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PARLIAMENT OF THE REPUBLIC OF UGANDA

MOTION SEEKING LEAVE OF PARLIAMENT TO INTRODUCE A PRIVATE MEMBER'S BILL ENTITLED "THE RAINWATER (HARVESTING AND STORAGE) BILL

(Moved under Articles 94(4) of the Constitution of the Republic of Uganda and Rules 121 and 122 of the Rules of Procedure of Parliament)

WHEREAS Article 79 of the Constitution of the Republic of Uganda empowers Parliament to make laws for the peace, order, development and good governance of Uganda;

AND WHEREAS Article 94 (4) (b) of the Constitution and Rules 121 and 122 of the Rules of Procedure of Parliament recognize the right of a Member of Parliament to move a Private Member's Bill;

NOTING THAT there is no legal framework providing for and regulating the compulsory harvesting and storage of rainwater in Uganda despite the abundance of this natural resource;

FURTHER NOTING THAT the world is experiencing variability in precipitation, increased temperature, drought frequencies and intensities and globally, approximately four billion individuals experience water scarcity due to drought;

AWARE THAT Uganda's climate is largely tropical with two rainy seasons in a year, while the northern region, which forms one-quarter of the country lies outside the tropical belt and hence experiences only one rainy season and is more prone to drought;

FURTHER AWARE THAT in Uganda, water scarcity due to drought poses a great threat to the rural population and according to World Bank, approximately 4.5

million people (or 10% of the population) are affected by water scarcity each year, mainly in the south-eastern and north-eastern regions of Uganda;

CONCERNED THAT droughts in Uganda are a recurrent hazard and the country experienced notable drought events in the years 1967, 1979, 1987, 1999, 2002, 2005, 2008, 2010 and 2017;

FURTHER CONCERNED THAT climate projections indicate that conditions will become even more severe in the future and will continue to pose threats to Uganda amidst the growing population, economy and increasing urbanization;

ALARMED THAT during the rainy season, rainwater causes flooding especially in urban areas where the drainage systems are not well maintained;

CONVINCED THAT there is a need for putting in place appropriate mechanisms to address the issue of drought and flooding especially by taking advantage of the rainy seasons when rainwater is in plenty, by harvesting and storing rainwater so as to harness the resource and optimally utilise it to augment the water needs of the people of Uganda while at the same time minimising flooding;

NOW THEREFORE be it resolved that:

Parliament grants me leave to introduce a Private Member's Bill entitled "**The Rainwater (Harvesting and Storage) Bill**", a draft of which is hereto attached and do order the publication of the said Bill in preparation for its first reading.

I beg to move

MOVED BY:



APOLLO YERI OFWONO (MP)

TORORO MUNICIPALITY

SECONDED BY:



AGASHA JULIET BASHIISHA (MP)
DISTRICT WOMAN REPRESENTATIVE
MITOOMA DISTRICT

BIYIKA LAWRENCE SONGA (MP)
ORA COUNTY

THE RAINWATER (HARVESTING AND STORAGE) BILL

MEMORANDUM

1. Policy and principles

The object of the Bill is to provide for mandatory harvesting and storage of rainwater in Uganda.

2. Justification for the Bill

There is no legal framework providing for and regulating the compulsory harvesting and storage of rainwater in Uganda. The world is experiencing variability in precipitation, increased temperature, drought frequencies and intensities. Globally, approximately four billion individuals experience water scarcity due to drought.

Uganda's climate is largely tropical with two rainy seasons in a year, March to May and September to December. The northern region, which forms one-quarter of the country lies outside the tropical belt and hence experiences only one rainy season, March to October.

In Uganda, water scarcity due to drought poses the greatest threat to the rural population. According to World Bank, approximately 4.5 million people (or 10% of the population) are affected by water scarcity each year, mainly in the south-eastern and north-eastern regions of Uganda. Droughts in Uganda are a recurrent hazard and the country experienced notable drought events in the years 1967, 1979, 1987, 1999, 2002, 2005, 2008, 2010 and 2017). According to the National Environment Management Authority, the severe droughts experienced in 2010 affected many water resources in the country.

Climate projections indicate that conditions will become even more severe in the future and will continue to pose threats to Uganda amidst the growing population, economy and increasing urbanization. There is a need for putting in place appropriate mechanisms to address the issue of drought especially by

taking advantage of the rainy seasons when rainwater is in plenty, by harvesting and storing rainwater. The Bill should enable the harvesting of rainwater so as to harness the resource and optimally utilise it to augment the water needs of the people of Uganda.

Harvesting rainwater will also minimise flooding which is a recurrent phenomenon, especially in urban areas where the drainage systems are not well maintained.

Remedies proposed by the Bill

This Bill seeks to address water scarcity and drought by providing for the compulsory harvesting and storage of rainwater in Uganda.

3. Provisions of the Bill

The Bill comprises 15 clauses.

PART 1—PRELIMINARY

Part I of the Bill provides for the interpretation of words and phrases used in the Bill.

PART II— ADMINISTRATION STRUCTURE FOR RAINWATER HARVESTING AND STORAGE MANAGEMENT

Part II of the Bill, comprising clauses 3 to 8 provides for the management structures for rainwater harvesting and storage.

PART III— RAINWATER HARVESTING AND STORAGE

Part III of the Bill, comprising clauses 9 and 12 deals with obligations imposed under the Act.

PART IV— MISCELLANEOUS

Part IV of the Bill, comprising clauses 13 and 14 provides for the fines, penalties and Regulations.



HON. APOLLO YERI OFWONO

TORORO MUNICIPALITY

ARRANGEMENT OF CLAUSES

Clause

PART 1—PRELIMINARY

1. Interpretation

PART II— ADMINISTRATION STRUCTURE FOR RAINWATER HARVESTING AND STORAGE MANAGEMENT

2. Administration, management and development
3. Powers of Minister
4. Functions of Directorate of Water Development
5. Functions of Local Government
6. Functions of Building Committee
7. Community Rainwater User Committee

PART III—RAINWATER HARVESTING AND STORAGE

8. Obligation to provide for rainwater harvesting facility or system
9. Obligation of developer
10. Obligation of occupier
11. Harvesting and storage of rainwater for commercial purposes

PART IV-MISCELLANEOUS

12. Fines and penalties
13. Regulations

SCHEDULE

Currency Point

A BILL for an ACT

ENTITLED

THE RAIN WATER (HARVESTING AND STORAGE) BILL, 2021

An Act to provide for mandatory harvesting and storage of rainwater, to conserve rainwater, to establish, maintain and manage rainwater harvesting systems and facilities in Uganda; and for related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Interpretation

In this Act, unless the context otherwise requires—

"building" means— (a) any structure, whether of a temporary or permanent nature, and, irrespective of the materials used in its erection, erected or used for or in connection with—

- (i) the accommodation or convenience of human beings or animals;
- (ii) the manufacture, processing, storage or sale of any goods;
- (iii) the rendering of any service;
- (iv) the destruction or treatment of refuse or other waste material; or
- (v) the cultivation or growing of any plant or crop;

(b) any other part of a building or of an installation connected to the building;

"building committee" means the building committees established under the Building Control Act, 2013;

"building permit" means the building permit issued under the Building Control Act, 2013;

"building plan" means architectural or engineering drawings required by a building committee in respect of a building operates under the Building Control Act, 2013;

"currency point" means the value assigned to it in the Schedule to this Act;

"Developer" means a person or entity responsible for the planning and construction of a building and includes the owner of the building;

"Directorate" means the Directorate of Water Development within the Ministry;

"Minister" means the Minister responsible for water;

"Ministry" means the Ministry responsible for water;

"rainwater" means water sourced from rain that has not entered a storm drain system or channel, or any natural drain, or any other stream channel and has not been previously put to beneficial use;

"rainwater harvesting" means collecting and storing rainwater from the rooftop of a building or other parts of a building or any paved or unpaved surface, for use;

“rainwater storage facility” includes a vertical detention tank, horizontal water tank, underground water tank, open retaining basin or a multi-use water catchment area such as small farm reservoirs, on-site regulation ponds used to capture, retain and store rainwater, or any structure that is used to store rainwater;

“rainwater harvesting system” means the method used to collect, convey and store rainwater including pipes or drains, simple rain barrels, pumps, tanks or other physical components, for human use;

“Local Government” means a local council established under sections 3(2) to (5) of the Local Governments Act;

PART II—ADMINISTRATION STRUCTURE FOR RAINWATER HARVESTING AND STORAGE MANAGEMENT

2. Administration, management and development

The administration, management and development of rainwater harvesting and storage facilities shall be undertaken by the Directorate subject to the overall guidance of the Minister in collaboration with other stakeholders.

3. Functions of Directorate

The Directorate shall-

- (a) Develop appropriate standards and guidelines relating to rainwater harvesting, storage, and utilisation;
- (b) Identify, promote and undertake the development of appropriate rainwater harvesting and storage facilities and systems;

- (c) Promote the development and introduction of appropriate technologies in rainwater harvesting, storage and treatment for human consumption, animal consumption or domestic use;
- (d) Create public awareness and support for rainwater harvesting and storage;
- (e) Coordinate and undertake monitoring and control of activities within the scope of this Act; and
- (f) Perform any such duties and functions consistent with the provisions of this Act as may be necessary for the fulfilment of the objectives of this Act.

4. Collaboration with Local Government

The Ministry, Directorate and Building Committee shall collaborate with the local government in the implementation of the provisions of this Act.

5. Functions of Local Government

- (1) A local Government shall be responsible for;
 - (a) Sensitizing and promoting the establishment, installation, maintenance or development of rainwater harvesting and storage facilities or systems;
 - (b) supervising the management, maintenance, development and improvement of rainwater harvesting and storage facilities and systems within their area of jurisdiction;
 - (c) ensuring compliance with regulations, policies and guidelines under this Act;
 - (d) make bylaws and ordinances for the development of sustainable rainwater harvesting and storage facilities management; and
 - (e) Carrying out any other functions as may be directed by the Minister.

6. Building Committee

- (1) The Building Committees established under section 28 of the Building Control Act shall be the building Committee for purposes of this Act.
- (2) The Building Committee shall, in addition to the functions prescribed under the Building Control Act-
 - (a) prescribe guidelines that determine the type and size of rainwater harvesting facility or system which is suitable for a specific building;
 - (b) provide technical guidance to a developer when installing rainwater harvesting facilities or systems;
 - (c) liaise with the Ministry, Directorate and local Governments to facilitate the development of appropriate policies, guidelines, bylaws and ordinances on rainwater harvesting and storage facilities or systems;
 - (d) provide such information to the Directorate and Local Governments as may be required for the purposes of rainwater harvesting and storage facilities or systems.
- (3) The Building Committee may, in writing, delegate to a Local Government or competent person, any function conferred upon it by or under this Act,

PART III - RAINWATER HARVESTING AND STORAGE

7. Obligation to provide for rainwater harvesting system or facility

- (1) A Developer, shall, in a building plan required by the building committee, make provision for a rainwater harvesting and storage facility.
- (2) A Building Committee shall not issue a building permit to a developer who presents a building plan which is not in compliance with subsection (1) of this provision.

- (3) An owner of vacant land may install a rainwater harvesting facility or system.

8. Transitional Provisions

- (1) A developer whose building plan was approved before the coming into force of this Act, shall, within twelve months from the date of commencement, make provision for a rainwater harvesting facility or system on a building.
- (2) A developer whose building was complete or fully constructed before the commencement of this Act, shall, within twelve months from the date of commencement, install a rainwater harvesting and storage facility or system on the building.
- (3) A developer who contravenes subsection 1 or 2 of this provision commits an offence and is liable on conviction to pay a fine not exceeding 100 currency points.

9. Harvesting and storage of rainwater for Commercial purposes

- (1) A person who harvests and stores rainwater may charge a user fee for purpose of maintaining the facilities and systems;
- (2) A person who charges a user fee for rainwater shall adhere to the treatment procedures and standards prescribed by the Minister;
- (3) A person who provides rainwater for commercial purposes in contravention of subsection (2) of this section commits an offence under this Act.

PART IV-MISCELLANEOUS

10. Fines and penalties

(1) A person who contravenes any of the provisions of this Act may be subject to any of the following penalties -

- (a) Caution;
- (b) a notice accompanied with a requirement to comply with the provisions of this Act within a specified time period;
- (c) an administrative penalty not exceeding five currency points for each day of breach of the provisions of the Act;
- (d) A fine not exceeding one thousand currency points or imprisonment for a term not exceeding 6 months or both;
- (e) Closure of commercial buildings where the owner or person in charge is not in compliance.

(2) A person to whom a notice is served under paragraph 1(b) shall comply within the prescribed time period and where in default, be liable to pay an administrative penalty under paragraph (c) of this provision.

14. Offences committed by a corporate body

(1) Where a corporate body does not comply with any of the provisions of this Act, the competent Authority shall, in addition to any penalty stipulated —

- (a) impose an administrative penalty not exceeding five thousand currency points;
- (b) order for the cancellation of the registration of the entity as a corporate body; or
- (c) suspend the trading license or any license issued under any law applicable in Uganda.

15. Regulations

(1) The Minister shall, by statutory instrument, make regulations generally for the better carrying out of the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations in respect of any or all of the following matters-

(a) the type or nature of rainwater harvesting facilities or systems that may be developed on residential, public and commercial buildings;

(b) enforcement powers and mechanisms of the Local Governments;

(d) treatment procedures and standards for rainwater for different purposes including domestic, industrial or agricultural use to ensure safety.

SCHEDULE

Section 2

One currency point is equivalent to twenty thousand shillings.

Cross References

Building Control Act, 2013, Act 10 of 2013

Local Government Act, Cap.243