

Chapter 20:24 Water (Subcatchment Councils) Regulations, 2000

1 These regulations may be cited as the Water (**Subcatchment Councils**) Regulations, 2000.

2 In these regulations—

"annual general meeting" means the annual general meeting of stakeholder representatives convened in terms of subsection (1) of section *nine*;

[Definition inserted by SI 243/00 with effect from the 15th September,2000]

"returning officer" means a person appointed in terms subsection (2) of section *three*;

[Definition amended by SI 243/00 with effect from the 15th September,2000]

"stakeholder" means any person residing within the area of jurisdiction of a subcatchment council who has an interest in water resources;

"stakeholder group" means any of the following—

- (a) Rural District Councils;
- (b) communal farmers;
- (c) resettlement farmers;
- (d) small scale commercial farmers;
- (e) large scale commercial farmers;
- (f) indigenous commercial farmers;
- (g) urban authorities;
- (h) large scale mines;
- (i) small scale mines;
- (j) industry, and any other stakeholder group which the National Water Authority, in consultation with other stakeholder groups or the subcatchment council, may identify;

[subpara (j) amended by SI 243/00 with effect from the 15th September,2000]

"stakeholder representative" means one of a number of individuals appointed by a stakeholder group to represent its interests within the area of jurisdiction of a subcatchment council;

[Definition substituted by SI 243/00 with effect from the 15th September,2000]

"waste" means unwanted products or by-products, including waste water;

[Definition amended by SI 243/00 with effect from the 15th September,2000]

"waste water" means effluent or water which has been produced by or results from the use of water for any purpose;

[Definition substituted by SI 243/00 with effect from the 15th September, 2000]

" Water Act"..

[Definition repealed by SI 243/00 with effect from the 15th September, 2000]

" water storage works "..

[Definition repealed by SI 243/00 with effect from the 15th September, 2000]

" water works "..

[Definition repealed by SI 243/00 with effect from the 15th September, 2000]

3 (1) Unless the Minister has fixed a different number of members who shall constitute the subcatchment council concerned in a notice published in terms of section 24 of the Act, every subcatchment council shall consist of **15 members**.

(2) As soon as possible after publishing a notice in terms of section 24 of the Act, establishing a subcatchment council, the Minister shall appoint a member of the Public Service or the National Water Authority to be the returning officer for the purposes of convening and presiding over the inaugural meeting of the subcatchment council.

(3) **No later than 30 days** before the date appointed by the Minister as the date on which the first subcatchment council concerned shall be constituted after it is established, the returning officer shall serve on all stakeholder groups a notice—

(a) inviting 5 stakeholder representatives from each stakeholder group to a meeting at a specified date, time and place for the election of members of the subcatchment council; and

(b) inviting the submission of up to 3 nominations in priority order from each of the stakeholder groups, the nominees of which may include any stakeholder (other than a stakeholder representative) normally resident in the area of jurisdiction of the subcatchment council concerned; and

(c) appointing a day and time on or before which nominations must be submitted to the returning officer, which day shall not be later than the date of the meeting of the stakeholder representatives fixed in terms of paragraph (a).

(4) The returning officer shall not accept any person as a stakeholder representative or as a nominee of a stakeholder group for election as a member of the subcatchment council unless—

(a) there is produced to the returning officer by the stakeholder representatives concerned the minutes of the meeting held by the stakeholder group showing that each stakeholder representative and nominee has been proposed and seconded by the stakeholders to represent them at the inaugural meeting or to stand for election as a member of the subcatchment council, as the case may be; and

(b) the returning officer is satisfied that each stakeholder representative or nominee is a stakeholder and, in the case of a nominee, qualifies for election in terms of section *four*.

Provided that any dispute as to whether or not a person is a stakeholder shall be referred by the returning officer to the National Water Authority for resolution.

[subsections (3) and (4) substituted by SI 243/00 with effect from the 15th September,2000]

(4a) No person shall participate in or vote at any meeting convened in terms of subsection (3) except as a stakeholder representative:

Provided that a person nominated by a stakeholder group for election as a member of the subcatchment council may be present, but not vote, at such meeting.

[subsection (4a) inserted by SI 243/00 with effect from the 15th September,2000]

(5) The returning officer shall ensure that the different stakeholder groups under the jurisdiction of the subcatchment council elect their own representatives to the subcatchment council and shall to that end render such groups the fullest assistance possible.

(6) The quorum at a meeting convened in terms of subsection (2) of the regulations shall be $\frac{2}{3}$ of the identified stakeholder representatives under the jurisdiction of the subcatchment council.

(7) The returning officer shall be the chairperson and shall preside over the meeting convened in terms of subsection (2) and any adjournment thereof.

(8) If, within an hour after the time specified for the commencement of a meeting convened in terms of subsection (2) no quorum is present, the meeting shall stand adjourned to the same day in the following week, at the same time and place:

Provided that, if the same day in the following week is a public holiday, the meeting shall be adjourned to the next working day.

(9) If, within an hour after the time to which a meeting has been adjourned in terms of subsection (8), the quorum specified in subsection (6) is not present, the stakeholder representatives present shall constitute a quorum.

(10) The business of a meeting held in terms of this section shall be election of the subcatchment council.

(11) At the beginning of a meeting held in terms of this section, the returning officer shall announce the names of the persons nominated in accordance with subsection (4) and what stakeholder groups they will represent if elected to the subcatchment council.

(12) If the number of persons nominated for election to a subcatchment council—

(a) does not exceed the number to be elected, the returning officer shall declare the persons nominated to be elected;

(b) exceeds the number to be elected, each stakeholder group's first priority nomination shall be deemed to be elected as a member of the subcatchment council, and the remaining members shall be elected by the stakeholder representatives by a show of hands or secret ballot, as the returning officer may determine:

Provided that in the case of an equality of votes for 2 or more nominees, the returning officer shall draw lots to determine the successful nominee or nominees.

(13) Subject to this section, the procedure at a meeting held in terms of this section shall be fixed by the returning officer.

(14) The returning officer shall record the names of all stakeholder groups to whom he sends a notice in terms of subsection (2) and of all stakeholders present at the meeting held in terms of this section.

4 (1) A person shall not be qualified for election as a member to the subcatchment council if such person—

(a) is not normally resident in the area of jurisdiction of the subcatchment council or is not a stakeholder so identified by the National Water Authority or the subcatchment council concerned;

[amended by SI 243/00 with effect from the 15th September,2000]

or

(b) owes any rates, fees or levies to the subcatchment council or the National Water Authority at time of the election; or

(c) is not a citizen of Zimbabwe or ordinarily resident in Zimbabwe; or

(d) has in terms of a law in force in any country—

(i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged ;

[amended by SI 243/00 with effect from the 15th September,2000]

or

(ii) made an assignment or composition with his creditors which has not been rescinded or set aside;

or

(e) has been convicted in Zimbabwe or in any other country of any offence involving dishonesty or any other offence for which a term of imprisonment without the option of a fine, whether or not any portion of that sentence has been suspended or has been imposed.

(2) A person does not have to be a permit holder to be eligible for election as a member of a subcatchment council.

5 (1) Subject to subsection (2), a member shall hold office for a term of 3 years, unless the Minister has fixed a different term of office for members of a subcatchment council in a notice published in terms of section 24 of the Act.

(2) Of the members of a subcatchment council elected at an inaugural meeting in terms of section *three*—

- (a) $\frac{1}{3}$, who shall be chosen by lot, shall vacate office at the 1st annual general meeting of stakeholder representatives; and
- (b) another $\frac{1}{3}$, who shall be chosen by lot, shall vacate office at the 2nd annual general meeting of stakeholder representatives; and
- (c) the remaining $\frac{1}{3}$ shall vacate office at the 3rd annual general meeting of stakeholder representatives.

(3) The stakeholder representatives at the 1st, 2nd and 3rd annual general meeting of stakeholder representatives held after the inaugural meeting convened under section *three* shall elect persons to fill the vacancies created in terms of subsection (2):

Provided that if any member vacating office in terms of subsection (2) was a stakeholder group's sole representative on the subcatchment council, the nominee of that group to fill the vacancy shall be deemed to be elected as a member or, if the group nominated more than 1 person to represent it, elections shall be held to fill that vacancy first before the remaining members are elected;

(4) A member may at any time, by written notice to the chairperson of the subcatchment council, resign his office.

(5) If a member dies, resigns or absents himself from 3 consecutive meetings without having previously obtained leave of the subcatchment council his office shall become vacant and the vacancy shall be known as a casual vacancy.

(6) A subcatchment council may co-opt any person to fill a casual vacancy:

Provided that if the member who occasioned the casual vacancy was a stakeholder group's sole representative on the subcatchment council, the subcatchment council shall co-opt the nominee or any 1 of the nominees of that stakeholder group.

(7) If at any time between annual general meetings of stakeholder representatives, the Minister, in terms of section 24 of the Act—

- (a) increases the number of members of a subcatchment council, the subcatchment council may co-opt the requisite number of additional members to the council until the next annual general meeting of stakeholder representatives;
- (b) decreases the number of elected members of a subcatchment council, the members shall determine by lot which of them (not being a stakeholder group's sole representative on the council) shall vacate office.

(8) Each member of a subcatchment council may appoint a person, in writing, to act as an alternate member during any period that the substantive member is absent from a meeting of a subcatchment council.

6 (1) At the 1st meeting of a subcatchment council following the inaugural meeting convened in terms of section *three*, and thereafter at its first meeting following an annual general meeting of stakeholder representatives, a subcatchment council shall elect from among its members a chairperson and a vice-chairperson for the ensuing year.

(2) If a subcatchment council fails to elect a chairperson, the returning officer may appoint a chairperson from among its members.

(3) If the chairperson or vice-chairperson of a subcatchment council retires, dies or otherwise vacates office, the subcatchment council shall elect another chairperson or vice-chairperson, as the case may be, as soon as convenient after such retirement, death or vacation of office, and a chairperson or vice-chairperson so elected shall hold office for the remainder of the period during which his predecessor would have held the office.

(4) A vice-chairperson shall exercise the functions of the chairperson in terms of these regulations when, for any reason, the chairperson is unable to exercise his functions.

(5) Until such time as the National Water Authority provides the necessary secretarial services in terms of section 30 of the Act, the subcatchment council shall either—

- (a) elect 1 of its members as secretary of the sub-catchment council; or
- (b) appoint 1 of its employees to be secretary of the subcatchment council;

on such terms and conditions as the subcatchment council may fix.

(6) Every subcatchment council shall have a treasurer, who—

- (a) need not be a member of the subcatchment council; and
- (b) shall be elected at an annual general meeting of stakeholder representatives and shall hold office until the next such annual general meeting;

Provided that, pending the holding of the 1st annual general meeting following its establishment, a subcatchment council may appoint any person to be its treasurer.

(7) The salary or honorarium, if any, to be paid to the secretary and treasurer of a subcatchment council shall be fixed by stakeholder representatives at their annual general meeting.

(8) A treasurer and or secretary of a subcatchment council whose term of office has expired or is about to expire shall be eligible for re-appointment.

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7 (1) The 1st meeting of a subcatchment council following its establishment shall take place immediately after the inaugural meeting convened in terms of section *three* or on such later date and at such later time and place as the returning office may direct.

(2) Meetings of a subcatchment council subsequent to its first meeting shall be convened by the chairperson or by the secretary on the directions of the chairperson:

Provided that in fixing the date of every regular meeting of the subcatchment council the chairperson shall allow for an interval of at least 1 week to intervene between the meeting of the subcatchment council and the meeting of the catchment council to which the subcatchment council will report.

[proviso inserted by SI 243/00 with effect from the 15th September,2000]

(3) If requested, in writing, to do so by three or more members of a subcatchment council, the chairperson shall, within, 14 days of the request, convene a meeting of the subcatchment council to discuss the subject-matter specified in the request.

(4) The subcatchment council shall convene a meeting at least 7 days before any catchment council meeting of which it has received notice.

(5) Notice of every meeting of a subcatchment council shall be sent to each member giving date, time and place of the meeting, together with its agenda, at least 7 days before the date of the meeting:

Provided that if—

- (a) a meeting has been convened on shorter notice than 7 days; and
- (b) the members present at that meeting constitute a quorum in terms of subsection (11) and unanimously vote to condone the short notice;

the meeting shall be as valid as if 7 days' notice had been given.

(6) If a member wishes any matter to be included in the agenda of a meeting of a subcatchment council in respect of which a notice has not yet been sent, the member may request the secretary to include the matter in the agenda of the 1st meeting, following the request, and the secretary shall comply with any such request.

[subsection (6) substituted by SI 243/00 with effect from the 15th September,2000]

(7) A subcatchment council shall not, at any meeting, discuss any matter that is not on the agenda for that meeting unless at least $\frac{2}{3}$ of the members present agree to the matter being discussed.

(8) Subject to subsection (9), the chairperson or, in the absence of the chairperson, the vice-chairperson shall preside at every meeting of a subcatchment council.

(9) The chairperson and vice-chairperson are for any reason absent from any meeting of a subcatchment council, the members present shall elect 1 of their members to preside at the meeting.

[amended by SI 243/00 with effect from the 15th September,2000]

(10) Any person presiding at a meeting of a subcatchment council shall, in the case of any equality of votes, have a casting vote in addition to his deliberative vote as a member.

(11) $\frac{2}{3}$ of the members shall constitute a quorum at any meeting of the subcatchment council.

(12) Save as is provided in this section and in section ten, the procedure to be followed at meetings of a subcatchment council shall be fixed from time to time by the subcatchment council.

8 (1) Any resolution passed by a majority of the members present at a meeting of a subcatchment council shall be deemed to be the decision of the subcatchment council.

(2) No act or decision of a subcatchment council shall be invalid solely because—

(a) the subcatchment council consisted of fewer than number of members provided for in the notice establishing the subcatchment council in terms of section 24 of the Act;

[amended by SI 243/00 with effect from the 15th September,2000]

or

(b) a person who was not qualified to do so took part in or voted at a meeting of the subcatchment council if a majority of the persons who carried the vote at the meeting were qualified to do so.

(3) Decisions relating to the disbursement of funds shall be carried by a $\frac{2}{3}$ majority of the total membership of the Council.

[subsection (3) substituted by SI 243/00 with effect from the 15th September,2000]

9 (1) Subject to subsection (15), a subcatchment council shall convene an annual general meeting of stakeholder representatives between the 1st and the 30th of September in each year for the purpose of—

(a) receiving and considering the chairperson's report; and

(b) considering the adoption of the statement of accounts prepared in terms of section *thirteen*; and

(c) electing members to fill vacancies created by members due to retire and to fill any casual or other vacancy in the number of elected members; and

(d) transacting any other business that may be appropriate:

Provided that a subcatchment council elected at an inaugural meeting in terms of section *three* shall convene the 1st annual general meeting between the 1st and the 30th of September of the year following that in which it was elected.

[subsection (1) substituted by SI 243/00 with effect from the 15th September,2000]

(2) For the purposes of subsection (1), a stakeholder group may choose not more than 5 persons as their stakeholder representatives.

(3) No person shall attend any meeting convened in terms of subsection (1) except as a stakeholder representative, for which purpose there shall be produced to the secretary of the subcatchment council such evidence as the secretary may require to show that the stakeholder representative was duly authorised by a stakeholder group to represent its interests.

(4) The chairperson of a subcatchment council may at any time and shall, within 21 days after receiving a petition signed by no fewer than $\frac{1}{4}$ of the subcatchment council members calling on him to do so, convene an extraordinary general meeting of stakeholder representatives.

(5) The chairperson may at any time convene a meeting of any stakeholder group or stakeholders interested in a particular public stream, for the purpose of discussing or dealing with any matter which affects them rather than the generality of stakeholders under the jurisdiction of the subcatchment council.

(6) At least 14 days before the date fixed for a meeting in terms of subsection (1), (4) or (5) the secretary of the subcatchment council shall send a written notice to—

(a) each stakeholder group in the case of a general meeting convened in terms of subsection (1) or (4); or

(b) each stakeholder or stakeholder group affected by the matter to be discussed or dealt with at the meeting, in the case of a meeting convened in terms of subsection (5);

giving the date, time and place of the meeting, together with its agenda, and, in the case of an annual general meeting, inviting nominations for members to be elected to fill any vacancies in the subcatchment council.

[subsection (6) substituted by SI 243/00 with effect from 15th September,2000]

(7) The statement of accounts of the subcatchment council for the past financial year shall be available for inspection at an annual general meeting convened in terms of subsection (1), and, if such accounts are not adopted, the reasons why they were not adopted shall be recorded in the minutes of the meeting.

[amended by SI 243/00 with effect from the 15th September,2000]

(8) The chairperson of the subcatchment council or, in the absence of the chairperson, the vice-chairperson, shall preside at every meeting convened in terms of this section and every adjournment thereof:

Provided that, if for any reason neither the chairperson nor the vice-chairperson are present at a meeting, the persons present may elect 1 of their number to preside.

(9) Subject to subsection (11), the quorum at a meeting convened—

(a) in terms of subsection (1) or (4) shall be $\frac{2}{3}$ of the stakeholder representatives; or

(b) in terms of subsection (5) shall be $\frac{2}{3}$ of the invited stakeholder representatives or stakeholders affected by the matter to be discussed or dealt with at the meeting.

[subsection (9) substituted by SI 243/00 with effect from the 15th September,2000]

(10) If, within an hour after the time specified for the commencement of a meeting convened in terms of this section, no quorum is present, the meeting shall stand adjourned to the same day in the next week, at the same time and place:

Provided that, if the same day in the next week is a public holiday, the meeting shall be adjourned to the next working day.

(11) If within an hour after the time in which a meeting has been adjourned in terms of subsection (10), the quorum specified in subsection (9) is not present, the stakeholder representatives who are present shall constitute a quorum.

(12) A resolution in respect of any matter not included on the agenda attached to the notice of the meeting shall not be passed at any meeting convened in terms of this section unless at least $\frac{2}{3}$ of the people present and entitled to vote at the meeting agree to the matter being discussed and determined.

(13) Subject to these regulations the procedure to be followed at a general meeting convened in terms of this section shall be determined by the person presiding.

[amended by SI 243/00 with effect from the 15th September, 2000]

(14) The provisions of subsections (4), (11) and (12) of section three shall apply, in respect of the nomination and election of members at an annual general meeting held in terms of subsection (1) as if references to the returning officer were references to the secretary of the subcatchment council.

(15) If, owing to circumstances beyond its control, a subcatchment council could not reasonably be expected to convene an annual general meeting in terms of subsection (1), the returning officer may authorize the subcatchment council to dispense with such meeting and, in giving such authorization, shall—

- (a) direct that the election of members shall be conducted by post and specify the arrangements to be made in connection therewith; and
- (b) specify the arrangements to be made regarding any other business that was to be conducted at the meeting.

(16) An election conducted by post in terms of subsection (15) shall be deemed to have been held at an annual general meeting convened in terms of this section.

10 (1) The minutes of any meeting held in terms of these regulations shall be kept by the secretary of the subcatchment council concerned.

(2) The names of every person who was present at a meeting held in terms of these regulations and who voted on each resolution shall be recorded in the minutes kept in terms of subsection (1).

(3) A subcatchment council shall ensure that minutes kept in terms of subsection (1) are open for inspection at all reasonable times by any interested person.

11 (1) Subject to the Act and without derogation the powers of the catchment council, having jurisdiction over the subcatchment council concerned, a subcatchment council shall—

[amended by SI 243/00 with effect from the 15th September,2000]

- (a) regulate and supervise the exercise of permits for the use of water including ground water within the area for which it was established;
- (b) monitor water flows and water use in accordance with allocations made under permits;
- (c) ensure that such water measuring devices as may be required to enable the subcatchment council to discharge its functions under paragraph (b) are in place and operating;
- (d) elect persons to represent the interests of the subcatchment council at catchment level;
- (e) promote catchment protection in accordance with the Water (Catchment Councils) Regulations, 2000;
- (f) ensure that anyone discharging waste into the rivers has a permit;

[amended by SI 243/00 with effect from the 15th September,2000]

- (g) report as required to the catchment council on the exercise of water permits within its area;
- (h) assist in the collection of data and participate in planning;
- (i) collect subcatchment rates, fees and levies in accordance with section *twelve*;
- (j) perform any other duties the catchment council may assign to it.

12 A subcatchment council shall not—

- (a) levy any rate or charge any fee in terms of subsection (5) of section 24 of the Act; or
- (b) totally withdraw any such rate or fee;

unless the rate, fee increase or withdrawal, as the case may be, has been approved at a general meeting held in terms of subsection (1) or (4) of section *nine* and passed with a $\frac{2}{3}$ majority of stakeholder representatives attending a general meeting at which a quorum is present.

[amended by SI 243/00 with effect from the 15th September,2000.]

[See the Water (Subcatchment Councils **Rates**) Regulations, 2005. SI 6/2005]

Accounts and budgets of subcatchment councils

- 13 (1) The treasurer of every subcatchment council shall keep proper accounts and other records relating thereto in respect of all the operations, undertakings and property of the subcatchment council.
- (2) The treasurer shall prepare certified statements of account for each annual general meeting convened in terms of section *nine* and at such other times as the subcatchment council may direct.
- (3) Every statement of account approved at the annual general meeting held in terms of section *nine* shall be certified as correct by the person presiding at the meeting and a copy thereof shall be transmitted to the catchment council having jurisdiction over the subcatchment council concerned.
- (4) A subcatchment council shall ensure that its books of account are open for inspection at all reasonable times by any interested person.
- (5) A subcatchment council shall open and operate 1 or more banking accounts for the purpose of—
- (a) depositing rates, fees and levies from stakeholders or grants and donations from any other sources;
 - (b) withdrawing any amount of money to meet its financial obligations:
- Provided that any such withdrawal will require the signatures of the treasurer and chairperson or vice-chairperson of the subcatchment council.
- [para (b) substituted by SI 243/00 with effect from the 15th September,2000]
- (6) A subcatchment council may approve yearly or half-yearly budget showing the income and expenditure of the council for the year or half-year, as the case may be.
- (7) Where no budget has been approved in terms of subsection (6), or where no provision is made for the disbursement in question in a budget so approved, the council shall approve every disbursement from the funds of the council before it is made or ratify it as soon as practicable after it has been made.

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- 7 (1) The 1st meeting of a subcatchment council following its establishment shall take place immediately after the inaugural meeting convened in terms of section *three* or on such later date and at such later time and place as the returning officer may direct.
- (2) Meetings of a subcatchment council subsequent to its first meeting shall be convened by the chairperson or by the secretary on the directions of the chairperson:
- Provided that in fixing the date of every regular meeting of the subcatchment council the chairperson shall allow for an interval of at least 1 week to intervene between the meeting of the subcatchment council and the meeting of the catchment council to which the subcatchment council will report.
- [proviso inserted by SI 243/00 with effect from the 15th September,2000]
- (3) If requested, in writing, to do so by three or more members of a subcatchment council, the chairperson shall, within, 14 days of the request, convene a meeting of the subcatchment council to discuss the subject-matter specified in the request.
- (4) The subcatchment council shall convene a meeting at least 7 days before any catchment council meeting of which it has received notice.
- (5) Notice of every meeting of a subcatchment council shall be sent to each member giving date, time and place of the meeting, together with its agenda, at least 7 days before the date of the meeting:

Provided that if—

- (a) a meeting has been convened on shorter notice than 7 days; and
- (b) the members present at that meeting constitute a quorum in terms of subsection (11) and unanimously vote to condone the short notice;

the meeting shall be as valid as if 7 days' notice had been given.

(6) If a member wishes any matter to be included in the agenda of a meeting of a subcatchment council in respect of which a notice has not yet been sent, the member may request the secretary to include the matter in the agenda of the 1st meeting, following the request, and the secretary shall comply with any such request.

[subsection (6) substituted by SI 243/00 with effect from the 15th September,2000]

(7) A subcatchment council shall not, at any meeting, discuss any matter that is not on the agenda for that meeting unless at least $\frac{2}{3}$ of the members present agree to the matter being discussed.

(8) Subject to subsection (9), the chairperson or, in the absence of the chairperson, the vice-chairperson shall preside at every meeting of a subcatchment council.

(9) The chairperson and vice-chairperson are for any reason absent from any meeting of a subcatchment council, the members present shall elect 1 of their members to preside at the meeting.

[amended by SI 243/00 with effect from the 15th September,2000]

(10) Any person presiding at a meeting of a subcatchment council shall, in the case of any equality of votes, have a casting vote in addition to his deliberative vote as a member.

(11) $\frac{2}{3}$ of the members shall constitute a quorum at any meeting of the subcatchment council.

(12) Save as is provided in this section and in section ten, the procedure to be followed at meetings of a subcatchment council shall be fixed from time to time by the subcatchment council.

8 (1) Any resolution passed by a majority of the members present at a meeting of a subcatchment council shall be deemed to be the decision of the subcatchment council.

(2) No act or decision of a subcatchment council shall be invalid solely because—

(a) the subcatchment council consisted of fewer than number of members provided for in the notice establishing the subcatchment council in terms of section 24 of the Act;

[amended by SI 243/00 with effect from the 15th September,2000]

or

(b) a person who was not qualified to do so took part in or voted at a meeting of the subcatchment council if a majority of the persons who carried the vote at the meeting were qualified to do so.

(3) Decisions relating to the disbursement of funds shall be carried by a $\frac{2}{3}$ majority of the total membership of the Council.

[subsection (3) substituted by SI 243/00 with effect from the 15th September,2000]

9 (1) Subject to subsection (15), a subcatchment council shall convene an annual general meeting of stakeholder representatives between the 1st and the 30th of September in each year for the purpose of—

(a) receiving and considering the chairperson's report; and

(b) considering the adoption of the statement of accounts prepared in terms of section *thirteen*; and

(c) electing members to fill vacancies created by members due to retire and to fill any casual or other vacancy in the number of elected members; and

(d) transacting any other business that may be appropriate:

Provided that a subcatchment council elected at an inaugural meeting in terms of section *three* shall convene the 1st annual general meeting between the 1st and the 30th of September of the year following that in which it was elected.

[subsection (1) substituted by SI 243/00 with effect from the 15th September,2000]

(2) For the purposes of subsection (1), a stakeholder group may choose not more than 5 persons as their stakeholder representatives.

(3) No person shall attend any meeting convened in terms of subsection (1) except as a stakeholder representative, for which purpose there shall be produced to the secretary of the subcatchment council such evidence as the secretary may require to show that the stakeholder representative was duly authorised by a stakeholder group to represent its interests.

(4) The chairperson of a subcatchment council may at any time and shall, within 21 days after receiving a petition signed by no fewer than $\frac{1}{4}$ of the subcatchment council members calling on him to do so, convene an extraordinary general meeting of stakeholder representatives.

(5) The chairperson may at any time convene a meeting of any stakeholder group or stakeholders interested in a particular public stream, for the purpose of discussing or dealing with any matter which affects them rather than the generality of stakeholders under the jurisdiction of the subcatchment council.

(6) At least 14 days before the date fixed for a meeting in terms of subsection (1), (4) or (5) the secretary of the subcatchment council shall send a written notice to—

(a) each stakeholder group in the case of a general meeting convened in terms of subsection (1) or (4); or

(b) each stakeholder or stakeholder group affected by the matter to be discussed or dealt with at the meeting, in the case of a meeting convened in terms of subsection (5);

giving the date, time and place of the meeting, together with its agenda, and, in the case of an annual general meeting, inviting nominations for members to be elected to fill any vacancies in the subcatchment council.

[subsection (6) substituted by SI 243/00 with effect from 15th September,2000]

(7) The statement of accounts of the subcatchment council for the past financial year shall be available for inspection at an annual general meeting convened in terms of subsection (1), and, if such accounts are not adopted, the reasons why they were not adopted shall be recorded in the minutes of the meeting.

[amended by SI 243/00 with effect from the 15th September,2000]

(8) The chairperson of the subcatchment council or, in the absence of the chairperson, the vice-chairperson, shall preside at every meeting convened in terms of this section and every adjournment thereof:

Provided that, if for any reason neither the chairperson nor the vice-chairperson are present at a meeting, the persons present may elect 1 of their number to preside.

(9) Subject to subsection (11), the quorum at a meeting convened—

(a) in terms of subsection (1) or (4) shall be $\frac{2}{3}$ of the stakeholder representatives; or

(b) in terms of subsection (5) shall be $\frac{2}{3}$ of the invited stakeholder representatives or stakeholders affected by the matter to be discussed or dealt with at the meeting.

[subsection (9) substituted by SI 243/00 with effect from the 15th September,2000]

(10) If, within an hour after the time specified for the commencement of a meeting convened in terms of this section, no quorum is present, the meeting shall stand adjourned to the same day in the next week, at the same time and place:

Provided that, if the same day in the next week is a public holiday, the meeting shall be adjourned to the next working day.

(11) If within an hour after the time in which a meeting has been adjourned in terms of subsection (10), the quorum specified in subsection (9) is not present, the stakeholder representatives who are present shall constitute a quorum.

(12) A resolution in respect of any matter not included on the agenda attached to the notice of the meeting shall not be passed at any meeting convened in terms of this section unless at least $\frac{2}{3}$ of the people present and entitled to vote at the meeting agree to the matter being discussed and determined.

(13) Subject to these regulations the procedure to be followed at a general meeting convened in terms of this section shall be determined by the person presiding.

[amended by SI 243/00 with effect from the 15th September, 2000]

(14) The provisions of subsections (4), (11) and (12) of section three shall apply, in respect of the nomination and election of members at an annual general meeting held in terms of subsection (1) as if references to the returning officer were references to the secretary of the subcatchment council.

(15) If, owing to circumstances beyond its control, a subcatchment council could not reasonably be expected to convene an annual general meeting in terms of subsection (1), the returning officer may authorize the subcatchment council to dispense with such meeting and, in giving such authorization, shall—

- (a) direct that the election of members shall be conducted by post and specify the arrangements to be made in connection therewith; and
- (b) specify the arrangements to be made regarding any other business that was to be conducted at the meeting.

(16) An election conducted by post in terms of subsection (15) shall be deemed to have been held at an annual general meeting convened in terms of this section.

10 (1) The minutes of any meeting held in terms of these regulations shall be kept by the secretary of the subcatchment council concerned.

(2) The names of every person who was present at a meeting held in terms of these regulations and who voted on each resolution shall be recorded in the minutes kept in terms of subsection (1).

(3) A subcatchment council shall ensure that minutes kept in terms of subsection (1) are open for inspection at all reasonable times by any interested person.

11 (1) Subject to the Act and without derogation the powers of the catchment council, having jurisdiction over the subcatchment council concerned, a subcatchment council shall—

[amended by SI 243/00 with effect from the 15th September,2000]

- (a) regulate and supervise the exercise of permits for the use of water including ground water within the area for which it was established;
- (b) monitor water flows and water use in accordance with allocations made under permits;
- (c) ensure that such water measuring devices as may be required to enable the subcatchment council to discharge its functions under paragraph (b) are in place and operating;
- (d) elect persons to represent the interests of the subcatchment council at catchment level;
- (e) promote catchment protection in accordance with the Water (Catchment Councils) Regulations, 2000;
- (f) ensure that anyone discharging waste into the rivers has a permit;

[amended by SI 243/00 with effect from the 15th September,2000]

- (g) report as required to the catchment council on the exercise of water permits within its area;
- (h) assist in the collection of data and participate in planning;
- (i) collect subcatchment rates, fees and levies in accordance with section *twelve*;
- (j) perform any other duties the catchment council may assign to it.

12 A subcatchment council shall not—

- (a) levy any rate or charge any fee in terms of subsection (5) of section 24 of the Act; or
- (b) totally withdraw any such rate or fee;

unless the rate, fee increase or withdrawal, as the case may be, has been approved at a general meeting held in terms of subsection (1) or (4) of section *nine* and passed with a $\frac{2}{3}$ majority of stakeholder representatives attending a general meeting at which a quorum is present.

[amended by SI 243/00 with effect from the 15th September,2000.]

[See the Water (Subcatchment Councils **Rates**) Regulations, 2005. SI 6/2005]

Accounts and budgets of subcatchment councils

13 (1) The treasurer of every subcatchment council shall keep proper accounts and other records relating thereto in respect of all the operations, undertakings and property of the subcatchment council.

(2) The treasurer shall prepare certified statements of account for each annual general meeting convened in terms of section *nine* and at such other times as the subcatchment council may direct.

(3) Every statement of account approved at the annual general meeting held in terms of section *nine* shall be certified as correct by the person presiding at the meeting and a copy thereof shall be transmitted to the catchment council having jurisdiction over the subcatchment council concerned.

(4) A subcatchment council shall ensure that its books of account are open for inspection at all reasonable times by any interested person.

(5) A subcatchment council shall open and operate 1 or more banking accounts for the purpose of—

- (a) depositing rates, fees and levies from stakeholders or grants and donations from any other sources;
- (b) withdrawing any amount of money to meet its financial obligations:

Provided that any such withdrawal will require the signatures of the treasurer and chairperson or vice-chairperson of the subcatchment council.

[para (b) substituted by SI 243/00 with effect from the 15th September,2000]

(6) A subcatchment council may approve yearly or half-yearly budget showing the income and expenditure of the council for the year or half-year, as the case may be.

(7) Where no budget has been approved in terms of subsection (6), or where no provision is made for the disbursement in question in a budget so approved, the council shall approve every disbursement from the funds of the council before it is made or ratify it as soon as practicable after it has been made.