



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 1703

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 199 1997

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 12 of 1997: Namibia Water Corporation Act, 1997

ACT

To establish the Namibia Water Corporation Limited; to regulate its powers, duties and functions; to provide for a more efficient use and control of water resources; and to provide for incidental matters.

(Signed by the President on 1 October 1997)

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BE IT ENACTED by the Parliament of the Republic of Namibia as follows:-

PART I INTERPRETATION

Definitions

1. In this Act, unless the context indicates otherwise -

“assets” includes any movable or immovable property, lease, servitude or other real right transferred to the Corporation under the provisions of section 34, or

lawfully acquired by the Corporation by any other means;

“Association of Local Authorities” means an association representing the Local Authority Councils in Namibia;

“auditors” means the auditors appointed in terms of subsection (2) of section 32;

“Board” means the board of directors of the Corporation established in terms of section 16;

“bulk water supply” means the wholesale supply of water on a business-orientated basis, in large quantities, whether in treated or untreated form, for any utilisation purpose to a customer for own use or for subsequent supply by the customer to consumers;

“committee” means a committee of the Board established under section 24 and “committee member” means a member of such committee;

“Companies Act” means the Companies Act, 1973 (Act 61 of 1973) as applicable to the Corporation;

“Corporation” means the Namibia Water Corporation Limited established under section 2;

“customer” means a person or body, incorporated or unincorporated, with whom the Corporation has a written agreement to supply water, a service or a facility, or to lease a right;

“Department” means the Department of Water Affairs in the Ministry of Agriculture, Water and Rural Development;

“director” means a director appointed under section 17 and includes an alternate director;

“Minister” means the Minister responsible for Agriculture, Water and Rural Development;

“net assets” means the total value of all assets of the Corporation less the amount of all liabilities;

“prescribe” means prescribe by regulation;

“Public Service” means the public service as established under the Public Service Act, 1995 (Act 13 of 1995);

“Registrar” means the Registrar of Companies referred to in section 7 of the Companies Act;

“regulation” means a regulation made under section 43;

“staff member” has the meaning assigned to it in the Public Service Act, 1995 (Act 13 of 1995);

“transfer date” means the date determined by the Minister under subsection (1) of section 34;

“Water Act” means the Water Act, 1956 (Act 54 of 1956);

“water resource” means a natural source or occurrence of water which is not artificially confined; and

“waterwork” means a dam, embankment, wall, borehole, well, pumping installation, pipe, pipeline, canal, reservoir, sluice gate, filter, sedimentation tank, channel, purification plant, gauge post or measuring weir, road, telephone line or other work, structure or installation constructed, erected or used for or in connection with the collection, abstraction, impounding, storage, conservation, transport, passage, drainage, purification, measurement or control of water, sewage, effluent or waste water.

PART II ESTABLISHMENT OF THE CORPORATION

Establishment of the Corporation

2. (1) There is established a company to be known as the Namibia Water Corporation Limited.

(2) The shortened form of the name of the Corporation shall be “NamWater” which may, notwithstanding anything to the contrary in the Companies Act contained, be used independent of its name referred to in subsection (1).

Corporation to be registered as a public company

3. (1) The Corporation shall be incorporated under the Companies Act as a public company with a share capital, and notwithstanding the provisions of that Act, the State shall be the sole member and shareholder of the Corporation.

(2) The Minister shall exercise the rights and powers and perform the duties and functions of member and shareholder of the Corporation, on behalf of the State.

(3) The Corporation shall have a memorandum of association and articles of association drawn up in accordance with the Companies Act and the Minister shall sign and submit them to the Registrar for registration.

(4) The Registrar shall on receipt of the memorandum of association and articles of association referred to in subsection (3), register them in accordance with the provisions of the Companies Act and -

- (a) endorse thereon a certificate under his or her hand and seal, that the Corporation is duly incorporated as a public company; and

(b) issue the Corporation with a certificate to commence business.

(5) The Corporation is exempt from payment of all fees chargeable under the Companies Act in respect of its registration or certificate to commence business.

(6) The Minister shall lay copies of the registered memorandum of association and articles of association of the Corporation before the National Assembly -

(a) within twenty-eight days after the date of registration, when the National Assembly is in ordinary session; or

(b) when the National Assembly is not in session, within fourteen days after the commencement of the first ensuing ordinary session.

Application of provisions of the Companies Act

4. (1) The Companies Act shall apply to the Corporation subject to the provisions of this Act.

(2) The provisions of sections 66, 103(1), 174, 190, 208(2), 221 and 344(d) of the Companies Act shall not apply to the Corporation.

(3) The Minister may by notice in the *Gazette* exempt the Corporation from the application of any other provisions of the Companies Act.

(4) The Registrar may issue such directives and authorise such exemptions from or modifications to the regulations made under the Companies Act as he or she may deem necessary in respect of the Corporation in order to give effect to the provisions of this Act.

PART III

OBJECTS, FUNCTIONS AND POWERS OF THE CORPORATION

Objects of the Corporation

5. The objects of the Corporation shall be to carry out efficiently, and in the best interests of the Republic of Namibia -

(a) the primary business of bulk water supply to customers, in sufficient quantities, of a quality suitable for the customers' purposes, and by cost-effective, environmentally sound and sustainable means; and

(b) the secondary business of rendering water-related services, supplying facilities and granting rights to customers upon their request.

Functions of the Corporation

6. (1) Without prejudice to the generality of section 5, the Corporation shall perform the following functions in pursuit of its objects under this Act, namely -

- (a) explore, develop and manage water resources for the purpose of water supply;
- (b) acquire, plan, design, construct, extend, alter, maintain, repair, operate, control and dispose of waterworks;
- (c) subject to section 7 and notwithstanding any provisions of the Water Act to the contrary, supply water to customers within and outside the borders of the Republic of Namibia;
- (d) investigate, research and study matters relating to water resources, waterworks and the environment;
- (e) take such action as the Corporation may consider necessary or as the Minister may direct, for the purposes of conserving or augmenting water resources in Namibia;
- (f) render services, provide facilities and lease rights, subject to the payment of relevant charges;
- (g) establish training facilities and train personnel; and
- (h) perform any other function as may be necessary or expedient for the achievement of the Corporation's objects.

(2) In the performance of its functions and exercise of its powers under this Act, the Corporation shall give effect to the relevant policies of the Government relating to water supply as communicated to the Corporation from time to time by the Minister.

(3) Subject to the provisions of this Act and of the Companies Act, the Minister on behalf of the State may negotiate and conclude with the Corporation, one or more performance contracts determining any or all of the following matters, namely -

- (a) the role of the State as shareholder, in the supply of water;
- (b) the relationship between the State and the Corporation;
- (c) the expectations of the Government in respect of the Corporation's scope of business, efficiency and financial performance;
- (d) the financial targets which the Corporation is expected to achieve over periods of at least five years at a time, and reporting on financial matters pertaining to the Corporation;
- (e) the conditions for rewarding or sanctioning of employees and directors in respect of performance targets achieved; and
- (f) any other matter regarding the performance of the Corporation's functions under this Act.

Powers of the Corporation

7. (1) In addition to the powers conferred by the Companies Act, as may be qualified by this Act, the Corporation shall have power to do all such acts as are necessary, expedient or incidental to the achievement of its objects and the performance of its functions under this Act, and in particular shall have power to -

- (a) determine and levy, in consultation with the Minister, tariffs on a full cost-recovery basis for water supplied;
- (b) determine and levy charges for services rendered, facilities provided or rights leased by the Corporation;
- (c) borrow funds from within the Republic of Namibia or abroad, subject to subsection (2);
- (d) mortgage, pledge or otherwise encumber the assets of the Corporation, subject to subsection (2);
- (e) hire out its assets and services not immediately required for the business of the Corporation; and
- (f) sell or dispose of any asset of the Corporation, subject to subsection (2).

(2) Notwithstanding the provisions of section 6 or of subsection (1) of this section, the Corporation shall not -

- (a) supply water to customers situated outside the borders of Namibia;
- (b) construct or operate waterworks outside the borders of Namibia for the purposes of supplying water to consumers within Namibia;
- (c) borrow funds from outside Namibia for the purposes of its functions; or
- (d) alienate, pledge, mortgage or otherwise encumber any asset of the Corporation with a market value exceeding N\$10 000 000,

without the prior written approval of the Minister.

(3) The Corporation shall publish the water tariffs and revised water tariffs referred to in paragraph (a) of subsection (1), by notice in the *Gazette*.

Powers of entry onto land

8. (1) For the purposes of achieving its objects or performing its functions under this Act and subject to the provisions of subsections (2) and (4), the Corporation may authorise any of its employees or any other person in writing, to enter upon any land or portion thereof, street, road or footpath thereon, including land reserved for public purposes and to -

- (a) take onto such land, such vehicles, goods, equipment and materials as may reasonably be required for the Corporation's purposes under this section;
 - (b) take such sample, material or substance therefrom as the Corporation may reasonably require, subject to the payment of just compensation to the owner;
 - (c) conduct feasibility studies into the construction of any waterwork on such land;
 - (d) carry out such investigations as may be necessary in connection with the planning or design of a waterwork on such land;
 - (e) construct, erect, drill, sink, enlarge, alter, inspect, close down, operate or maintain any waterwork thereon or adjacent thereto;
 - (f) ascertain whether any activity which may be detrimental to the objects of the Corporation is being carried out on such land; and
 - (g) conduct any other activity on such land as may be necessary for the Corporation's purposes.
- (2) Notwithstanding the provisions of this section, an employee of the Corporation or other person duly authorised by the Corporation shall -
- (a) not enter into any building or upon any enclosed premises attached to a dwelling without the prior consent of the owner or occupier thereof; and
 - (b) cause as little damage as possible to the property of the owner or occupier of such land, building or dwelling, and the Corporation shall pay such compensation for such damage, loss or inconvenience, as may be agreed upon with the owner or occupier or as may be determined by a court of law, in the event of disagreement.
- (3) For the purposes of gaining access to land under this section, an employee of the Corporation or other person duly authorised by the Corporation shall have the right, subject to the provisions of subsections (2) and (4), to enter upon and cross any other land with such persons, vehicles, equipment and material as may reasonably be required for the Corporation's purposes.
- (4) Except in the case of an emergency endangering life or property or where for other reasonable cause he or she is unable to give prior notice, an employee of the Corporation or a person duly authorised by the Corporation to enter upon land in pursuance of this section, shall give reasonable written notice to the owner or occupier of such land before entering thereupon, and shall on demand produce proof of his or her identity and written authority from the Corporation to enter thereupon.

(5) For the purposes of subsection (4), a notice shall be deemed to have been duly served to the owner or occupier of the land if delivered -

- (a) at his or her last known physical address; or
- (b) by registered post to his or her last known postal address.

(6) Any person who hinders, impedes or obstructs an employee of the Corporation or a person duly authorised by the Corporation from entering upon land for the purposes of carrying out any of the activities referred to in this section on such land, commits an offence and shall be liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

PART IV DUTIES OF THE CORPORATION

Duty to supply water

9. (1) It is the duty of the Corporation to consider each application for bulk water supply by any potential customer and, subject to the availability of water of the required quantity and quality, to offer to accept the applicant as a customer.

(2) Bulk water supply to the Corporation's customers shall take place in terms of a written agreement between the Corporation and each customer.

(3) The Corporation shall negotiate with its major relevant customers prior to establishing new waterworks which will affect the cost of water supply to those customers.

(4) Subject to the provisions of subsection (5) of this section and subsection (4) of section 10, and where a customer sustains loss or damage by reason of a breach by the Corporation of its duty under this section or under a written agreement referred to in subsection (2), such customer may recover damages from the Corporation.

(5) It shall be a defence in any action instituted in terms of subsection (4) for the Corporation to show that it took all reasonable steps and exercised all due diligence to comply with the obligations imposed upon it in terms of this section.

Right of the Corporation to interrupt or reduce water supply

10. (1) Subject to the provisions of subsection (3), whenever a condition of drought or other natural intervention causes an insufficient source yield, the Corporation may, with the prior written approval of the Minister, and after consultation with affected customers, temporarily interrupt or reduce the supply of water out of any waterwork or portion thereof to customers.

(2) Subject to the provisions of subsection (3), the Corporation may on account of the breakdown of any waterwork or portion thereof, or for the purposes

of carrying out routine maintenance or repairs on such waterwork or works of a capital nature, temporarily interrupt or reduce the water supply out of such waterwork to its customers.

(3) Except for the purposes of repairing a breakdown in a waterwork or portion thereof, or in the case of an emergency likely to endanger life or property or where for other reasonable cause it is not practicable for the Corporation to give prior notice to customers, the Corporation shall before interrupting or reducing the supply of water out of a waterwork under this section, give prior notice, either by general notice in the *Gazette* or by written notice to the customers who will be affected, of -

- (a) not less than fourteen days, in the case of an interruption or reduction under subsection (1); and
- (b) not less than five days, in the case of an interruption or reduction for the purposes of carrying out routine maintenance or repairs or works of a capital nature.

(4) Notwithstanding the provisions of subsection (4) of section 9, no customer shall have any claim against the Corporation for any loss or damages caused by any interruption or reduction of the supply of water in terms of subsection (1) or (2), provided -

- (a) the notice required by subsection (3) was duly given; and
- (b) in the case of an interruption or reduction for the purpose of any maintenance or repairs or works of a capital nature, the work was carried out within a reasonable period.

Duty to conserve and protect water resources

11. (1) In carrying out its objectives and performing its functions under this Act, the Corporation shall -

- (a) utilise the water resources available to it on a long-term sustainable basis; and
- (b) take appropriate steps, including the employment of trained and competent personnel, appropriate technology and supervision of procedures to ensure that those water resources are protected from pollution caused by its operations.

(2) Notwithstanding the provisions of subsection (1), the Minister may by notice in the *Gazette* authorise the Corporation to utilise a particular water resource for a specified limited period on a non-sustainable basis.

Duty to conserve and protect the environment

12. (1) The Corporation shall in the formulation of its policies and in

the performance of its functions under this Act, take appropriate steps to conserve and protect the environment from damage, destruction or degradation, and in particular to protect -

- (a) the flora and fauna;
- (b) geological and physiographical features of special interest; and
- (c) buildings, structures and other objects of architectural, archaeological or historic interest.

(2) In formulating its policies and carrying out its functions under this Act, the Corporation shall have regard to the need to preserve public rights of access to mountains, forests, deserts, cliffs, foreshores or other open spaces and other places of natural beauty, and shall take appropriate steps for the preservation of such rights of access.

Duty to maintain records and supply information

13. (1) The Corporation shall in respect of its bulk water supply operations, prepare and maintain prescribed records, which records shall be available for public inspection during normal working hours.

(2) The Corporation shall furnish the Department with such information in its custody as is reasonably requested by the Department in relation to -

- (a) rainfall measurements;
- (b) river flows;
- (c) groundwater levels;
- (d) water abstraction from water resources; and
- (e) water quality.

(3) The Corporation shall in respect of the records maintained under subsection (1) -

- (a) avail facilities to members of the public to be able to obtain a copy or extract of such records or part thereof, on payment of a fee determined by the Corporation; and
- (b) send to each customer at least once a year, the address and telephone number of one of the offices of the Corporation at which information regarding any matter included in the records maintained by the Corporation, may be obtained or inspected.

Duty to formulate and maintain levels of service standards

14. (1) The Corporation shall, subject to the provisions of this Act, and

after consultation with such bodies or persons as it may deem necessary, formulate and maintain service standards in respect of the provision of water, services or facilities or lease of its rights under this Act, and may from time to time amend those standards.

(2) In the formulation of service standards, the Corporation shall have regard to -

- (a) its duty under section 12 to conserve the environment;
- (b) the requirements of its customers; and
- (c) the most cost-effective and commercially viable means of achieving the service standards and of attaining the optimum use of resources available to the Corporation.

(3) The Corporation shall publish its service standards by notice in the *Gazette* not later than twelve months after the transfer date, and any amendments thereto shall be published in the *Gazette* within thirty days after adoption of those amendments.

Agreements for subsidised services or supply of water by the Corporation

15. (1) The Minister may enter into a written agreement with the Corporation for the supply of water, services or facilities by the Corporation to any person, body, organisation or category of persons, at a cost subsidised or fully paid for by the Minister.

(2) The moneys expended by the Minister in defraying the full cost or part thereof, of providing the water, services or facilities under this section shall be charged out of funds appropriated by Parliament for such purposes.

PART V MANAGEMENT AND CONTROL OF THE CORPORATION

Board of directors

16. (1) The Corporation shall have a Board of directors which shall be responsible for the policy, management and control of the affairs of the Corporation and which shall, in the name of the Corporation, exercise the powers and perform the duties and functions of the Corporation subject to this Act, the Companies Act and its memorandum of association and articles of association.

(2) Notwithstanding the provisions of the Companies Act, the directors of the Corporation shall not hold any shares in the Corporation and shall not exercise those powers reserved under the Companies Act or the articles of association for the shareholders of a company in general meeting.

Appointment of directors

17. (1) The members of the Board shall be appointed by the Minister and which shall consist of -

- (a) the following persons who shall hold the office of director *ex officio*, namely -
 - (i) the Permanent Secretary: Agriculture, Water and Rural Development;
 - (ii) the Permanent Secretary: Finance;
 - (iii) the Permanent Secretary: Regional and Local Government and Housing; and
 - (iv) the Permanent Secretary: Environment and Tourism;
 - (b) a representative of the Association of Local Authorities in Namibia designated by that Association;
 - (c) not less than four and not more than eight persons from the private sector who shall be selected from amongst persons who possess expertise and proven experience in water engineering matters, consumer interests, financial, business, legal or environmental matters so as to achieve a varied representation of interested parties; and
 - (d) with effect from a date to be fixed by the Minister by notice in the *Gazette*, an employee of the Corporation elected by the employees of the Corporation.
- (2) Notwithstanding the provisions of subsection (1), a person shall not be eligible for appointment as a director referred to in paragraph (b), (c) or (d) of that subsection if he or she -
- (a) is not a Namibian citizen;
 - (b) is an unrehabilitated insolvent;
 - (c) has been convicted of a criminal offence and sentenced to imprisonment without the option of a fine;
 - (d) has a financial or other interest likely to prejudicially affect the performance of his or her duties as director of the Corporation; or
 - (e) is disqualified in terms of the Companies Act from holding the office of director.
- (3) The appointment of a director shall be made known by notice in the *Gazette*.

Tenure and vacation of office of director

18. (1) Subject to the provisions of this Act, a director referred to in paragraphs (b), (c) and (d) of subsection (1) of section 17 shall hold office for a period of three years, but shall upon the expiry of his or her term of office be

eligible for reappointment.

(2) The office of a director referred to in paragraph (b), (c) or (d) of subsection (1) of section 17 shall fall vacant where -

- (a) he or she resigns as a director by giving not less than one month's written notice to the Minister;
- (b) his or her estate is sequestrated or he or she compromises with his or her creditors;
- (c) he or she is detained as a mentally ill person under the law;
- (d) he or she is absent from three consecutive meetings of the Board without the leave of its chairperson;
- (e) he or she is removed from office under subsection (3); or
- (f) he or she becomes subject to a disqualification referred to in subsection (2) of section 17.

(3) Notwithstanding the provisions of subsection (1) or the provisions of the Companies Act, the Minister may remove a director referred to in paragraph (b), (c) or (d) of subsection (1) of section 17 from office before the expiry of his or her term of office where in the Minister's opinion that director is -

- (a) incapacitated by illness;
- (b) guilty of conduct prejudicial to the Corporation's objectives; or
- (c) for any other cause unable or unfit to efficiently discharge the functions of the office of director,

but the Minister may only so remove a director from office after giving notice to the director and after affording him or her a reasonable opportunity to be heard.

(4) Where a director referred to in paragraph (b), (c) or (d) of subsection (1) of section 17 dies or vacates office under this section, the Minister may, subject to the provisions of section 17, appoint another person to fill the vacancy for the unexpired term of office.

Alternate directors

19. (1) Subject to subsection (2) of section 17, the Minister may on the recommendation of each director who is a Permanent Secretary appoint a competent staff member to serve as alternate director on the Board during the period of absence or inability of the director to whom he or she is alternate.

(2) Subject to the provisions of subsections (2) and (3) of section 17, the Minister may appoint an alternate director from the private sector in respect of each of the directors referred to in paragraphs (b) and (c) of subsection (1) of

section 17, to serve on the Board whenever the director to whom he or she is alternate is temporarily absent or unable to serve on the Board.

- (3) An alternate director shall -
- (a) serve on the Board only during the period of absence or inability of the director to whom he or she is alternate; and
 - (b) during the period of service exercise all the powers and perform all the functions of the director to whom he or she is alternate.

Irregularity in appointment not to invalidate acts

20. The acts of a director shall not be invalidated only by reason of an irregularity in his or her appointment.

Chairperson of the Board

21. (1) The Board shall appoint one of the directors referred to in paragraph (c) of subsection (1) of section 17 to be the chairperson of the Board.

(2) Where the chairperson is for any reason unable to preside over a meeting of the Board, the members present shall elect one of the directors referred to in paragraph (c) of subsection (1) of section 17 to act as chairperson of the Board for that meeting.

Remuneration of directors

22. (1) A director or alternate director who is not in the full-time employment of the Public Service or the Corporation shall be paid out of the funds of the Corporation such allowances or other remuneration in respect of his or her service as director, as the Board, in consultation with the Minister, may determine in respect of the chairperson and other directors and alternate directors.

(2) Allowances determined under subsection (1) may differ according to the different offices held by directors.

Meetings of the Board

23. (1) The first meeting of the Board shall be held at such time and place as the Minister may determine, and subsequent meetings of the Board shall be held at such time and place as the Board may determine, but the chairperson may at any time, and shall at the written request of at least three directors, convene a special meeting of the Board.

(2) The majority of the members of the Board shall constitute a quorum at a meeting of the Board.

(3) Subject to the provisions of subsection (2) of section 21, the chairperson of the Board shall preside at all meetings of the Board.

(4) The decision of a majority of the members present and voting at a meeting of the Board shall constitute a decision of the Board, and in the event of an equality of votes on any matter, the person presiding at such meeting shall have a casting vote in addition to his or her deliberative vote.

(5) A decision of the Board or an act performed under the authority of the Board shall not be invalidated only by reason of -

- (a) a vacancy on the Board; or
- (b) the fact that a person not entitled to sit as a member of the Board was in attendance when the decision was taken or act authorised,

if the decision was taken or act authorised by a majority of the members who were present and entitled to vote at such meeting.

(6) Notwithstanding the provisions of subsection (4), a written resolution not passed at a meeting of the Board but signed by all the directors of the Corporation at that time present in Namibia and sufficient to constitute a quorum shall be as valid and effectual as if it had been passed at a meeting of the Board duly convened and constituted, and such resolution shall be recorded in the minutes of the first ensuing meeting of the Board.

(7) The Board may, subject to the provisions of this Act, make rules for the convening of and procedure at its meetings or a meeting of a committee, and shall cause minutes to be kept of the proceedings at its meetings and the meetings of its committees, and the Minister may require that such minutes be submitted to him or her for inspection.

Committees of the Board

24. (1) The Board may from time to time establish a committee or committees for the purposes of -

- (a) advising the Board in the exercise of its powers and performance of its duties;
- (b) performing any function that the Board may delegate to such committee,

but a decision or recommendation of a committee shall be subject to ratification by the Board.

(2) A committee established under subsection (1) shall consist of two or more directors appointed by the Board from amongst its members, and may with the approval of the Board co-opt persons of special expertise to advise it in the performance of its functions.

(3) The Board shall designate one of the committee members as chairperson of that committee.

(4) A member of the committee who is not a director or not in the full-time employment of the Public Service or the Corporation shall be paid from the Corporation's funds such allowances as the Board, in consultation with the Minister, may determine.

Disclosure of interests

25. A director or committee member who has a direct or indirect interest in any matter which is likely to conflict with the interests or objects of the Corporation, shall as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest in a meeting of the Board or of a committee, as the case may be, in accordance with the procedure provided in sections 234 to 241 of the Companies Act, whereupon -

- (a) the disclosure shall be deemed to be a disclosure to the Corporation; and
- (b) the director or committee member who has the interest to which the disclosure relates shall not be present during or take part in the deliberations or decision on such matter by the Board or committee, as the case may be.

Delegation of powers, duties and functions

26. (1) Subject to the provisions of subsection (5) of section 28, the Board may delegate any power, duty or function conferred upon it under this Act to -

- (a) a director of the Board;
- (b) a committee of the Board;
- (c) the chief executive officer or any other employee of the Corporation.

(2) The chief executive officer may delegate any power, duty or function conferred upon him or her under this Act or delegated to him or her under subsection (1), to any other employee of the Corporation.

(3) A power, duty or function delegated under subsection (1) or (2) shall be exercised or performed subject to the direction of the Board or chief executive officer, as the case may be, and the Board or chief executive officer shall not be divested of such delegated power or function, and may -

- (a) amend or set aside anything done in the exercise of such power or the performance of such function; and
- (b) may at any time withdraw such delegation.

(4) Nothing in this section shall prevent the Board or the chief executive officer, as the case may be, from exercising a delegated power under this section.

Indemnity of directors and employees of the Corporation from personal liability

27. No director, committee member or employee of the Corporation shall be personally liable for any damage or loss arising out of any act done by himself or herself in good faith and in the course of his or her duties to the Corporation unless such loss or damage is due to his or her wilful misconduct, dishonesty, gross negligence or failure to comply with any provision of this Act.

Chief executive officer

28. (1) The Minister shall appoint a suitably qualified person to serve as the first chief executive officer of the Corporation for the initial term of five years contemplated in subsection (2), upon such terms and conditions as the Board, in consultation with the Minister, may determine, and thereafter the appointment or reappointment of a person as chief executive officer for any subsequent term shall be made by the Board, upon such terms and conditions as the Board may determine.

(2) The appointment of the chief executive officer shall be for a term of five years, renewable on expiration, but he or she may be removed from office before the expiry of the term of office in accordance with the provisions of the contract of employment.

(3) The chief executive officer shall -

- (a) be in the full-time employment of the Corporation and shall not engage in any other occupation or employment, whether for remuneration or not, without the prior written approval of the Board, which approval shall only be given after consultation with the Minister;
- (b) exercise such powers and perform such functions as are conferred by this Act or assigned or delegated to him or her by the Board;
- (c) when so requested by the Board attend any meeting of the Board; and
- (d) be responsible for the supervision and control of the staff of the Corporation.

(4) Where the chief executive officer is temporarily unable to perform his or her duties due to illness, absence or other reason, the Board may designate any director or one of the senior employees of the Corporation to temporarily act as chief executive officer, and such person shall exercise the powers and perform the duties of the chief executive officer during that period.

(5) The Board may under paragraph (c) of subsection (1) of section 26 delegate to the chief executive officer the power to adjust post structures, to appoint and dismiss employees of the Corporation and to determine their conditions of service, but the Board may not delegate its powers under this Act to -

- (a) make rules of procedure for the meetings of the Board or its committees; or
- (b) determine the terms and conditions of service of the chief executive officer under this section.

Staff of the Corporation and transfer of service

29. (1) In the appointment of employees of the Corporation, the Corporation shall as of priority offer employment to a person who at the commencement of this Act -

- (a) is employed as a staff member in the Department; and
- (b) performs functions or duties pertaining to bulk water supply,

upon such terms and conditions of service which in the aggregate shall not be less favourable financially than those held by such person in that Department at the date of transfer of service: Provided that the post of chief executive officer and other managerial posts in the Corporation shall be filled by open competitive candidacy.

(2) Notwithstanding the provisions of the Public Service Act, 1995 (Act 13 of 1995), where a staff member referred to in subsection (1) accepts an offer of employment by the Corporation, he or she shall notify the Permanent Secretary: Agriculture, Water and Rural Development of his or her decision in writing, and thereupon such person shall, subject to the provisions of subsection (4), be transferred to the service of the Corporation to the post and upon the terms and conditions offered by the Corporation.

(3) Where the question arises under paragraph (b) of subsection (1) as to whether or not a staff member in the employment of the Department performs functions or duties pertaining to bulk water supply, such question shall be determined by the Permanent Secretary: Agriculture, Water and Rural Development, or in his or her absence, the head of the Department of Water Affairs.

(4) Notwithstanding the provisions of any other law, where a staff member employed in the Department of Water Affairs is transferred to the service of the Corporation under this section -

- (a) the State shall pay to that staff member remuneration in lieu of any vacation leave which may have accrued during his or her employment with the Department and stands to his or her credit as at the date of transfer of service, but such staff member shall be entitled to retain not more than fifty-four consecutive days' leave, which shall be credited to him or her by the Corporation on transfer of service, on the basis of forty-five working days' leave for fifty-four consecutive days' leave retained: Provided that any amount payable to a staff member under this paragraph in respect of accrued vacation leave shall for the purposes

of subsection (1)(o) of section 16 of the Income Tax Act, 1981 (Act 24 of 1981), be deemed to have become payable to him or her by reason of the termination of his or her service due to his or her employer having ceased to carry on the trade in respect of which such staff member was employed; and

- (b) such staff member shall continue to be a member of the Government Pension Fund referred to in section 2(b) of the Pension Matters of Government Institutions Proclamation, 1989 (Proclamation AG. 56 of 1989) in accordance with an agreement between the Corporation and the Board of Trustees of that Fund, and for the purpose of such membership the Corporation shall be deemed to be a statutory institution which has been admitted to the membership of that Fund by the Board of Trustees of that Fund: Provided that in the event of the Corporation establishing its own pension fund at any time, such staff member shall have the right, subject to the Rules of the Government Institutions Pension Fund, to transfer the actuarial interest in that Fund to the Corporation's pension fund.

PART VI FINANCIAL PROVISIONS

Reserve funds and capitalisation of profits

30. (1) The Corporation shall be entitled to capitalise such portion of its profits as the Board may deem necessary for the financing of future capital works, and any amounts so capitalised and not immediately required to be expended shall be deposited in a reserve account.

(2) The Corporation may establish and operate such reserve funds as the Board may deem necessary, and may invest therein such moneys as the Board may from time to time determine.

Financial year

31. Subject to the provisions of section 285 of the Companies Act, the financial year of the Corporation shall commence and end on such dates as the Board in consultation with the Minister may determine, and the Minister shall publish those dates by notice in the *Gazette*.

Accounts and auditing

32. (1) The books of accounts, accounting records, and financial statements of the Corporation shall be audited annually by an auditor or auditors duly registered under the Public Accountants' and Auditors' Act, 1951 (Act 51 of 1951).

(2) The auditor of the Corporation shall be selected and appointed on open competitive tender by the Board for a term of three years.

Annual report

33. (1) The Board shall within six months after the end of each financial year of the Corporation cause to be prepared and submit to the Minister a report of the Corporation's operations and activities during the relevant financial year, including -

- (a) a copy of its audited financial statements;
- (b) a copy of the auditor's report;
- (c) a statement of the measures, if any, taken by the Corporation in respect of the duties imposed on the Corporation under section 12;
- (d) a statement containing such information as is reasonably necessary to assess the Corporation's compliance with the service standards published under subsection (3) of section 14, including -
 - (i) details as to the categories of persons to whom copies of the service standards have been provided and who had been affected when the service standards have for any reason not been met by the Corporation during that financial year; and
 - (ii) details of any exceptional matter or event outside the reasonable control of the Corporation which has adversely affected the quality of any services by the Corporation and which has hindered the achievement of any service standard during that financial year;
- (e) a statement containing the activities of the Corporation during that financial year under a performance contract concluded in terms of subsection (3) of section 6;
- (f) a statement containing the performance of all waterworks managed and controlled by the Corporation during that financial year, including -
 - (i) a summary of the quality of water supplied for domestic purposes;
 - (ii) a statement as to the extent to which water supplied by the Corporation complied with service standards;
 - (iii) particulars of any exemption granted by the Minister in accordance with any regulation;
 - (iv) a statement of the action taken or undertaken by the Corporation in order to comply with any regulation;
 - (v) details of water losses suffered in the bulk water supply operation and loss control measures implemented by the Corporation;

- (vi) such other information as the Minister may require or the Corporation may deem necessary;
- (g) details of any assets of the Corporation sold or disposed of during that financial year; and
- (h) such other matters as the Minister may prescribe.

(2) The Minister shall lay the report referred to in subsection (1) on the table of the National Assembly within twenty-eight days after receipt thereof if the National Assembly is in ordinary session, or if the National Assembly is not in ordinary session, then within twenty-eight days after the commencement of its first ensuing ordinary session.

PART VII

LEGAL SUCCESSION TO THE DEPARTMENT OF WATER AFFAIRS

Transfer of assets and liabilities to the Corporation

34. (1) The Minister shall by notice in the *Gazette* determine the transfer date with effect from which the bulk water supply function of the Department shall cease to be carried out by the Department and shall become the responsibility of the Corporation.

- (2) With effect from the transfer date -
 - (a) the management, operation and control of the waterworks referred to in the Schedule and used by the Department in carrying out its bulk water supply function;
 - (b) all those assets determined by the Minister in writing as formerly belonging to the State and used in relation to the waterworks referred to in the Schedule, whether those assets are situated in Namibia or abroad;
 - (c) all outstanding payments due from customers for bulk water or services supplied by the Department to those customers;
 - (d) any title in land, lease, servitude or other real right held by the Department in respect of the waterworks referred to in the Schedule; and
 - (e) any licence, exemption, permit, certificate or authorization held by the Department under any law in respect of the waterworks referred to in the Schedule,

shall be transferred to and vest in the Corporation.

(3) The Minister may from time to time, in consultation with the Board and by notice in the *Gazette*, transfer to the Corporation -

- (a) the ownership, management, operation and control of waterworks operated by the State, other than those referred to in the Schedule; and
- (b) additional assets other than those referred to in paragraph (b) of subsection (2), belonging to the State and used in relation to any waterworks, whether situated in Namibia or abroad.

(4) The Registrar of Deeds shall, at the written request of the Corporation and on receipt of a certificate by the Minister to the effect that a title, lease, servitude or other real right in land has been transferred to the Corporation under subsection (2) or (3) make such entries or endorsements on the register, title deed or other document in the Deeds Registry as he or she may deem necessary to effect such transfer, free of charge.

(5) The value of the assets transferred to the Corporation under this section shall be determined by the Minister in consultation with the Minister of Finance, and the Minister of Works, Transport and Communication.

(6) Any contractual rights, liabilities and obligations held by or on behalf of the Department in respect of the waterworks referred to in the Schedule, or relating to the function of bulk water supply, and in force at the transfer date, shall with effect from such date vest in the Corporation.

(7) Any legal or other proceedings instituted by or against the Department in respect of its function of bulk water supply and not disposed of before the commencement of this Act shall, notwithstanding such commencement, be continued and disposed of by or against the Corporation.

Issue of shares to the State

35. (1) As consideration for the transfer of the net assets and rights by the State to the Corporation under section 34, the Corporation shall issue fully paid-up shares exclusively to the State, the total value and number of which shall be determined by the Minister in consultation with the Minister of Finance.

(2) For the purposes of the Income Tax Act, 1981 (Act 24 of 1981) or any other law, the Corporation shall be deemed to have actually incurred expenses in the acquisition of assets and rights under section 34 and such expenses including the cost of those assets shall be deemed to be equivalent to the value of the assets determined by the Minister under subsection (5) of section 34.

Exemption from transfer duties and stamp duties

36. (1) Notwithstanding the provisions of any other law to the contrary, the Corporation is exempt from the payment of transfer duties and stamp duties payable in respect of the transfer of assets to the Corporation under section 34.

(2) No fee or amount shall be payable by the Corporation in terms of section 63 or 75 of the Companies Act in respect of the creation of, or any increase in, its share capital.

PART VIII MISCELLANEOUS PROVISIONS

Sale or disposal of assets of the Corporation

37. (1) Subject to the provisions of this section, the Corporation shall not -
- (a) sell; or
 - (b) lease for a period exceeding five years,

any of its assets otherwise than by means of public auction or public tender.

(2) Where the Corporation intends to sell or otherwise dispose of any of its assets in accordance with the provisions of subsection (1), the Board shall prior to such sale or lease, obtain a certificate of valuation signed by a sworn appraiser, identifying the asset concerned and certifying the value which in his or her opinion is fair consideration to be paid for such an asset by a willing buyer to a willing seller.

(3) A certificate of valuation referred to in subsection (2) shall be valid only if the sale or lease of the asset in respect of which it is issued is executed within a period of three months from the date of issue of the certificate.

(4) An asset of the Corporation shall not be sold or leased at a price lower than the value quoted in the certificate of valuation referred to in subsection (2), except with the prior written approval of the Minister.

Winding-up and judicial management

38. The Corporation shall not be wound up or placed under judicial management except under the authority of an Act of Parliament.

Waterworks of the Corporation not to be subject to attachment

39. No waterwork or portion thereof belonging to the Corporation shall be liable to attachment in respect of any judgement of any court granted against the Corporation.

Provision of water to customers deemed an essential service

40. For the purposes of the provisions of subparagraph (ii) of paragraph (a) of subsection (2) of section 79 of the Labour Act, 1992 (Act 6 of 1992), an employee of the Corporation who, by withholding his or her services, may cause or prolong a disruption of water supply to a customer, shall be deemed to be rendering an essential service.

Rendering of service by the Department

41. Where any service is required to be rendered by the Department to the Corporation, the Minister may direct that such service be rendered to the

Corporation by the Department in such manner and to such extent as the Minister may determine, and the Minister may fix a fair and reasonable charge to be paid by the Corporation for such service.

Application of provisions of the Water Act

42. (1) Except as otherwise provided in this Act, the Corporation shall perform its functions and duties and exercise its powers referred to in this Act, subject to the provisions of the Water Act.

(2) Where the Corporation is required by the Water Act, 1956 or any other law to hold a permit or authority for the purpose of operating a waterwork referred to in the Schedule, or for undertaking any operation or performing any function or duty in terms of this Act, such permit or authority shall be deemed, subject to subsection (3), to have been granted to the Corporation under the provisions of the Water Act, 1956 or such other law, as the case may be.

(3) Subsection (2) does not exempt the Corporation from complying with any provision of the Water Act, 1956 or any other law which requires a permit or authority to be obtained in order to impound or utilise water from water resources.

Regulations

43. The Minister may make regulations regarding -

- (a) additional matters to be included in the annual report under paragraph (h) of subsection (1) of section 33; and
- (b) any matter required or permitted to be prescribed by regulation or necessary for the purposes of the realisation of the objects of the Corporation.

Continuation of certain water supply functions by the State

44. Nothing in this Act shall be construed as affecting the water supply function of the State in relation to communities or individuals in rural areas.

Short title and commencement

45. This Act shall be called the Namibia Water Corporation Act, 1997 and shall come into operation on a date to be determined by the Minister, by notice in the *Gazette*.

SCHEDULE**LIST OF WATERWORKS TRANSFERRED TO THE CORPORATION****SCHEMES****1. EASTERN NATIONAL WATER CARRIER**

<u>COMPONENT</u>	<u>DESCRIPTION</u>
Rundu - Grootfontein	The pumping installation at Berg Aukas and the pipeline to Grootfontein.
Grootfontein - Omatako	The canals, siphon pipes, related structures and equipment between Grootfontein and the Omatako Dam; the houses in Grootfontein; and the houses and operational buildings at Brandwacht.
Omatako Dam - Otukarru - Von Bach Dam	The Omatako Dam; and the houses, operational buildings, concrete ground level and lined reservoirs, pipelines, pump stations, power lines, elevated reservoir, boreholes and installations, and related structures and equipment between the Omatako Dam and the Von Bach Dam.
Von Bach Dam - Windhoek	The Von Bach Dam excluding the proclaimed areas; the Von Bach Purification Plant as well as the extensions under construction; the Von Bach residential area and sewage plant; the pipelines, power lines, booster pump stations, related structures and equipment, concrete reservoirs, houses and related operational buildings between Von Bach Dam and Windhoek up to and including the bulk supply water meters; and the pipelines, equipment, reservoirs and related structures that supply Okahandja, Von Bach Nature Reserve, Osona Base and Otjihase Mine up to and including the bulk supply water meters.

2. REGIONAL STATE WATER SCHEMES

<u>WATER SCHEME</u>	<u>DESCRIPTION</u>
Berg Aukas - Okakarara	The boreholes and installations, houses, operational buildings, ground level and elevated reservoirs at Berg Aukas; the pump station, ground level reservoir and houses at Otjituu; the pump station, ground level reservoir and houses at Elandspan booster pump station; the ground level reservoir, house and related buildings at Central Reservoir; the ground level and elevated reservoirs, house and buildings at Okamata-pati; the boreholes, pipelines, elevated reservoir and related buildings at Okahitwa; and the pipelines, related structures and equipment between these points and Okakarara up to and including the bulk supply water meters.
Calueque - Olushandja	The Calueque pump station; and the pipelines, canals, related structures and equipment between Calueque and the Olushandja Dam.

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Central Namib	The Omdel Dam; the boreholes and installations, collector pipelines, power lines, ground level reservoirs and houses at Omdel, Rooibank, Dorob South and Swartbank; the pipelines, operational buildings and ground level reservoir at Rooikop Airport; the terminal reservoir, buildings and houses at Swakopmund; the pipelines, related structures and equipment between these points; the boreholes and installations, power lines, buildings, houses and reservoirs at Rooibank; the pipelines, reservoirs and related structures between Rooibank and Walvis Bay up to and including the Mile 7 reservoirs; the terminal reservoirs and operational buildings at Rössing Mine; and the pipelines, supply points, booster pump stations, buildings, related structures and equipment between Swakopmund and Rössing Mine up to and including the bulk supply water meters.
Dreihuk Dam - Karasburg	The Dreihuk Dam and related buildings and structures; the Bondelswarts Dam, boreholes, installations, related buildings and structures; the Karasburg Purification Plant, houses, power lines and operational buildings; and the pipelines, related structures and equipment up to and including the bulk supply water meters.
Friedenau - Matchless Mine	The Friedenau Dam, pump station, related buildings and houses; the ground level reservoir at Matchless Mine; and the pipelines, booster pump station, related buildings, structures and equipment between these points up to and including the bulk supply water meters.
Goblenz - Okakarara	The boreholes, collector pipelines, pump station, house, ground level and elevated reservoirs at Goblenz; the house, ground level reservoir and pump station at Ombinda; the terminal reservoirs and operational buildings at Okakarara; and the pipelines, related structures and equipment between these points up to and including the bulk supply water meters.
Hardap Dam - Mariental	The Hardap Dam excluding the proclaimed areas; the Hardap Purification Plant, houses, related buildings and structures, and ground level reservoirs; the terminal reservoir at Mariental; and the pipelines, related structures and equipment between these points up to and including the bulk supply water meters.
Karstland Boreholes	All boreholes and installations developed for the Karstland Scheme; the abstraction point, ground level reservoir and related structures at Kombat Mine; and the pipelines, related structures and equipment between these points and the canal.
Katima Mulilo	The river abstraction point, related structures, pipe-lines, ground level reservoirs, houses and operational buildings at Katima Mulilo; the ground level reservoir at Mpacha; the boreholes and installations, ground level and elevated reservoirs, house, related operational buildings and structures at Mafuta; and the pipelines, equipment and related structures between these points up to and including the bulk supply water meters.

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Khorixas	The boreholes and installations, buildings, reservoirs and houses at Braunfels; the boreholes and installations, fountain abstraction point, reservoir and buildings at Gainatseb; the terminal reservoirs and house at Khorixas; and the pipelines, related structures and equipment between these points up to and including the bulk supply water meters.
Koichab Pan - Lüderitz	The boreholes and installations, power lines, houses, reservoir and operational buildings at Koichab Pan; the terminal reservoir and related buildings at Lüderitz; and the pipelines, reservoirs, buildings, related structures and equipment between these points up to and including the bulk supply water meters.
Nauaspoort - Oamites	The Nauaspoort Dam, boreholes and installations, house and related structures; the terminal reservoirs, boreholes, house and buildings at Oamites; and the pipelines, related structures and equipment between these points up to and including the bulk supply water meters.
Naute Dam - Keetmanshoop	The Naute Dam and installations; the Naute Purification Plant and houses; the terminal reservoirs, houses and operational buildings at Keetmanshoop; and the pipelines, booster pump station, house, related structures and equipment between these points up to and including the bulk supply water meters.
Nei-Neis - Uis	The boreholes and installations, collector pipelines, power lines, reservoirs, houses and operational buildings at Nei-Neis; the reservoir and related structures at Peak Reservoir; the terminal reservoir and related buildings at Uis; and the pipelines, related structures and equipment between these points up to and including the bulk supply water meters.
Ogongo - Okahao	The pump station at Ogongo; the house, operational buildings, ground level and elevated reservoirs at Okahao; and the pipelines, related structures and equipment between these points up to and including the bulk supply water meters.
Ogongo - Okalongo	The pump station at Ogongo; and the pipelines, related structures and equipment between Ogongo and Okalongo up to and including the bulk supply water meters.
Ogongo - Oshakati	The Ogongo Purification Plant; the ground level earth embankment dam, steel reservoirs, pump stations, houses and related operational buildings at Ogongo; the pipelines, canals, related structures and equipment between Ogongo and Oshakati, as well as the new canal under construction; the pipelines, related structures and equipment, earth dams, ground level and elevated reservoirs and operational buildings at Oshikuku and Elim; the pipeline to Uukwangula; and the pipelines, related structures and equipment between these points up to and including the bulk supply water meters.

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Olushandja - Ogongo	The Olushandja Dam; including the North and South Wall structures, operational buildings and installations; the purification plants, ground level and elevated reservoirs, dams and houses at Ombalantu and Onakayale; and the pipelines, canals, related structures and equipment between these points and Ogongo up to and including the bulk supply water meters.
Olushandja - Okahao	The Olushandja Purification Plant; the houses, ground level reservoirs, and related operational buildings, structures and equipment at Eunda, Onesi, and Tsandi; the ground level and elevated reservoirs and buildings at Okahao; and the pipelines, related structures and equipment between these points up to and including the bulk supply water meters.
Ondangwa - Omutsegwonime	The pump station, ground level reservoirs, elevated reservoirs and houses at Ondangwa; the pipelines, pump stations, ground level and elevated reservoirs, buildings and equipment associated with water supply to Omuntele, Ambende, Okankolo, Onayena, Onandjokwe and other supply points between Ondangwa and Omutsegwonime, up to and including the bulk supply water meters.
Ondangwa - Oshikango	The pump stations, reservoirs and related buildings and equipment at Ondangwa, Iindangungu, Omakango, Omafo, Oshikango, Eenhana, Omungwelume, Onambutu, Endola, Oshigambo, Odibo, Ondobe, Engela, Ohangwena, Onakathila, Ondukutu, Oshitaye and Ongha; and the pipelines, related structures and equipment associated with water supply to these points up to and including the bulk supply water meters.
Orange River - Rosh Pinah	The abstraction point, equipment, related structures and buildings, pump station and houses at the Orange River; the Rosh Pinah Purification Plant; the terminal reservoirs, pump stations, power lines, related structures and equipment between these points up to and including the bulk supply water meters.
Oshakati - Omakango	The pump station, and related structures and equipment at Oshakati; the dam, pump station, purification plant, related structures and equipment at Okatana; and the pipelines, related structures and equipment between Oshakati and Omakango up to and including the bulk supply water meters.
Oshakati - Omapale	The pump station at Oshakati; and the pipelines, related buildings, structures and equipment between Oshakati and Omapale up to and including the bulk supply water meters.

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Oshakati - Ondangwa	The Oshakati Purification Plant; the earth dams, ground level and elevated reservoirs, pump stations, new purification plant under construction, houses and related operational buildings at Oshakati; the supply point at Ongwediva up to and including the bulk supply water meters; the pipelines, related structures and equipment between Oshakati and Ondangwa; and the pump station, elevated reservoirs, pipelines and related buildings and structures up to and including the bulk supply water meters supplying water to Ondangwa Town.
Otjimbingwe	The boreholes and installations, ground level reservoir, pipelines, power lines, related structures and equipment supplying Otjimbingwe Town up to and including the bulk supply water meters; and the river abstraction installation at Arueis, the booster pump stations, ground level reservoirs, equipment and related buildings, terminal reservoir, pipelines and related structures up to and including the bulk supply water meters.
Otjivero Dam - Gobabis	The Otjivero Dams, houses, operational buildings and structures; the Swart Nossob, Witvlei, Grüental and Goldene Aue boreholes and installations; and the pipelines, power lines, related structures and equipment between these points and Gobabis.
Otjiwarongo	The Omatjenne and Otjitazu Dams; the boreholes and installations at Omatjenne; the boreholes and installations, houses, pump stations and reservoirs at Kilo 9, Buffelshoek and Otjitazu; the boreholes and installations at Hoases; the Omarassa water supply scheme; the reservoirs, houses and operational buildings, related structures and equipment at Otjiwarongo; and the pipelines, related structures and equipment between these points up to and including the bulk supply water meters.
Rietfontein - Talismanis	The boreholes and installations, houses, ground level and elevated reservoirs, operational buildings and related structures at Rietfontein, Lister and Talismanis; and the pipelines, related structures and equipment between these points up to and including the bulk supply water meters.
Ruacana - Mahanene	The abstraction point, pump stations, related buildings, pipelines, booster pump station, related structures and equipment between Tailrace, Headbay and the canal at Mahanene; the pump station at the canal; and the pipelines, related structures and equipment up to the bulk supply water meters at Etunda.
Ruacana Town	The abstraction point at Headbay and the purification works; the houses at Ruacana and Oshifo; and the pump stations, reservoir, houses, pipelines, related structures and equipment between Headbay, Ruacana Town, Ruacana airport and Oshifo township up to and including the bulk supply water meters.

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Swakoppoort Dam - Karibib	The ground level reservoirs, related structures and equipment at Okongava; the Karibib Purification Plant; the terminal reservoir at Navachab; and the pipelines, related structures and equipment between the Swakoppoort Dam and these points.
Swakoppoort Dam - Von Bach Dam	The Swakoppoort Dam, abstraction tower, houses and related buildings and structures; the booster pump station, house and related buildings at Gross Barmen; and the pipelines, related structures and equipment between these points and the Von Bach Dam.
Waterberg - Okakarara	The canal abstraction point, purification works, related buildings, ground level and elevated reservoirs and houses at Waterberg; and the pipelines, related structures and equipment up to Okakarara.
Windhoek Airport	The boreholes and installations, house, operational buildings and power lines at Seeis; the boreholes, installations and operational buildings at Ondekaremba; the ground level and elevated reservoirs, operational building and house at Windhoek Airport; the pipelines, related structures and equipment between these points up to and including the bulk supply water meters; and the Otjihase - Windhoek Airport water supply scheme currently under construction.

3. STATE WATER SCHEMES

<u>WATER SCHEME</u>	<u>DESCRIPTION</u>
Aasvoëlnes	The boreholes and installations, elevated tanks and related buildings, pipelines, structures and equipment up to and including the bulk supply water meters.
Ai-Ais	The boreholes and installations, operational buildings, house, ground level reservoirs, power lines, pipelines, related structures and equipment up to and including the bulk supply water meters.
Aminuis	The boreholes and installations, elevated reservoir, house, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Andara	The boreholes and installations, ground level tanks, pipelines, related structures and equipment up to and including the bulk supply water meters.
Anichab	The boreholes and installations, operational buildings, ground level reservoir, house, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Anker	The boreholes and installations, operational buildings, house, ground level reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.

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Aranos	The boreholes and installations, ground level reservoirs, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Ariamsvlei	The boreholes and installations, house, elevated reservoir, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Aroab	The boreholes and installations, operational buildings, ground level and elevated reservoirs, pipelines, related structures and equipment up to and including the bulk supply water meters.
Aus	The boreholes and installations, ground level reservoir, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Bagani	The boreholes and installations, elevated tanks, pipelines, related structures and equipment up to and including the bulk supply water meters.
Bergsig	The boreholes and installations, ground level reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Berseba	The boreholes and installations, elevated reservoir, operational buildings, house, pipelines, related structures and equipment up to and including the bulk supply water meters.
Bethanie	The boreholes and installations, ground level and elevated reservoirs, operational buildings, house, pipelines, related structures and equipment up to and including the bulk supply water meters.
Buinja	The boreholes and installations, elevated reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Buitepos	The boreholes and installations, operational buildings, elevated tanks, pipelines, related structures and equipment up to and including the bulk supply water meters, as well as the pipeline and terminal reservoir under construction.
Bukalo	The boreholes and installations, elevated reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Chinchimane	The boreholes and installations, river abstraction structures, ground level and elevated reservoirs, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.

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Daan Viljoen Tourist Resort	The boreholes and installations, operational buildings, ground level reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters; and the borehole and installation, pipelines, related structures and equipment up to and including the bulk supply water meters at the Environment and Tourism house.
Daan Viljoen Research	The boreholes and installations, ground level reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Dordabis	The boreholes and installations, elevated tanks and reservoirs, operational buildings, house, pipelines, related structures and equipment up to and including the bulk supply water meters.
Epukiro Post 10	The boreholes and installations, elevated reservoir, house, operational buildings, power lines, pipelines, related structures and equipment up to and including the bulk supply water meters.
Epukiro Post 3	The boreholes and installations, ground level and elevated reservoirs, operational buildings, power lines, pipelines, related structures and equipment up to and including the bulk supply water meters.
Ernst Meyer	The boreholes and installations, operational buildings, elevated reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Erwee	The boreholes and installations, operational buildings, elevated reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Fransfontein	The boreholes and installations, ground level reservoirs, house, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Gabis	The boreholes and installations, house, ground level reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Gainachas	The boreholes and installations, elevated tanks, pipelines, related structures and equipment up to and including the bulk supply water meters.
Gibeon	The boreholes and installations, ground level reservoir, house, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Gobabeb	The boreholes and installations, elevated reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.

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Gobabis	The Daan and Tilda Viljoen Dams; the Gobabis Purification Plant, operational buildings and structures; the Suidstasie boreholes and installations; the Swart Nossob boreholes and installations, terminal reservoirs with related buildings and structures; the pipelines, related structures and equipment between these points up to and including the bulk supply water meters; and the North-East Borehole Scheme under construction.
Gochas	The boreholes and installations, ground level and elevated reservoirs and tanks, house, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Grünau	The boreholes and installations, ground level reservoir, house, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Halali	The boreholes and installations, water softening plant, operational buildings, ground level reservoirs, pipelines, related structures and equipment up to and including the bulk supply water meters.
Henties Bay	The boreholes and installations; the supply point from the Omdel scheme and the related structures and equipment; the ground level and elevated reservoirs, operational buildings and houses at Henties Bay; and the pipelines, related structures and equipment between these points up to and including the bulk supply water meters.
Hochfeld	The boreholes and installations, operational buildings, elevated reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Kahenge	The boreholes and installations, elevated reservoir, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Kalkfeld	The dam, boreholes and installations, elevated reservoir, house, operational buildings, pipelines, power lines, related structures and equipment up to and including the bulk supply water meters.
Kalkrand	The boreholes and installations, ground level and elevated reservoirs, house, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Kamanjab	The dam, boreholes and installations, ground level reservoirs, house, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Kandjimi Murangi	The boreholes and installations, river abstraction point, ground level and elevated reservoirs and tanks, operational buildings, pipelines, power lines, related structures and equipment up to and including the bulk supply water meters.

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Kapako	The river abstraction point and structures, ground level and elevated reservoirs, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Karibib	The boreholes and installations, houses, operational buildings and ground level reservoirs in Karibib and at Spes Bona and Haelbichsbrunn; and the pipelines, related structures and equipment between these points up to and including the bulk supply water meters.
Kayengona	The boreholes and installations, elevated tanks, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Koës	The boreholes and installations, elevated reservoir, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Kosis	The boreholes and installations, ground level reservoir, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Kriess	The boreholes and installations, elevated reservoir, house, pipelines, related structures and equipment up to and including the bulk supply water meters.
Kwakwas	The boreholes and installations, elevated reservoir, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Leonardville	The boreholes and installations, ground level and elevated reservoirs, operational buildings, power lines, pipelines, related structures and equipment up to and including the bulk supply water meters.
Linus Shashipapo	The river abstraction point and structures, ground level reservoir and elevated tanks, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Linyanti	The river abstraction point and structures, boreholes and installations being constructed, elevated tanks, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Maltahöhe	The boreholes and installations, ground level reservoirs, house, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Mangetti Duin	The boreholes and installations, ground level and elevated tanks, related buildings, house, pipelines, power lines, related structures and equipment up to and including the bulk supply water meters.

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Maroelaboom	The boreholes and installations, operational buildings, elevated tanks, pipelines, related structures and equipment up to and including the bulk supply water meters.
Mashari	The river abstraction point and structures, house, ground level and elevated reservoirs, operational buildings, pipelines, power lines, related structures and equipment up to and including the bulk supply water meters.
Mkata	The boreholes and installations, elevated steel tanks, pipelines, related structures and equipment up to and including the bulk supply water meters.
Mpunguvlei	The boreholes and installations, elevated tanks, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Mukwe (Mamono)	The boreholes, river abstraction point and structures, elevated steel reservoir, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Mupini	The boreholes and installations, elevated steel reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Namutoni	The boreholes and installations, pipelines, related structures and equipment up to and including the bulk supply water meters.
Nkurenkuru	The boreholes and installations, elevated tanks, pipelines, related structures and equipment up to and including the bulk supply water meters.
Noordoewer	The canal and river abstraction point and structures; the Noordoewer Purification Plant; the houses, ground level and elevated reservoirs and tanks, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Nyangana	The boreholes and installations, elevated reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Okaukuejo	The boreholes and installations, operational buildings, pump station, ground level reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Okombahe	The boreholes and installations, ground level reservoir, house, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Okondjatu	The boreholes and installations, operational buildings, houses, ground level and elevated reservoirs, pipelines, related structures and equipment up to and including the bulk supply water meters.

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Omatako	The boreholes and installations, elevated steel tanks, pipelines, related structures and equipment up to and including the bulk supply water meters.
Ombika	The boreholes and installations, elevated tanks, pipelines, related structures and equipment up to and including the bulk supply water meters.
Omega	The boreholes and installations, ground level and elevated reservoirs, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Ondangwa - Omuntele	The pump station at Ondangwa and the pipelines, related structures and equipment between Ondangwa and Omuntele up to and including the connecting point to the Okatope - Ambende pipeline.
Onderombapa	The boreholes and installations, operational buildings, elevated reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Opuwo	The boreholes and installations, reservoirs, houses and operational buildings at Alpha Base; the boreholes and installations, reservoirs, houses and operational buildings at Opuwo; and the pipelines, power lines, related structures and equipment between these points up to and including the bulk supply water meters.
Oshivelo	The boreholes and installations, elevated reservoir, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Osire	The boreholes and installations, elevated tanks, pipelines, related structures and equipment up to and including the bulk supply water meters.
Otavi	The fountain supply point and structures, boreholes and installations, ground level reservoirs, houses and operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Otjinene	The boreholes and installations, ground level and elevated reservoirs, operational buildings, house, power lines, pipelines, related structures and equipment up to and including the bulk supply water meters.
Otjovasando	The borehole and installation, operational buildings, ground level reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Ovitoto	The boreholes and installations, operational buildings, house, reservoirs, pipelines, related structures and equipment up to and including the bulk supply water meters.

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Plessisplaas	The boreholes and installations, elevated tanks, pipelines, related structures and equipment up to and including the bulk supply water meters.
Rehoboth	The Oanob Dam; the Oanob Purification Plant; the ground level reservoirs, operational buildings, houses, boreholes, pipelines, related structures and equipment up to and including the bulk supply water meters.
Rooidag Hek	The boreholes and installations, elevated tanks, pipelines, related structures and equipment up to and including the bulk supply water meters.
Rundu Gate (Mururani)	The boreholes and installations, operational buildings, house, elevated reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Rundu Town	The river abstraction point and structures, booster pump station, houses, operational buildings, ground level and elevated reservoirs, filters, related structures, houses and operational buildings at Rundu and Nkarapamwe; and the pipelines, related structures and equipment between these points up to and including the bulk supply water meters.
Rupara	The boreholes and installations, elevated reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Sambiu	The boreholes and installations, elevated reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Schlip	The boreholes and installations, ground level reservoir, house, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Sesfontein	The boreholes and installations, ground level reservoir and elevated tanks, pipelines, related structures and equipment up to and including the bulk supply water meters.
Spitzkoppe	The boreholes and installations, water treatment plant and structures, ground level and elevated reservoirs, pipelines, related structures and equipment up to and including the bulk supply water meters.
Stampriet	The boreholes and installations, ground level reservoirs, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.
Terrace Bay	The boreholes and installations, operational buildings, ground level reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Tondoro	The boreholes and installations, elevated reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.

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Tses	The boreholes and installations, ground level reservoir, operational buildings, house, pipelines, related structures and equipment up to and including the bulk supply water meters.
Tsintsabis	The boreholes and installations, operational buildings, elevated tanks, pipelines, related structures and equipment up to and including the bulk supply water meters.
Tsumkwe	The boreholes and installations, elevated tanks, house, pipelines, power lines, related structures and equipment up to and including the bulk supply water meters.
Tubussis	The boreholes and installations, ground level reservoir, pipelines, related structures and equipment up to and including the bulk supply water meters.
Usakos	The boreholes, wells and installations, ground level terminal reservoirs, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters; and the elevated tanks and the pipelines, related structures and equipment up to and including the bulk supply water meters at the Decca station.
Von Bach Dam - Gross Barmen	The ground level and elevated reservoir at Gross Barmen; and the operational buildings, boreholes and pipelines, related structures and equipment between the Von Bach Purification Plant and Gross Barmen up to and including the bulk supply water meters.
Warmbad	The boreholes and installations, water treatment plant, operational buildings, ground level reservoir, house, pipelines, related structures and equipment up to and including the bulk supply water meters.
Witvlei	The boreholes and installations, ground level reservoirs, operational buildings, pipelines, related structures and equipment up to and including the bulk supply water meters.