



JUBALAND STATE OF SOMALIA

MINISTRY OF MINERALS, ENERGY AND WATER

WATER ACT OF JUBALAND STATE OF SOMALIA

2020

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CHAPTER 1

Section 1: Definition of words

Water Extraction Fee:	It is the fee payable as a price to competent institution to extract water from its natural source
Water extraction license:	It is the license granted by competent institution to a person with qualifying water rights to extract water in accordance with conditions identified by Section 15 (4)
The Act:	It is the Jubbaland State Water Act.
Underground water resource:	It is water resource that is reserved underground
Pool:	It is a natural low land that holds or stores water flowing from highland, this includes water that is caught from rainfalls. Water catchment pool can be owned either by the public or by private individuals.
Pond:	It is underground water catchment built beneath the land surface to catch or store water flowing from rainfall. An underground water catchment can be owned either by the public or by private individuals.
Hand well:	This means hand operated water well that is either publicly or privately owned.
Coastal water of the sea:	This are sea waters beyond the coast with exception of fresh in land water and reserved underground salty water.
Laws:	The laws of Jubbaland State
Committee:	A committee that's in charge of Jubbaland State water policies.
The Competent institution:	The Ministry of Minerals, Energy and Water or any other legally authorized government institution under this Water Act. The competent institutions include ministries of Water Resources, Agriculture, Livestock, Health, Rural Development and Environment or agency or ministry with mandated responsibilities in accordance with this Water Act.
An officially authorized officer:	This is a senior supervisor, investigator or any other state employee authorized to supervise, implement or carry out the duties exercising delegated powers of his institutional appointed job, with clear instructions.
District:	This means an administrative district in line with Law N0.02/2017 Jubbaland State of Somalia's Local Government Act.
Households Water Supply:	This covers the general demands of people for water supply including firm irrigation, households, gardens and livestock that localities require.
Official Gazette:	This is the official Jubbaland State Gazette.

Underground Water:	This is natural reserved water or flowing underground excluding water reserve created by people or built water catchment facilities such pools and this includes coastal water reserves.
Holder of water use rights:	It is a government institution mandated by the MOMEW in relation to water affairs, or any other parties nominated by the Ministry to hold the rights of utilization of water right equipment owned by the state or the system.
Liquid:	It is any liquid or mater that is added to surface or underground water, directly or indirectly and without intention, if the liquid is flowing and not harmful to the water, this liquid can be added through a pipe or a channel, pool or any other manually made system
Lease Fee:	It is the money paid by the service provider holding an agreement with the Ministry or other institutions (as provided by Section 28(4), KH) paying the holder of water utility right.
Local institution:	It is the governmental structure in accordance with Law No.01/2017 for Local Government, Jubbaland State.
Mayor:	It is the head of local council as provided by under Law No.01/2017 Local Government, Jubbaland State.
Standards:	These standards comprise of any specifications agreed upon where the services or systems are required to fulfil for the consumers to use and these includes standards for water quality.
Individual:	This is a personal water generation or production by a private individual, company, cooperative society, or group that voluntarily mobilized themselves, or a party interested in development and management of water service as an independent entity, investors in a village, town or a ministry, agency or part of the same.
Polluting or Contaminating:	Anything that can change directly or indirectly the natural look of land, chemistry and biology part of the environment ,or pouring or spilling ,or part of harmful materials that will have negative impact on water services or other natural resources ,or any other hazardous things that constitute dangers to the environment, health, people's lives ,plants and animals(Flora and Fauna).In addition to that, polluting or contaminating is anything that harms or limits the water quality described in this Act or other laws.
Polluter or Contaminator:	This is any person that pollutes or contaminates water
Region:	It is an administrative locality in accordance with Lw N0.02/2017, Local Government Act, Jubbaland State.
Owner of water bank:	Owner of one or both banks of a river or a valley.

Specifications:	Any technical condition required when building an institutional service infrastructure, such as specifications for a water well that is going to be dug.
Surface water:	These are waters constantly or intermittently flowing Surface, or water that rests overland following a rainfall. These include waters such as water streams and pond waters
Special payment:	This is a payment in form of a fine specifically scheduled by water management to be paid in case of violations of requirements attached to water generation/production rights contract award.
Water Committee:	This an independent water committee nominated by the Ministry to oversee work implementation contract. The Committee comprise of local representatives from different water interest groups.
Water Fee:	This is the tariff or an amount of money paid by water consumer to water supplier
Water Management Unit:	A group of district employees mandated by the district administration to implement and manage water utility service representing the local administration.
Water distributor:	This is the person who distributes water services for the purpose of earning an income
Water Resources:	This includes waters contained in underground and overland including natural and man produced waters such as ponds and valleys, channels, rainfall waters, desalinated waters, reproduced or reused waters, upstream flowing waters and coastal waters from the sea.
Water Rights:	This is the right held by a person to generate water from its source to be used having regard to specifications and other conditions, water rights shall be registered in accordance with S.12 of this Act.
Water distribution:	It is provision of water services for people to cover their needs including water utility for other purposes such as for firm irrigation. animals, et
Water works:	Water resources development works including irrigation channels, waters dams , such as ponds and pools, waters resources such as wells, water bombs and their construction ,water pipes, water diversion such as fences erected to divert water, pons for water purification process , any facilities or infrastructure built to store water ,water way, water diversion ,facility to protect water resources from drying up and contamination ,and any other things used for water for any purpose, or any water works protecting water facilities or infrastructure .That are categorized as development for surface and underground waters.

Section 2: The name of this Act

This Act shall be called Jubbaland State of Somalia's Water Act

Section 3: The extent of this Act's use

This Act shall be used for the management and administration of water services within Jubbaland State of Somalia.

Section 4: Objectives of Jubbaland Water Act

1. The objectives of this Act shall be to develop and make available water services equipment following an inclusive and permanent management system based on different services water infrastructure and environmental protection.
 - a) Recognize, legalize, strengthen and inform the administration institutions, the socioeconomic system for water service management and its standards.
 - b) Recognize, legalize, strengthen and submit the water tariffs and standards to the executive institutions of Jubbaland State.
 - c) Manage the administration of water resources and distribution of water services implementing and applying the Water Act and its regulatory frameworks
 - d) Strengthen the capacity for the development of Jubbaland strategies in relation to water, and this shall be translated in state plans in order to assess and put in place a general plan relating to benefitting from the donor funds and international trade
 - e) Enable and capacitate the collaborative system to plan and assess the water resources programs and projects that are the mandate of the Ministry of Minerals, Energy and Water and other line institutions.
 - f) Create a collaborative framework between Jubbaland State ministries and independent institutions working in development, administration and management of water resources and utility of the same.
 - g) identify rights and responsibilities of persons socially and economically responsible bearing mind the use of water utilities according to plans set to fulfil the general public interest of the Jubbaland society.
- h. Encourage private ownership, particularly the Public Private Partnership (PPP)

Chapter 2: Use of Water Utility and Consumers

Section 5: The general objectives of the Water Act

1. Protection, development and enhancement of water quality, safeguarding of water resources and smooth running of utilization of that resources.
2. Utilization of water resources without licenses shall be prohibited in the absence of circumstances mentioned by this Act that allow otherwise.
3. Create tariff system for water because water is a commodity or service that is limited and have social and economic importance.
4. Strengthen water provision services, particularly the reprocessing and use of previously used water encouraging to make available relevant facilities and equipment.

Section 6: Roles and Responsibilities of the Ministry

- a) Putting in place relevant policies/regulatory frameworks necessary for management process and finding solutions for the administration of water resources in order to implement the spirits and objectives of this Act as described by Section 4 of this Act.
- b) Supervision, implementation of laws and management of affairs relating to control of pollution and contamination of water.
- c) Creation and implementation of technical and non-technical systems of water standards to protect utilization of water quality using know-how and relevant expertise.
- d) Implementation and development of standards for drinking water quality including process/purified water and the use of integrated water (water used for farm irrigation, sewage, polluted industrial water, etc) and benefiting from waters reservoir, Surface, coastal, seas and other water resources.
- e) Creation and maintenance of a complete register with all water rights and responsibilities including information in relation to water, land and the socioeconomic process specific for water utility.

Chapter 3: Water Utilization and Consumers

Section 7: Principles of Water Utilization

1. The mandated ministry shall protect and control the production and utilization of water resources.
2. The mandated ministry shall implement the spirit of the provisions of this Act and other regulatory frameworks required for implementation of water utilization

Section 8: Responsibilities of Water Consumers

1. Water consumers shall be aware of the spirit of this Water Act and other laws enacted to regulate water services in Jubbaland State.
2. Water shall be used responsibly and wisely using techniques, procedures and most relevant methods. Water facilities shall be maintained in the best possible ways.
3. When using water resources there shall be no harm and damage to people, animals and environment.
4. Water consumers shall be obliged to protect water from pollution/contamination

Chapter 4: Water Rights and Water Production Licenses

Section 9: Collective Ownership

1. Natural water resources ownership shall be vested in the Jubbaland State on behalf of Somali citizens resident in the Jubbaland areas
2. Water Resources utilization shall be governed by relevant laws in relation to management systems put in place in Jubbaland State

Section 10: Private Ownership

1. There shall be no private ownership of natural water resources, such as Water reserve, river, water reservoir and water way, etc.
2. Water resources shall be national assets to which ownership cannot be claimed by owners of private neighboring lands or property located in waters such as lake, well, sea, valley, etc.
3. Water resources services shall only be private in accordance with Jubbaland laws once produced from their natural reserves
4. Production of water resources can shall be sold by owners in line waters laws, vendors of people's drinking water shall fulfil the conditions specified in Section 45(1) of this Act.

Section 11: Water Resources Utilization Right

1. Utilization of water resources is the right to use limited amount of water produced from water reserve located in an appointed place. Specified criteria for water utilization right includes license holder, location, purpose of the utilization, amount and specifications of equipment.
2. The utilization license can be held by government agency, private person or a society such as water service consumer groups.
3. The Water Act shall recognize all practices in relation to water resources utilization rights which are not violating the laws.
4. Should there be any water resources utilization practice, it shall be registered in accordance with Section 12 of this Act.
5. Any water production using equipment such as machinery, it shall be registered with the Ministry in accordance with Section 12 of this Act and it shall be registered if it fulfils the conditions.
6. Any person or entity previously registered to work in the utilization of water resources, if they need to start operation, they shall apply for water production license in accordance with Section 15 of this Act.

Section 12: Water Right Registration

1. This Act obligates the registration of all water rights including traditional water right, the mandated institution shall maintain and correct the water register, the register will be the basis for dispute resolution in relation to rights and utilization of water resources
2. The Ministry shall appoint a water officer for every district, that is responsible to create, safeguard, maintain and present the district water rights register. The district shall make regular transfer of the correct version of the register to the Ministry mandated for water affairs in Jubbaland State.
3. When needed, the register and search system shall be managed free of charge
4. Subject to the spirit of S.12(3) of this Act, any person who requires to retrieve information from the Register for any purpose, he/she shall pay at the Office of the Water Officer a reasonable amount of fee which shall be clarified by regulations under this Act.
5. The water affairs mandated ministry shall publish rules of procedure and regulations in relation to process for registration and maintenance of the register. The rules of procedure shall provide further details on the right of every person to search the register and the requirement to be satisfied to correct contents written in it.
6. Every written information in the register shall provide every detail specific for water rights including date of complaint, their registration, rejection and any possible thing that has been corrected bearing in mind his rights.
7. Any person requesting for registration of water rights (hereinafter called the applicant) shall follow the procedures prescribed by Section 12(5) of this Act.
8. Subject to Section 12(7) of this Act, the following process shall be regarded:
 - a) The Applicant shall write his request to the officer responsible for district register filling in the application form provided by the officer.
 - b) That Application shall be published in Official Gazette within a period less than a month and not more than 3 months
 - c) Anybody opposing that application shall write his rejection in writing to the district office within the above-mentioned period,
 - d) The officer shall be aware of the rejection and shall consult with the applicant and the affected parties and then take decision within the specified period in Section 12(8)(b) of this Act.
 - E) If no rejection is received within the above-mentioned period, the water rights shall be granted and shall be registered.
 - f) The appointed officer shall issue the certificate of registration with detailed information specific to the rights of the applicant.

g) Registration of water rights shall not change and cannot change the nature and objective of the utilization.

Section 13: Transfer, Cancellation and Amendment of Water Right

1. Any amendments made on the particulars of water right shall be reflected in the register bearing in the correction procedures relating to the information contained in the register as set by the mandated institution. The water right holder shall follow the guidance necessary for amendment of information stored in the register.
2. Parties entitled to inherit holding water right can inherit provided the relevant inheritance laws are followed. The new succeeding parties shall present their particulars to the district to rectify the register.
3. The registered water rights can be transferred to a third party provided the procedures specified in this Act are regarded.
4. Water right can be rescinded anytime that is necessary to utilize water through a system in the public interest for the purpose of development, or removing the privately owned water works in order to implement a system that is beneficial to the public interest.
5. An equivalent compensation shall be payable to the owner of water rights in case of cancellation and rescinding of private water rights and the amount of compensation shall be certified by a competent court.

Section 14: Water Rights Disputes Resolution

1. In case of any disputes in relation to water rights, community methods of resolving these conflicts shall be strengthened bearing in mind the traditional practices of the Jubbaland society.
2. If the disputes cannot be resolved in accordance with the procedures under Clause (1) of this Section, the issue shall be referred to the competent court.

Section 15: Water Production License

1. Licenses shall be obtained from competent institution for all water production and utilization from natural streams.
2. No licenses shall be granted if the production causes damage to the natural environment such as:
 - a) Utilization exceeding underground water reserves
 - b) Saline water encroaching into the water reserve
 - c) Water flowing naturally being diverted in a way not acceptable
 - d) If holding water can result in making the population and animals to concentrate in particular location causing drought or endangering protection of rangeland and rural areas.

- e) If the utilization of water reserves negatively impact utilization of water rights for consumers in another area.
3. The mandated ministry for water shall identify the limits for water production and licenses shall be obtained for any private water production exceeding the limit. The Ministry shall propose rules of procedure for the water production identifying the limits that are allowed.
 4. Water production licensee is necessary when:
 - a) When the amount of water production work is more than the acceptable limit that shall not be exceeded.
 - b) When the water production is within the system of provision of water services to the public without regard to acceptable limits.
 - c) When the water stream is located in a location appointed by this Act
 5. The competent institution to issue water production licensee shall be the Ministry of Minerals, Energy and Water, Jubbland State, mandated to oversee water affairs, unless the MOMEW delegates this mandate to the district office due to specific circumstances and in line with rules of procedure for water services.
 6. When registering water rights operating with machines, the water district officer shall decide if the water rights require a production license, having regards to Clause (4) of this Section, if that is the case, the water district officer shall issue the prescribed form to the applicant and shall assist him/her on process of filling in the paperwork.
 7. The Applicant shall submit his/her application to the competent institution delegated by the Ministry responsible for water services, so that a decision shall be taken.
 8. Water production license shall be registered in the General Register and shall be kept within the ministry responsible for water affairs.
 9. Any amendments on the water production license information shall be registered in accordance with the rules of procedure for water.
 10. The mandated ministry shall put a plan in place for the architectural design and procedures for the operation of boreholes, water wells adjacent to each other and large water ponds. This plan shall describe and provide details such as : Location, number of wells, the maximum depth and rate of water increase.
 11. The amount of water production shall determine the rate of tariff payable for the license any.

Section 16: Limits, Temporary Suspension, Takeover and Cancellations

1. It shall be illegal to produce an amount of water exceeding the limits set in water regulations without acquiring licenses, or exceeding the limit prescribed in the production license of that kind can result in the competent institution taking over the equipment or taking other actions that can cause the production to be suspended regardless of its ownership.
2. Water production license may be limited or suspended for a period of time for reason of public interest in the following circumstances:
 - a) Substantial reduction of water reserves from where production license relates to
 - b) If it is confirmed that the applicant has exceeded the limit for his/her water production license for more than two (2) years
 - c) If damage is done to the quality of water reserve to which license relates or water is polluted or contaminated beyond the acceptable levels
 - d) If water production can be a cause of a damage to the water reserves such as pollution/contamination or sea water encroaching into water reserve area
 - e) If there is a danger to environment leading to drought and population and animals concentrating in one location
3. There shall be an equivalent compensation in the events of limiting water production or suspension of that kind if the holder of the license is blameless, the amount of compensation shall be determined by rules of procedures proposed by the competent ministry.
4. If the license holder does not utilize the license for a period of one (1) year, the Ministry responsible for water affair shall rescind the license without payment of compensation.
5. In the circumstances mentioned under Clause (2) (b) and Clause (4) of this Section, the Ministry shall have the authority to re-issue the water rights to new applicants in accordance with the rule of procedure.

Chapter 5: Implementation and Ownership

Section 17: Ownership and General Utilization of Water

1. Ownership of natural water resources shall not be transferred.
2. All water equipment/facilities with state investment shall be national assets of which Jubbaland State is responsible.

Section 18: Transfer of Public Service to Local Government

1. Jubbaland State may delegate the society water resources utilization rights to Local Government following agreement entered into between the parties.
2. The agreement shall fully transfer provision of services and water utilization rights to Local Government.
3. Subject to the spirit of Clauses (1) and (2) of this Section, the Local Government shall have no powers to sell the assets of Jubbaland State or transfer to other parties, or enter into partnership agreement with a third party.

Section 19: Returning Utilization Rights to Jubbaland State

1. If the Local Governments failed to realize the effective provision of water services, negatively impacting extension of water services, Jubbaland State shall have the powers to return the utilization rights of the public assets of the State.
2. Once Jubbaland State returned the utilization rights of State assets, it shall proceed with the responsibility to provide water services within the locality concerned.

Section 20: Utilization Rights of Water Facilities

1. Utilization right of water facilities for the purpose of public interest creates a responsibility to achieve regularization of management and administration in relation to utilization:
 - a) Mobilize the effective operationalization and maintenance of water utilization facilities.
 - b) Mobilize investment to renew facilities for water resources utilization and planning the life cycle or age which various parts are expected to last.
 - c) Plan provision of services based on demands.

Section 21: Non-Governmental Organizations Investment in Public Water Facilities

1. Permits shall be acquired for Non-Governmental Organization's Investment in public water service facilities in accordance with Section 15 of this Act.
2. Facilities mention under Clause (1) of this Section once finished shall be part of the of the State assets and shall be registered within the General Register of Jubbaland Assets in line with standards put under Section 15 of this Act.
3. In accordance with Clause (2) of this Section, the investor organization shall handover the facilities to the lowest level administration that capable to satisfy the utilization of water rights mentioned under Clause (1) of this Section in line with procedures set by the Ministry responsible for water affairs.
4. If all water utilization services are located within one district, the lowest suitable level for utilization of rights shall be the district administration.
5. If the water services facilities are located at different districts, the most suitable level for utilization of water rights shall be the regional administration.

Section 22: District Administration Investment in Water Facilities

1. License shall be obtained for districts investment in facilities for public water service provision,
2. Water facilities for a district with state investment once finished shall be owned by that district and shall not come under the procedures of handover and there shall not be compensation.

Section 23: Jubbaland State Investment in Water Facilities

1. Jubbaland State investment in water facilities shall be in line with district needs plan and development priorities for regional level.
2. Facilities mentioned under Clause (1) of this Section shall be included in the State Assets Register and handover shall be made to the lowest level of administration that capable of operationalizing utilization rights and responsibilities identified under Section 20 of this Act.
3. The most suitable lowest level administration for water facilities rights utilization is the district.

Section 24: Private Companies Investment in Old Sate Water Facilities

1. If private persons invest State owned services with objective of extending or revitalizing that service, the Investment Agreement shall prescribe as to how that facilities shall be included in the public assets: -
 - a) Date of Agreement
 - b) Laws applicable for assessing takeover of private investment
 - c) Methods of compensation for loss of private investment
2. Private investments in public water facilities can be divided into the following levels:
 - a) Level 1: Operations, maintenance, replacement of spare parts that the system requires to function in the same level as before.
 - b) Level 2: Operations, maintenance, replacement and expansion of the system to develop further service operations
 - c) Only the second level expenditures shall be recognized as investment that will be compensated in line with Section 24(3) of this Act

Section 25: Investment of Private Companies

Private companies' investment in new water systems for the public shall be governed by rules of procedures prepared by the mandated ministry.

1. Water facilities wholly invested by an individual or group of private investors shall be owned by the investor even if that facilities are utilized for water services to the public.
2. If takeover happens for the facilities to be used for public interest, then compensation shall be payable to the private company, and the compensation payment shall be governed by the process of depreciation used for international water projects related works, if the mandated ministry has not made another relevant system.

Chapter 6: Water Provision for Cities

Section 26: Identification of Cities Areas

1. Cities locations are class “A” districts in accordance with Law N0.02/2017 for Local Government, Jubbaland State and that shall be the cities of Kismayo, Garbaharey and Bu’ale.

Section 27: Districts and Cities Water Provision Committees

1. The Ministry shall delegate powers to the competent institution in the region for mobilization and supervision of efficient provision of water services in appointed localities.
2. The competent institution responsible for water distribution in the cities will be appointed by the mandated Ministry for water affaires.
3. If the objective is to the supervision of water service and operations agreement, membership of independent Water Committee shall include members representing different consumers (service users) nominated by the ministry responsible for water affairs.

Section 28: Operationalization of Water Service Provision to Cities

1. To implement the responsibility enshrined in Section 27(2) of this Act, the competent institution shall nominate qualified entities for operationalization and management of water service, such entities (hereinafter called water provider)
2. Water provider can be:
 - a) The District based Jubbaland Water Agency, with autonomy and separate accounts
 - b) The State based Jubbaland Sate Independent Water Agency with separate accounts
 - c) An independent water provider (an individual, small or big private company, or a collectively owned partnership such those operating under the framework of Public Private Partnership (PPP)
3. The legal agreement entered into between the competent institution and water provider shall be called ‘Operation Agreement ‘and shall identify the duties of the water provider and that shall be a collectively approved and signed by the competent institution, District Commissioner as witness and the Water Provider with delegated powers for water provision.
4. Operation Agreement shall include:
 - a) The area the water provider is required to cover and extent services.
 - b) The different levels water provider has undertaken to extent services to his customers.

- c) The technical standards required for water provider to follow when carrying out operations (maintenance, repairs and development) of the system including the operational base for water production and service extension to households.
- d) The agreed tariffs water provider is required to sell his service and laws on which the costs are based during the agreement period.
- e) The agreed fee water provider is obliged to pay to the competent institution as a compensation in consideration for utilization of Jubbaland State water facilities.
- f) The expenditure water provider is required to pay to the ministry responsible for water affairs in the form of water production and water resources utilization fees.
- g) The statistics of Jubbaland water facilities transferred to water provider, details of their market value on the day agreement was signed and the procedure to calculate the depreciation during the period the equipment were used.
- h) The requirements needed to encourage accountability and prevent irregularity, the water provider is to present operation costs report to the Ministry, District administration and Water Committee investigate the efficient work progress.
- i) The operational service standards for good governance water provider is required to satisfy during provision of service.
- j) Details of service operations and investment required for water provider to implement.
- k) The details of operation and investment required to be fulfilled by owner of utilization rights.
- l) The agreement period and conditions for renewal
- m) A copy of the Agreement shall be given to the competent institution to be registered and another Agreement copy shall be given to the Water Committee, if there is one in the area.
- n) In the event of disputes in relation to clarification of the provisions of the Agreement entered into between the competent institution and the Water Provider, the Independent Water Committee shall mediate the competent institution and the Water Provider.

Section 29: Expenditure Management for Revitalizing Assets

1. Every water provider shall put in place a budget from revenues for revitalizing and expanding the water system.
2. The amount of that expenditure and its percentage (%) of revenues generated shall be clarified in the Operation Agreement.
3. Utilization of that expenditure shall be based on an investment program yearly agreed by both parties.

Section 30: The Ministry's Supervision of Cities Water Provision

1. Having been mandated to ensuring water service distribution, the Ministry of Minerals, Energy and Water, Jubbaland State shall be responsible for supervising that the responsibility delegated by the competent institution are fully implemented.
2. The Ministry's supervision shall be accompanied by the guidelines agreed in relation to operational efficiency and measures of water distribution between districts.

Chapter 7: Water Distribution for Rural Areas

Section 31: Definition of Pastoralist Areas

1. Rural Areas have been defined by the Local Government Act, Jubbaland State.

Section 32: Local Governments' Responsibilities for Rural Water Distribution

1. The mobilization and supervision responsibility on the efficiency of general water service distribution in appointed areas shall be delegated to the competent district institution authorized in that area.
2. The authorized district institution shall be responsible for:
 - a) Investment planning relating to water distribution within their borders taking into account priority water needs.
 - b) Implementing the planned investment
 - c) Looking for planned investment for water
 - d) Mobilizing management of water services

Section 33: Management of water service distribution to customers

1. The authorized district institution in collaboration with traditional structures can select water consumer groups (water service users) encouraging them and facilitating establishment of societies for water customers in line with Section 74 of this Act.
2. The water consumer groups in collaboration with authorized district institution shall manage water service for the public to be self-sufficient including investment management of ongoing operation expenditure and capital expenditure.

Section 34: Management of Private Water Provision

1. Implementing the responsibility enshrined under Section 32(2) of this Act, the districts shall have powers to delegate operationalization and management of water service distribution to a private institution or company capable of managing the water service.
2. Agreement of that rural water distribution delegation shall be mobilized in the same way as mentioned under Section 27(3) of this Act.

Section 35: Management of District Water Distribution to the Public

1. In the event when it is not possible to select water consumer group or a private water distributor for a rural locality, the district shall create the water management unit.
2. The terms of reference and responsibilities of water management unit shall be clarified by the rules of procedures.

Section 36: Privately Owned Rural Water Service

1. Privately owned rural water shall be managed by owners provided they fulfilled the conditions for utilization and distribution prescribed in this Act

Chapter 8: Animals Water Provision

Section 37: Rural Water Streams Rights

1. Rural water stream is any stream whose most important utilization is for the needs of the rural areas, and provision of water to livestock and utilization of rural community.
2. Vehicles transported water or transported by any other means shall not be governed by the provisions of this Act.
3. This Act recognizes, legalizes and strengthens traditional customary practices utilized for rural water save with special circumstances prescribed.

Section 38: Planning and Legalizing New Livestock Water Resources

1. The Ministry shall be responsible for planning and legalizing animals water resources. The Ministry shall work on developing animal water resources in consultation with the Ministry of Livestock to prevent environmental degradation and drought.
2. If it does not violate creation of rights in relation to new water streams in the rural areas such as (wells, boreholes, ponds and pools), the Ministry shall first request and acquire a written permission from the Ministry Livestock.

Section 39: Protection of Environment in Rural Water Streams

1. The Environmental Protection Ministry in consultation with representatives of the Ministries of Water and Livestock at district level shall identify water streams that can cause environmental degradation and deforestation.
2. If the circumstances mentioned under Clause (1) of this Section happens ,the district level representatives from the ministries responsible for rural development ,environment, water, agriculture and livestock shall advice as to how further deforestation can be stopped such as suspending new water streams and consultation on the status of the existing ones.

Section 40: Permission of Rural Water for Livestock

1. Permission of rural water streams for livestock shall governed by traditional customary practices. This Act considers that traditional elders are suitable for regulating permission of rural water streams to livestock.

Section 41: Resolution of Rural Water Disputes

1. Any disputes occurring in relation to rural water streams shall be governed traditional customary practices applicable to rural water in that district.
2. If no resolution is achieved for the dispute, the matter shall be referred to the competent court.

Chapter 9: Farm Irrigation Water

Section 42: Rights of Farm Water

1. Water streams for farm irrigation shall be any types of water streams whose most important utilization is farms and parks irrigation with more objectives other than for subsistence food.
2. This Act shall recognize, legalize, strengthens and consider traditional customary practices for water related farm irrigation water dispute resolution with exception of circumstances prescribed by this Act.
3. In the even of significant water reduction happening or it becomes impossible for water to be distributed, prioritization of water provision to households, livestock and farms will be as follows:
 - a) Priority N0.1 is for the households
 - b) Priority N0.2 is for livestock
 - c) Priority N0.3 is for farms

Section 43: Planning and legalizing Farms Irrigation Water

1. The Water Ministry shall be responsible for planning and legalizing water required for development of farm irrigation in consultation with the Ministries of Agriculture and Irrigation and Environmental Protection and Development.
2. If it does not violate creation of rights of new farm irrigation water such as: Hand well, borehole, pool, pond, channel and gulf, etc, they shall be confident in the traditional community leadership in the district where they are made.

Chapter 10: Drinking Water Quality Level

Section 44: Water Quality Role

1. The Ministry of Health shall be the competent institution to put in place standards for quality control of drinking water areas and personal quality control.
2. The Water Affairs Ministry shall identify and issue standards for drinking water quality, supervision mechanism, methods of laboratory investigation and registration of certified laboratories.
3. Districts shall implement programs for water quality protection in line with Operations Agreement enshrined under Section 28(3) of this Act.

Section 45: District Responsibilities for Water Quality

1. The district shall be responsible to implement fulfilling the requirements for drinking water quality.
2. If the quality of the supplied water is below the standards set for Jubbaland, the district shall order the supplier to stop service provision until acceptable level of water quality for Jubbaland is achieved.
3. Subject to Clause (2) of this Section, the district administration in consultation with the Ministry of Health Shal, in difficult circumstances, allow the water distributor to continue providing substandard quality water in the following situations:
 - a) No alternative water resource with better quality is available
 - b) Permission is for temporary period.
 - c) That the consumers are aware of the risks to health and preventive precautions are taken.
 - d) At the expiry of the permitted period, the district shall ensure water quality and shall allow if the quality is at acceptable level.

Section 46: Water Distributor Responsibility Towards Water Quality

1. The responsibility of water distributor shall be to ensure the quality of drinking and cooking water is in line with the standards of quality prescribed by Section 44 (1) of this Act.
2. The quality of services supplied by the water provider shall be in accordance with standards for drinking water quality that are applicable in Jubbaland State.
3. The water supplier shall meet all water quality investigations.
4. Subject to Clause (1) of this Section, and in the event the circumstances mentioned

Section 45(3) of this Act, the water supplier shall resolve the challenges in relation to water quality within a reasonable period of time as appointed by the Ministry of Health.

5. In the event the circumstances mentioned under Section 45(2) of this Act occurs, the consumers negatively impacted by the water consumed shall be entitled to be compensated by the water supplier, and that shall be certified by the competent court.

Chapter 11: Underground Water Protection

Section 47: Priority and Explanation

1. Utilization of underground water shall be permitted in the spirit of this Chapter, laws and other relevant regulatory frameworks.
2. Underground water shall be defined at the production of water, construction works, operationalization and installation of water production facilities/equipment, water going underground, water increase and any other activities affecting the flowing and quality of underground water.
3. Underground water constructions or equipment are defined as the installation utilized for underground water production, such as shallow well, borehole, channel, streams connected with one another, any digging aimed at production facilities, installation and construction.

Section 48: Competent Institution for Water Protection

1. The Ministry of Minerals, Energy and Water shall be the institution authorized for water, but this shall not prevent other ministries and institutions to exercise powers in relation to management of underground, if and when the Ministry nominates them in accordance with this Act and other water regulations.
2. The Ministry responsible for water affairs shall be the competent institution in relation to collection, investigation, statistics, land and water science referencing, observation on underground water works and efficient implementation of those operations.

Section 49: licenses and Information

1. Licenses for water production shall show the maximum amount for water production for the year and reports to that effect shall be submitted to the Ministry.
2. Any parties utilizing underground water shall provide the delegated institution with both the new legal and old technical information required.

Section 50: Research on Land and Underground Water Science

1. The Ministry shall grant permits for conducting scientific research on land or benefitting from appropriation works on underground water resources, the Ministry shall also ensure that the spirit of this Act is protected in relation to protecting water resources, their quality and that data and statistics are provided on regular basis.
2. Any person getting in contact with underground water when conducting research or performing operations on overland water, shall not inflict damage to water resources.

3. Any person implementing research works, or digging underground water, oil, minerals, or implementing any other works underground with an objective shall immediately inform the authorized institution when s/he encounters with underground water and other data during the operations process.

Section 51: Recharge and Pouring onto Underground Water

1. It shall be prohibited to pour things into the underground water and their recharge except in circumstances relating to artificial recharge where water reduction challenges are faced. In such a situation, the Minister shall strictly protect underground water resources from contamination and damage.

Section 52: Protection of Boreholes Areas

1. The areas adjacent to boreholes utilized to fetch drinking water shall be declared as 'protected areas' as prescribed by the spirits of this Water Act and other relevant regulations.
2. Organization, design, and borders of the protected areas and limited or prohibited works shall be identified by regulations.

Section 53: Regulatory Frameworks Relation to digging

1. The Ministry shall promulgate regulations in relation to works to extract water from underground and shall ensure the ability of parties to be contracted to construct boreholes.

Section 54: Supervision of Underground Water Resources

1. Regular statistics shall be made on water resources' facilities and their utilization, data collection and related scientific research. Land owners and water consumers shall facilitate and provide the Ministry with data and statistics collected from water and meteorological sciences in line with this Act.
2. The ministry responsible for water affairs is the competent institution to implement and collection of statistics.

Chapter 12: Protection of Surface Water

Section 55: Priority and Definition

1. Utilization of surface water shall specifically be governed by the spirits of this Chapter of this Act and relevant regulations applicable in Jubbaland State including those in relation to irrigation.
2. Utilization of surface water mentioned under this Chapter shall include water extraction/production, blocking, equipment, water facilities buildings, channels mud removal and lakes (including storage equipment)

Section 56: Authorized Institution or Institutions

1. The Ministry of Water shall be the competent authority in line with the spirit of this Chapter in relation to natural surface water, including farms irrigation water.
2. The Ministry in consultation with line institutions shall promulgate regulations relating to the spirit of chapter for surface water, such regulations shall provide the management process and how implementation is made.

Section 57: Normal Utilization and Limitation of Surface Water

1. There shall be no license required to utilize surface water streams with exception of water production by machines and utilization of the same for public interest.
2. Livestock shall be entitled to drinking from surface water and that shall by extension to have right of way or an easement through lands owned by people individuals without any fees and without hindrance.

Section 58: Surface Water Development Works

1. The competent authority shall clarify the description of water storage facilities works specifying the maximum and the minimum amount of water to be released, the schedule and time for release and water that is to be diverted. The minimum amount and details of management system of storage shall be clarified at the point of application bearing in private rights protection.
2. In the event it is clear that it is necessary for the public interest, a takeover of private land and water rights may be possible to carry out public service works.
3. Sufficient compensation shall be awarded to holders of water rights following takeover, the compensation amount shall be agreed by the Ministry and a neutral party that is specialist to assess assets.
4. In the event the takeover is challenged by the land owners and water rights holders, the case shall be referred to the competent to adjudicate and take binding decision on the matter.

Section 59: Utilization of Surface Water

1. The owner of the water storage equipment shall conduct regular operationalization and utilization once a permission from competent institution is obtained.
2. Permission shall not be awarded if it is unanimously agreed that utilization requested violates the spirit of this Act.
3. The District Water Committee shall identify in consultation with authorized ministry the technical amounts required to be taken to protect of people adversely impacted by the reduction, diversion or stoppage of flowing fenced water.
4. If the society is unable to find a technical solution for the disputes arising out of the impact mentioned under Clause (3) of this Act, the case shall be referred to a competent court to adjudicate and take a decision to resolve the matter and award compensation the affected users.
5. Any applicant for surface water extraction license shall provide data and statistics required as prescribed under Section 15 of this Act, other laws and regulations applicable in Jubbaland State.
6. To consider license application, the Ministry shall conduct studies on economic development and environmental impact.

Section 60: Rights of Downstream Water Consumers

1. When awarding water production license for private individuals for development of water facilities, the rights of downstream or end users shall be protected.
2. Production license shall not be granted for private individuals to carry out water facilities developmental works if that award negatively impacts the rights of downstream water or end users.
3. All consumers of surface water shall have equal rights regardless of upstream or downstream water. The customers of the upstream water shall not block the water flowing naturally to downstream areas, water flowing from rainfall and any additional over the amount permitted as prescribed by the production license.
4. Subject to Clause (3) of this Section, the upstream water consumers shall not be responsible for sands and any other things preventing the natural water that they have not caused.

Section 61: Pouring Contaminated Water

1. Permission shall be obtained for pouring contaminated water and other liquids into the surface water directly or indirectly. The Ministry shall promulgate regulations limiting the amount and the maximum substance harmless to the surface water.
2. No pouring shall be permitted if they cause changes to the landscape, chemicals, biology,

smelling and bacteria to surface water, causing harm to the people, livestock and environment.

3. Regulations shall be promulgated governing pouring contaminated liquid to flowing water and storage facilities that are always filled in,
4. Any agreement made in relation poring on flowing water shall be null and void if it violates the provisions of this Act.

Section 62: Putting Solid Materials

1. It shall be prohibited to put on top of surface water or in the areas nearby solid materials that might cause contamination, change the water level, prevent the flow and distribution of the water or endangering the water and consumers.
2. Construction not relating water works shall not be implemented or put up between dried water ways and people's easement preventing the natural flow of the, if no license is granted.

Section 63: License for Equipment Removal from Water Sources

1. Licenses shall be obtained from the Ministry for removal of equipment from water sources or lakes, excluding their maintenance, if such removal activities can change, or divert the water flow or affect the quality of water underground.
2. As part of considering that request, the Ministry shall assess the benefits of such a removal taking into account the values the items have for the society and the impact they have on the surface water and the environment.
3. When the Ministry is exercising its powers under Section 64 the applicant shall satisfy all technical conditions and any necessary requirement for the license to prevent or minimize the negative impact.

Section 64: Authorized Institution for Fees

1. The Water Affairs Ministry is responsible to put in place general directives in relation to water tariffs for consumers, rules of procedures, notices relating to fees for production and any other specific payments.
2. Rules of procedures shall clarify the levels and offices process for implementation of tariffs and payment of money, notifications shall show the law and amount used to put in place the tariffs and payment of bills, and shall be timely in line with inflation and policies changes relating to assessing amount of tariffs.
3. The District shall implement laws and notifications promulgated by the responsible Ministry in relation to putting in place tariffs to be applied by water suppliers who can be either a government agency or civilian providers.

Section 65: Water Tariffs Procedures and Private Bills Payment

1. Putting in Place Water tariff and private bills payment system shall be protection of water utilization, general income generation covering service expenditure, developing the service and protecting the rights of low-income sections of the communities to achieve social justice.
2. The water supplier shall be required to register descriptions and how tariffs and bills payment are implemented.
3. Subject to Clause (2) of this Section, the water tariff shall cover all annual production expenditure, maintenance and development of works for water distribution system. Water tariffs can be at different rates in different towns. The Ministry, the district and water suppliers shall negotiate in accordance with directives issued by the ministry responsible for water.
4. Subject to Clause (3) of this Section, the Government shall contribute appropriate subsidy to facilitate services provided to groups of community unable to meet all prices of the water service.
5. To protect financial status of the service provider, the Jubbaland State shall be responsible to contribute a subsidy in line with any methods appropriate.
6. Water tariff laws for bills payment shall differentiate utilization and consumers creating prices various levels in order to develop protection and efficient water utilization using water economically.

Section 66: Impact of Tariffs and Bills Payment

1. The water distributor shall not provide water service and water distribution related service without following directives for bill money payment and relevant tariffs promulgated by the Ministry.

Section 67: Agreement fees

1. In line with the spirit of Clause (3) of this Section, the water provider in receipt of Operationalization Agreement for water system shall provide agreement fees with the holder of rights utilization. Agreement fees shall be entered into by the two parties and the Ministry of Water in accordance with directives put in place by the ministry responsible for water affairs.
2. If the rights holder is a government institution, the fees shall cover all service expenses including equipment replacement where required, equipment and 'depreciation' values shall be part of the agreement, as prescribed under Section 28(4).
3. The water distributor shall make regular payment of fees in accordance with laws identified in the Operations Agreement. The amount of fees shall be valued in line with the amount of water sold to consumers.

4. The most important aspects of the tariff consist of including the amount of rent fees shall be published every year on the consumers' bills for consumers to be aware of.

Section 68: Production Fees

1. Any person whose utilization of water require license for production as prescribed by Section 15 shall make payment of fees required.
2. In line with agency agreement of the Ministry of Finance, the ministry responsible for water affairs shall collect production fees in collaboration with regions and districts.
3. The reason for production fee shall to invest in permanent management of water resources in Jubbaland, including repairs, maintenance and data in connection with government owned boreholes and the development system of underground water resources.
4. The amount of production fee, its arrangement and any tax exemption shall be identified by rules of procedures relation to this Act.
5. The production fee shall be based on the amount of water generated from the reserve.
6. The most important aspects contained in the tariff, including the amount of production fee shall published every year on the bills for consumers to be aware of.

Section 69: Procurements Taxation

1. The Ministry of Finance in consultation with the ministry responsible for water affairs shall levy procurement taxation on water sold through cities networks. Collection and amount of taxation shall be identified by relevant rules of procedures.

Section 70: Special Payment (Fines)

1. The ministry responsible for water affairs shall decide on specific moneys payable by license holder violating the law under which his water production and distribution licensee is awarded.
2. The amount of fine payment shall be identified by a rule of procedure.
3. The person if not satisfied with the decision of payment of fine levied can initiate his claim in the District Court within (60) days from the date the decision is handed over to him.
4. When registered, the claim shall last until the Court takes a decision, in that period, no prosecution shall be filed against him and it shall have no effect on the status of the license if he did not do any riots/violations for which he might be fined.

Section 71: Rejection of Payment

1. The competent institution executing the payment decision shall give the opportunity to every person submitting a proposal in line with process specified in the rules of procedures and notification.

Chapter 13: Demarcation of institutional Responsibilities

Section 72: The Ministry and other Institutions

1. The ministry responsible for water affairs for Jubbaland State shall be called the Ministry of Minerals, Energy and Water.
2. The ministry responsible for water affairs is the competent institution as prescribed by provisions of this Act, subject to this Act, the Ministry shall nominate specific works, when required, to some of the other line ministries and institutions
3. The responsibilities of the Ministry of Minerals, Energy and Water include assessment, planning, coordination, putting in place strategic policies, preparation of laws and harmonization of projects of different institutions and management of water in Jubbaland State.
4. The Ministry as the competent institution, its responsibilities and powers shall be derived from the Jubbaland State Constitution, this Water Act and other laws in relation to water.
5. The Ministry of Minerals, Energy and Water and other line institutions shall collaborate together to harmonize their separate work responsibilities with provisions of this Water Act.

Section 73: Appointment of Jubbaland Water Committee

1. The President of Jubbaland State of Somalia shall appoint the Jubbaland level Water Committee following proposal by the Minister, Ministry of Minerals, Energy and Water, the Committee consists of the following (9) members:
 - a) 1 member nominated by the Ministry of Minerals, Energy and Water
 - b) 1 member nominated by the Ministry of Agriculture
 - c) 1 member nominated by the Ministry of Health
 - d) 1 member nominated by the Ministry of Livestock and Environment
 - e) 1 member nominated by the Ministry of Interior and Local Government
 - f) 1 member nominated by the Natural Disaster Management Commission
 - g) 1 member nominated by the Jubbaland State Assembly who is a legal expert
 - h) 1 member nominated by the biggest companies with interest in water affairs and operating in Jubbaland Sate areas.
2. The objective of the Water Committee shall be to approve rules of procedures for water affairs, facilitate information exchanges among them and that relating water service, mediate disputes arising out of mixed responsibilities, encourage, develop and any other duties in relation to protection of Jubbaland State water resources.

3. The Water Committee's establishment process shall be completed once their structures are published in the State Gazette.
4. Once the Water Committee is appointed and within a period not more than 30 days, it shall have the first meeting of its members at the Ministry of Minerals, Energy and Water, putting in place the rules of procedures for the Committee.

Section 74: Water Consumer Groups

1. Water Consumer Groups shall be any person, group, consumers representatives and any other persons or entities interested in the management of water resources.
2. The existing traditional water practices applicable in Jubbaland shall be considered.
3. The units of that groups can be either local town residents, rural, pastoralists, farmers, industrialists, traders or any group acting on behalf of water consumers society.
4. The public water management shall recognize the water consumers and facilitate their role in water resources management.
5. The water management shall prepare in consultation with water consumer representatives standards, structure, responsibilities and rules of procedure, their legal basis.

Chapter 14: Water Ownership, Registration Rights and Land Allotment

Section 75: Water and Land Relationship

1. The rights/interests in land shall automatically guarantee ownership of surface and underground water resources rights/interests over that plat of land or on an area adjacent to that, subject to this Act, that shall prevent them or other groups from efficient utilization of water resources provided that the provisions of this Act are regarded.

Section 76: Water Boreholes Fences, Rights of Entry and Research

1. The competent institution shall issue a directive identifying the borders (Fences) of water streams and facilities that shall not be trespassed. The objective of that fence shall be to protect the water resources facilities used to develop production, extension/connection and water storage.
2. The borders and the objective of the fence shall be identified in the rules of procedures, and shall not extend the allocated borders.
3. No entry or easement shall be permitted into the fences of the protected land until a license is obtained in line with its circumstances.
4. Any complaints from the appointed /restricted fence or from the competent institution's rejection to allow entry in accordance with Section 15 of this Act, shall be directed to the competent courts for adjudication
5. The authorized officer shall be allowed entry into the fence for investigation, supervision, protection of water streams, assessment of increase/reduction of water and operations to study land, plants, other circumstances of the science of water and land, with prior notice provided with the holders of the location's water production.

Section 77: Implementation of Water Development Works

1. Having acted in line with laws, rules of procedures and government system relating to takeover of privately owned land, the authorized officer when giving notification that will guide rules of procedure under this Act, the Officer can take over privately owned land or he can prevent utilization of the same, if it is required to implement water service for the public interest, for that purpose, that officer can enter that land and everywhere, he can extract equipment or dig a borehole, can do any developmental works, he can remove trees or other plants to make spaces sufficient for implementation of the work.
2. The competent institution may require demolition of a building or any other immovable property to be permanently replaced with service building for the works permitted for the water having already provided the owner with notice in accordance with the laws, rules of procedures and governmental systems applicable.
3. The water works permitted under the objective of this Section shall be subject to the final court decision. The relevant competent court shall have the power to execute the decision.

4. If the building or the property demolished are used as current dwelling (where people live) or a business Centre, the decision will be implemented on the owner until a replacement or an equivalent compensation is granted.
5. The Court shall decide on the circumstances and process of the compensation if there is no agreement entered into between the owner and the authorized institution. The takeover decision will not be exercised on the owner until a court certifies implementation time. In the event, the court decides to implement the decision immediately, the court shall identify the rights emanating from that summary takeover to take into account the compensation decision.
6. The competent institution without violating the compensation rights identified in this Act can take a permanent ownership or rent that land for the period required for water works, without payment of any moneys, interest or other rights. The land or rent shall be registered in the name of the government based on the certificate provided by the competent institution.
7. When the authorized officer or his employees are conducting temporary work, such as digging or similar works on land not permanently settled or owned, the competent authority, as soon as possible in not less than (6) months after the works finished, shall reinstate the land to its original position as much as possible.
8. The owner or the legal resident of the land, having given a written warning to the authorized institution, he can do anything required to be done, that the authorized institution did not do to protect the original status of the land. The owner or tenant shall request expenses incurred during period of work from the competent institution.

Section 78: Compensation Relating to Implementation of Water Works

1. The following circumstances require to be compensated for when relating to implementation of Water Works:
 - a) The owner or tenant of the land permanently taken over the competent institution ,any person who paid money or had rights in the land before takeover took place ,any person injured by the impact of the water work, or disability or broken limbs caused by the water works ,or person impacted as a result of his rights being taken over ,the utilization of which he would have benefited from the land ,or depreciation of values of his land caused by the water works authorized by the competent institution.
 - b) The competent institution shall issue rules of procedures relating to circumstances whether specified or not in this Act relating to water works impact when assets or property is permanently or temporarily taken over, where compensation in monetary terms or otherwise is made, process by which compensation is calculated and methods of reference to the court if disputes arise out of these circumstances.

Section 79: Heavy Works

1. In line with the purpose of building, maintaining, or supervising works and water equipment for the public interest, it may be possible to impose heavy works in relation to every part of the land. The heavy works shall be managed by agreement entered into with the owner of the land.
2. If no agreement is entered into, the competent institution shall be entitled to impose blockade in the public interest.
3. The competent ministry shall put in place rules of procedures in accordance with this Act identifying the methods to be taken for ownership, transfer, correction, types of the heavy works and rule of procedure for compensation.
4. The heavy work shall be registered and the person utilizing shall be provided with a certificate.

Chapter 15: Various Provisions

Section 80: Responsibility for Damages

1. The competent institution shall be responsible for any property loss or damage, injury to persons caused by the employees, that shall divert the responsibility for the complaints from those employees working at water works facilities and compensation for people injured and assets impacted for which there would have been cases filed, if this is resulted in administrative action, excluding lack of precautionary measurement such as failure to ensure safety standards.
2. The authorized person shall be responsible for personal injury and property damages as a result of his faults.
3. Any person who violates the spirits of this Act and mechanisms provided under this Act shall be obliged to pay a fine based of the damages caused by his action and the consequences of violating this Water Act.
4. The owner of his representative may hold a third party responsible for any loss or damage caused direct or indirect during the course of implementation of water resources works or legal needs.

Section 81: The Fines

1. Any person who violates part of the spirit of this Water Act and the directives or guidelines issued in accordance with rules of procedures under the Water Act, or prevents an officer or a person acting in his name to carry out an operation, having given a warning by the authorized officer, the person at fault shall be fined with an initial amount of fine and another similar amount of fine shall be added on for every day the prevention continues.
2. When the fine charges are applied on the person at fault in accordance with Clause (1) of this Section, if he repeats the same violation again shall be fined twice the amount of the original fine.
3. Any person who prevents directly and openly the spirit of the Water Act bearing in mind the severity of the violation and its repetitions he shall be sentenced with an imprisonment of 12 month and a fine in accordance with Clause (2) of this Act.
4. The competent institution shall issue a rule of procedure or notifications that shall be legally published relating to fines and imprisonment period appropriate for violation of provisions of this Act.

Section 82: Superseding Effect of this Act

Any laws or regulations in violation of this Water Act shall be abolished, null and void.

Section 83: Time when this Act comes into force

1. This Act shall officially come into force when the Council of Ministers and State Assembly approve it and the President of Jubbaland State signs and it is published on the Official Gazette of Jubbaland State.