provision of water services or such a transfer of water service and may vary the relevant licenses accordingly.

PART IV – SANITATION AND SEWERAGE SERVICES

24. (1) No person shall discharge any trade effluent from any trade premises into the sewers of a water service provider without the consent of the water service provider.

Control of Effluent

(2) An application for consent shall be made to the water services provider and shall state—

- (a) the nature or composition of the trade effluent;
- (b) the maximum quantity of the effluent which it is proposed 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 water service provider.

(3) The water service provider's consent may be given subject to conditions, including conditions requiring the payment to the water service provider of charges for the discharge.

(4) Such consent shall be granted with the approval of the Executive Committee Member.

25. (1) A water service provider may, on any land belonging to it, or 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 water service provider, or which it is for the time being authorized to take, from being polluted.

Execution of Works
for Water Protection

(2) Provided that before constructing any works the water service provider, if the proposed works will affect or is likely to affect any body of water in the catchment area in which the works are situated, shall obtain the consent of the National Environment Management Authority and any other relevant authorities.

(3) Any water service provider proposing to construct any such drain, sewer or other works may, with the consent of the Board concerned and subject to such conditions as the Department 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 limits of supply of the water service provider.

26. Any privately developed sewer approved and supervised by the water service Provider and connecting to public facilities may revert to public use.

Privately Developed
Sewers.

27. A water service provider may with the approval of the Executive Committee Member, fix and impose a sewerage services levy on all water services within the limits of supply of the licensee, to cover a reasonable part of the cost of disposing of the water supplied within those limits.

Sewerage Service
Levy.

PART V—SOIL AND WATER CONSERVATION

28. The Executive Committee Member shall in consultation with National Land Commission, the public, National Water Resources Management institutions and Intra County Basin Management Authority declare by notice in the Gazette any area to be a water conservation area for the purposes of conserving water.

Water Conservation
Areas.

29. (1) The Executive Committee Member shall, in consultation with the cabinet secretary in-charge of Water, by notice published in the Gazette designate a defined area from which rainwater flows into a watercourse to be a catchment area for the purposes of this Act.

Designation of
Catchment Areas.

(2) The Water Resources Management Department may designate a catchment area lying wholly or partly within another catchment area as a sub-catchment, in consultation with the National Water Resources Management Department or Agency.

(3) Each Sub Catchment, represented by the Water Recourses Users Associations shall formulate a Sub Catchment Management Plan.

(4) Each sub catchment water resources management plan as is in force for the time being, shall be published in the Gazette.

30. (1) The Water Resource Users Association shall be established as association of water resource users at Sub Catchment level and as agents of the County Government.

Establishment of
Water Resource
Users Associations.

(2) Water Resource Users Association shall be community-based associations for catchment protection, collaborative management of water resources and resolution of conflicts concerning the use of water resources.

(3) The county may contract Water Resource Users Associations as agents to perform some functions in catchment protection and water resource management

PART VI—STORM WATER DRAINS

31. (1) The Department may—

- (a) construct, expand, alter, maintain or lay any drains, pipes or other structures related to the storm water system on or under immovable property;
- (b) drain storm water or discharge water from any county public works into any natural water course, and
- (c) do any other thing necessary to give effect to this Act.

Provision of
Infrastructure.

(2) Ownership of any drains, pipes or structures related to storm water shall vest in the County.

32. A person shall not, unless with the written consent of the Executive Committee Member and subject to any conditions it may impose—

Protection of Storm
Water System.

- (a) discharge, permit to enter or place anything other than storm water into the storm water system;
- (b) damage, endanger, or destroy the storm water system or its operation;
- (c) construct or erect any structure or thing or over or in such a manner to interfere with or endanger the storm water system or its operation;
- (d) discharge, permit to enter or place anything likely to cause storm water pollution;
- (e) make an opening into a storm water pipe, canal or culvert drain, abstract or divert any water directly from the storm water system;
- (f) fill, excavate, shape, landscape, open up or remove the ground above, within, under or immediately next to any part of the storm water system; or
- (g) Connect or direct storm water into the Public sewerage system.

33. A person shall not, except with the written consent of the Executive Committee Member and subject to any conditions it may impose undertake in any activity which alone or in combination with other existing or future activities, may cause an increase in the flood levels or create a potential flood risk.

Prevention of Flood
Risk.

34. (1) The studies and assessments which the county may undertake include—

Studies and
Assessments.

- (a) establishment of flood lines for water bodies;
- (b) impact assessments for all waterworks infrastructure and environmental impact studies as per the national laws on environment;
- (c) environmental impact studies or investigations which may be required by any applicable environmental laws

(2) Any study done under subsection (1) will be at the expense of the applicant.

35. (1) Where there is a storm water pollution incident as contemplated in this Act, the owner of the property on which the incident took place or is still in the process of taking place or the person responsible for the incident shall immediately report the incident to the executive committee member and National Environment Management Authority.

Water Pollution
Incidents.

(2) The County Executive Committee member may in its opinion require that such persons take all reasonable measures to minimize the effects of the pollution at their own cost.

36. (1) Every owner of property on which private storm water systems are located shall, not carry out any activity which may reasonably impair the effective functioning of the storm water system

Storm Water
Systems on Private
Land.

(2) The owner of such a property may be required at his or her own cost, to keep such storm water systems functioning effectively, including undertaking its refurbishment or reconstruction.

(3) The provisions of subsection (1), does not apply to the extent that the county has accepted responsibility for any of the duties in a formal agreement or in terms of a condition of a servitude.

PART VII—MISCELLANEOUS PROVISIONS

37. In order to control pollution of water resources in the County, the Department in collaboration with the relevant bodies in the National Government shall—

Measures for Control
of Pollution

- (a) set up a cost-effective pollution monitoring program;
- (b) enforce regulations through user or polluter pays principle, and other legal and administrative actions stated under this Act and in the national laws on management and coordination of environment and on public health;
- (c) ensure untreated effluent water is not released in to water resources;
- (d) treat effluent water and re-use or recycle it for irrigation purposes in the County; and

- (e) perform any other lawful act done to enhance control of pollution.

38. (1) Where the water services provider has failed to discharge any duty imposed upon it by a license or otherwise under this Act and having been notified by the Executive Committee Member to take such steps as are reasonably practicable in order to remedy any such failure and has failed, the Executive Committee Member may by order declare such Water supply provider to be in default.

Default by Service Providers.

(2) A water services provider declared to be in default by the order under this Act, who fails to comply with any requirement of the order within the specified time for the compliance with the requirement commits an offence and shall be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months or to both.

39. (1) Rural water service providers shall obtain a license with conditions to ensure they run on Commercial principles.

Rural Water Service Provision.

(2) Where the scope of the project does not allow a commercial entity, the executive committee member may cluster the small water utilities for better technical support and management of their service.

40. (1) County government may where the executive committee member deems necessary, issue grants or loans to county water service providers.

County government to issue grants and loans

(2) The county government shall in issuing grants or loans under sub-section (1), comply with provisions of the Public Finance Management Act, 2012 governing issuance of grants or loans.

41. (1) The Executive Committee Member may make regulations for the better carrying out of the activities of this Act.

Regulations.

(2) Without prejudice to the generality of the provisions of subsection (1), the Regulations shall provide for—

- (a) conditions for the provision of water services and the tariffs applicable;
- (b) for controlling cultivation of land situated on slopes;

- (c) sustainable management of wetlands;
- (d) demarcating riparian lands;
- (e) disposing water falling or coming to rest within private property;
- (f) prescribing the amount of fees payable under this Act generally or in particular cases;
- (g) the circumstances in which licenses and agreements may be applied for, granted, varied, refused or cancelled, and the manner in which a person to whom a license is granted may exercise a right or privilege conferred upon him by the license;
- (h) forms to be used under this Act;
- (i) provision of bottled or mineral water; or
- (j) county projects relating to the water sector.

42. Any person convicted of an offence under this Act for which no other penalty is provided shall be liable to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding twelve months, or to both.

General Penalty

43. (1) Notwithstanding any other provision of this Act to the contrary, a person, a company or a body which, immediately before the commencement of this Act was in accordance with the legislation previously governing licensing of water service providers, shall be deemed to be a licensed water service provider under this Act.

Transitional

(2) The water service provider referred to in subsection (1), shall, upon expiry of the licence granted under the referred legislation, comply with the requirements of this Act.