



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON ENERGY, WATER DEVELOPMENT AND TOURISM

ON THE

WATER SUPPLY AND SANITATION SERVICES BILL, N.A.B. NO. 2 OF 2026

FOR THE FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

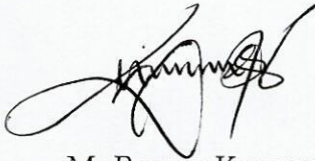
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FOREWORD

Hon Madam Speaker, pursuant to Standing Orders 207(J), of the National Assembly of Zambia Standing Orders, 2024, the Committee on Energy, Water Development and Tourism considered the Water Supply and Sanitation Services Bill, N.A.B. No. 2 of 2026, referred to it by the House on Wednesday, 18th February, 2026.

In order to acquaint itself with the ramifications of the Bill, the Committee sought both written and oral submissions from different stakeholders and examined in detail all submissions presented to it. The list of witnesses who submitted comments and appeared before the Committee is at Appendix II of this Report. The Committee held ten meetings to consider the Water Supply and Sanitation Services Bill, N.A.B. No. 2 of 2026. The Report is organised in three parts. Part I provides a background and summary of the provisions of the Bill. Part II presents the summary of submissions from stakeholders, while Part III constitutes the Committee's observations and recommendations.

The Committee is grateful to all stakeholders who tendered both written and oral submissions. The Committee further wishes to thank you, Madam Speaker, for affording it an opportunity to carry out its work. It also appreciates the services rendered by the Office of the Clerk of the National Assembly throughout its deliberations.



Mr Romeo Kangombe, MP
CHAIRPERSON

April, 2026
LUSAKA

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List of Acronyms

ZEMA Zambia Environmental Management Agency

WARMA Water Resource Management Authority

ZNPFI Zambia National Public Health Institute

1.0 Membership of the Committee

The Committee consisted of Mr Romeo Kangombe, MP (Chairperson); Ms Mulenga Kampamba, MP (Vice Chairperson); Ms Mirriam Choonya, MP; Mr Binwell Mpundu, MP; Mr Michael J Z Katambo, MP; Mr Chanda Katotobwe, MP; Mr Davies Chisopa, MP; Mr Gregory Ngowani, MP; Mr Raphael Mabenga, MP; and Mr Lameck Hamwaata, MP.

PART I

2.0 Background

The *Water Supply and Sanitation Act, No. 28 of 1997*, establishes a legal framework that ensures efficient, affordable, and sustainable water supply and sanitation services. It creates the National Water Supply and Sanitation Council to regulate service providers, enabling the commercialisation of water services by local authorities to improve service delivery and infrastructure. The *Water Supply and Sanitation (Amendment) Act, No. 10 of 2005* amended the 1997 Act to strengthen the regulatory capacity of the National Water Supply and Sanitation Council. It enhanced penalties for illegal acts, restructured the Council to include more stakeholders, and improved the legal framework for licensing and governing water utilities to ensure sustainable, safe, and efficient service delivery.

While enactment of the Act marked a landmark for introducing commercial utilities and independent regulation, it has developed significant weaknesses over the past two decades. The weaknesses, among others, include failure to adequately address current sector realities, particularly in relation to climate resilience; rapid urban expansion; and emerging service delivery challenges. Other weaknesses relate to regulation, compliance, and enforcement. These weaknesses have constrained the effectiveness of oversight institutions and service providers.

It is against this background that the Government has introduced the Water Supply and Sanitation Services Bill, N.A.B No. 2 of 2026. Once enacted, the Bill will establish a modern and robust legal framework to enhance service delivery, protect public health, strengthen regulatory oversight and ensure sustainable management of water supply and sanitation services in the country.

3.0 OBJECTS OF THE BILL

The objects of the Bill are to-

- a) continue the existence of the National Water Supply and Sanitation Council and re-define its functions;
- b) constitute the Board of the Council and provide for its functions;
- c) provide for the regulation of water supply and sanitation services;
- d) provide for the licensing of utilities;
- e) promote access to sustainable water supply and sanitation services;
- f) repeal and replace the Water Supply and Sanitation Act, 1997; and
- g) provide for matters connected with, or incidental to, the foregoing.

4.0 SALIENT PROVISIONS OF THE BILL

The salient provisions of the bill are set out here under.

Part One: Clauses 1 to 4 - Preliminary Provisions

Part one provides for the short title and commencement of the Act, interpretation of key words and phrases used in the Bill and principles that will be used as aids of interpretation to achieve the purpose of the Act as well as responsibilities of local authorities.

Part Two: Clauses 5 to 11 - The National Water Supply and Sanitation Council

This Part provides for, *inter alia*, the continuation of the Council, functions of the Council, constitution of a Board, and functions of the Board.

Part Three: Clauses 12 to 21 – Establishment and Licensing of Authorities

This Part provides for, among other things, the establishment of a public or private utility company, prohibits provision of water supply or sanitation services without licence. It also prescribes the manner of application for licence, validity of licence and annual fee, suspension or cancellation of licence and appointment of statutory manager.

Part Four: Clauses 22 to 25 - Functions and Powers of Utilities

This Part provides for, among other things, the functions of utilities, power to carry out works on roads and related infrastructure. The Part also empowers utility companies to compulsorily acquire land from local authorities for purposes of water supply and sanitation. This Part also empowers utility companies to reduce levels of service and declare an emergency as and when need arises

Part Five: Clauses 26 and 27 - Service Providers

This Part allows a developer or another person who intends to operate as a service provider to enter into an agreement with a Utility. It also prohibits a developer providing water supply and sanitation services from providing services without agreement.

Part Six: Clauses 28 to 31-Tariffs, Rates, Fees or Charges

This Part provides for, among other things, the criterion for determining tariffs, rates, and fees or charges. It also prohibits utility companies from levying tariffs, rates, fees or charges without approval.

Part Seven: Clauses 32 to 36 - Water and Sanitation Facilities

This Part, among other things, empowers utility companies to construct facilities within the service area, but under consultation. It also provides for the extent of construction and maintenance of facility, rights over private water supply or sewerage facilities installation, and damage to water works or sanitation works.

Part Eight: Clauses 37 to 42 - Water Supply and Sanitation Tribunal

This Part provides for, among other things, appeal from decision of the Council. It also allows the Minister to constitute a Tribunal and provides for its powers and funding.

Part Nine: Clauses 43 to 45 - Inspectorate

This Part provides for the appointment of inspectors and the power of entry, search and inspection.

Part Ten: Clauses 46 to 68 - General Provisions

This Part provides for, among other things, general offences, general penalties, guidelines and administrative penalties.

First Schedule

The Schedule provides for the administration of the affairs of the Council and the Committee, such as the tenure of office and vacancy for members of the Board or Committee, how proceedings of meetings shall be conducted, and the constitution of committees.

Second Schedule

This Schedule provides for the savings and transitional provisions.

5.0 CONCERNS RAISED BY STAKEHOLDERS

Stakeholders who appeared before the Committee supported the Bill. However, they raised concerns as outlined below.

a. Specific Concerns

i. Principles of Water Supply and Sanitation Services

Some stakeholders submitted that despite the National Water Policy 2024 recognising the human right to water, the Bill did not explicitly recognise water and sanitation as a fundamental human right, weakening its rights-based approach. This created a gap between policy commitment and statutory enforceability, which risked leaving fundamental questions of access, affordability, accountability and protection to be addressed only indirectly.

ii. Affordability Versus Cost Recovery

Stakeholders further observed that the emphasis on full cost recovery in clause 3(e) risked excluding low-income households, which would, if enacted, undermine the fundamental human right of equitable access to water and sanitation.

iii. Decisions of Tribunal

Stakeholders observed a contradiction between clauses 40(3), which provided that the Tribunal's decision was final and clause 40(4) of the Bill, which provided for an appeal to the Court of Appeal.

iv. Disconnection of Water or Sewer Service Connection

Some stakeholders noted that clause 48 empowered utility companies to disconnect a water or sewer connection in an event that a consumer defaults on payment, but had not provided for safeguards for poor and vulnerable households. They were of the view that Zambia should learn best practices from South Africa, where the Water Service Act (1997) mandates municipalities to provide free basic water of 6,000 litres per household per month, which demonstrated how pro-poor provisions could be codified in law to promote equitable access. Without similar

measures, cost recovery policies risked widening existing inequalities and undermining the principle of universal access.

v. Constitution of the Board (Clause 7(1))

Stakeholders submitted that a representative of the Zambia Environmental Management Agency (ZEMA) and the Ministry of Health be included in the composition of the Board. This was because environmental and health expertise was required at strategic level when considering environmental and health issues relating to water supply and sanitation services.

vi. Functions and Powers of Utilities

Some stakeholders submitted that clause 22(4), of the Bill did not provide for utilities to demolish structures, which were built on service lines or water supply and sanitation facilities. They argued that the current practice of going through local authorities was inefficient.

vii. Powers to Reduce Levels of Service and Declaration of Emergency Stakeholders expressed concern with the powers in clause 25, where utilities may reduce services without guaranteeing minimum supply or consumer protections. Further, stakeholders observed that the provisions in clause 25 (7)(a) and (b) of the Bill and the Public Health Act, (Cap 295), which mandates Health Authorities to respond swiftly to public health emergencies may be at conflict when it comes to immediate actions to be undertaken by the health authorities.

b. General Concerns

i. Limited Focus on Rural and Underserved Areas – Some stakeholders submitted that the Bill was largely utility-centric and did not adequately address rural and informal settlement needs. It was further submitted that the 2022 Living Conditions Monitoring Survey showed that only 63 per cent of households in rural areas had access to safe water, compared to 91.9 per cent of households in urban areas, underscoring a substantial rural-urban gap in safe water access (2022, LCMS, Zambia Statistics Agency/UNICEF). This disparity meant that rural populations remained disproportionately underserved. As a result, the Bill, if enacted in its current form, may fail to address the most acute needs in the sector.

Stakeholders also submitted that the Bill did not sufficiently integrate public health security considerations, particularly in relation to disease surveillance and outbreak response.

ii. Lack of Integration with Public Health Surveillance

Stakeholders submitted that the Bill did not explicitly link water systems to national disease surveillance mechanisms, despite water being a major transmission pathway for infectious diseases. Further, the Bill lacked clear guidance on coordination between water utilities and public health institutions during outbreaks or contamination events. Stakeholders were of the view that an amendment to provide for the integration of water systems into national disease surveillance frameworks should be introduced. Further, stakeholders proposed that there should be mandatory water quality data sharing with stakeholders such as the ZNPHI to enhance surveillance and emergency preparedness.

iii. Limited Citizen Participation Mechanisms – It was submitted that public participation was referenced but not institutionalised risking tokenistic engagements.

iv. Overlapping Mandates

Some stakeholders submitted that the Bill was duplicating/overlapping with ZEMA's mandate regarding water pollution control and waste management, including effluent discharge.

6.0 SUBMISSION BY THE PERMANENT SECRETARY – MINISTRY OF WATER DEVELOPMENT AND SANITATION

The Committee also interacted with the Permanent Secretary who submitted that the Water Supply and Sanitation Services Bill, of No.2 of 2026, sought to repeal and replace the *Water Supply and Sanitation Act, Chapter 180 of the Laws of Zambia*. The Bill intends to address the long-standing structural and institutional challenges in the sector. It would also provide a modern, responsive, and forward-looking legal framework, which would support improved service delivery, consumer protection and public participation in the formulation of various water supply and sanitation processes and strategies, public health protection, environmental sustainability, fast-tracked dispute resolution mechanisms and economic development.

The Permanent Secretary submitted that the rationale for repealing and replacing the *Water Supply and Sanitation Act*, Chapter. 180 of the Laws of Zambia included but not limited to:

- i. addressing the current sector realities, particularly in relation to climate resilience, rapid urban expansion, and emerging service delivery challenges;
- ii. strengthening the legal framework relating to regulation, compliance, and enforcement, which had constrained the effectiveness of oversight institutions and service providers;
- iii. aligning the law with current Government policy, institutional reforms, decentralisation processes, and international best practices in water supply and sanitation governance;
- iv. providing adequate provisions for consumer protection, service quality assurance, accountability, and transparency in service delivery;
- v. modernizing the legal framework to support financial sustainability, improved investment planning, and enhanced service delivery across the sector; and
- vi. ensuring that the enforcement framework was proportionate and dissuasive to those desiring to commit various breaches or offences, such as unauthorised connections, non-payment of fees, rates and charges, which had had an adverse impact on the operations and financial returns of utility companies

The Committee also heard that the repeal and replacement of the *Water Supply and Sanitation Act*, was expected to yield several benefits, including:

- a. modernising a coherent, and responsive legal framework that reflected current and future sector needs;
- b. improving service delivery and operational efficiency by water supply and sanitation service providers;
- c. enhancing regulatory oversight, monitoring, and compliance, leading to better sector performance and accountability;
- d. providing stronger consumer protection mechanisms, ensuring that consumers received quality services and have access to effective redress;
- e. increasing investor confidence, thereby creating opportunities for sustainable financing and private sector participation; and
- f. improving coordination and collaboration among institutions and stakeholders within the water supply and sanitation sector.

7.0 COMMITTEE’S OBSERVATIONS AND RECOMMENDATIONS

The Committee notes that stakeholders who appeared before it supported the Bill. In supporting the Bill, the Committee makes the observations and recommendations outlined below.

a. Specific Concerns

i. Affordability Versus Cost Recovery

The Committee observes that clause 3(e) risks excluding low-income households as well as undermine equitable access, affordable right to water and sanitation. Further, the Committee observes that, while public-private partnership can bring services closer to underserved populations, they also introduce risks that must be mitigated, as private operators may advocate for higher tariffs to ensure returns on investment, which could exacerbate affordability challenges for low-income households.

In this regard, the Committee recommends the introduction of lifeline tariffs, targeted subsidies, and the need for affordability assessments in tariff setting. Further, the Committee recommends that the Government should devise mechanisms that will ensure a tariff setting framework, mandatory public consultations, social impact assessments and adoption of pro-poor tariff structures.

ii. Decisions of Tribunal

The Committee observes that the use of the word “*final*” in clause 40(3) contradicts clause 40(4) which provides for an appeal to the Court of Appeal.

In this regard, the Committee recommends that the word “*final*” be deleted from clause 40(3) to provide clarity to the provision.

iii. Disconnection of Water or Sewer Service Connection

The Committee observes that the provisions to disconnect services in case of payment default in clause 48, lacks safeguards for poor and vulnerable households.

In this regard, the Committee recommends that the Bill should provide safeguards for the poor and vulnerable by inserting a provision that prohibits disconnection of minimum essential water supply and introduce social protection measures, for example, notice periods and payment plans. Further, the Committee recommends that Zambia should learn from South Africa by codifying pro-poor provisions in the law, to promote equitable access. The Committee is of the view that without similar measures, cost recovery policies risk widening the existing inequalities and undermining the principle of universal access.

iv. Constitution of the Board (Clause 7(1))

The Committee is concerned that the Zambia Environmental Management Agency and the Ministry of Health have no representation on the Board level despite environmental and health expertise being required at strategic level. In this regard the Committee recommends that the Bill be amended to include representatives from ZEMA and the Ministry of Health on the National Water Supply and Sanitation Council Board.

v. Functions and Powers of Utilities

The Committee observes that the current practice of going through local authorities for demolition of structures, which are built on service lines, is inefficient. Therefore, the

Committee recommends that the Bill should be amended to add provisions that empower utilities to demolish structures built on service lines or water supply and sanitation facilities.

vi. Powers to Reduce Levels of Service and Declaration of Emergency

The Committee observes, with concern, that clause 25 empowers utilities to reduce services without guaranteeing minimum supply or consumer protection. In addition, the Bill lacks clear guidance on coordination between water utilities and public health institutions during outbreaks or contamination events, weakening emergency preparedness.

In this regard, the Committee recommends that the provisions in clause 25 (7)(a) and (b) of the Bill and the *Public Health Act, (Chapter 295) of the Laws of Zambia*, which mandates Health Authorities to respond swiftly to public health emergencies, should be harmonised to enhance emergency preparedness in the Bill. Further, the Committee recommends for a provision guaranteeing minimum essential water supply, communication and oversight during emergencies.

b. General Concerns

i. Limited Focus on Rural and Underserved Areas

The Committee observes that the Bill is largely utility-centric and does not adequately address rural and informal settlement needs as they lacked infrastructure, covered long distances to water sources, and relied on unsafe water. The Committee further observes that in rural areas, 63 per cent compared to 91.9 per cent of households in urban areas have access to safe water. This underscores a substantial rural-urban gap in safe water access, meaning rural populations remain disproportionately underserved.

In this regard the Committee recommends that a provision be inserted for rural service delivery models, community-based systems, and targeted investments.

ii. Lack of Integration with Public Health Surveillance

The Committee observes with concern that the Bill does not explicitly link water systems to national disease surveillance mechanisms, despite water being a major transmission pathway for infectious diseases. The Bill lacks clear guidance on coordination between water utilities and public health institutions during outbreaks or contamination events.

The Committee, therefore, recommends that an amendment be made to provide for the integration of water systems into national disease surveillance frameworks. Further, the Committee recommends for the mandatory water quality data sharing with stakeholders such as the ZNPHI to enhance surveillance and emergency preparedness.

iii. Overlapping Mandates

The Committee observes with concern that the Bill may duplicate/overlap with mandates of ZEMA regarding water pollution control and waste management, including effluent discharge. In this regard, the Committee recommends for harmonisation of the provisions so as to effectively achieve the aspirations of the Bill.

8.0 CONCLUSION

The Committee notes that the enactment of the theWater Supply and Sanitation Services Bill, N.A.B. No. 2 of 2026, is progressive as it presents a transformative opportunity to address long-standing challenges in Zambia's water and sanitation sector. Its focus on regulation, sustainability, and investment aligns with both national and global development priorities. However, the success of the Bill is dependent on its ability to balance financial sustainability with social equity, promote inclusivity and strengthen institutional capacity. Without adequate safeguards, there is a risk that the reforms may inadvertently marginalise vulnerable populations and exacerbate existing inequalities.

The Committee therefore recommends that the concerns and recommendations outlined in the report are considered to ensure the Bill becomes a reliable, inclusive, and effective legal framework that guarantees universal access to safe and affordable water and sanitation services for all Zambians.



Mr Romeo Kangombe, MP
(Chairperson)

April, 2026
LUSAKA

APPENDIX I - National Assembly Officials

Mr Stephen Chiwota, Director - Financial Committees

Mr Geoffrey Zulu, Deputy Director - Financial Committees

Ms Chitalu Mulenga, Senior Committee Clerk – Financial Committees

Ms Media Hachombwa, Committee Clerk

Ms Eneless Njobvu, Administrative Assistant

Mr Daniel Lupiya, Senior Committee Assistant

Mr Muyembi Kantumoya, Committee Assistant

APPENDIX II-WITNESSES

Ministry of Water Development and Sanitation
Ministry of Local Government and Rural Development
Ministry of Health
Ministry of Justice
NGO WASH
Zambia Environmental Management Authority
Zambia National Public Health Institute
Water Resource Management Authority
Natural Water Supply and sanitation Council
Lusaka Water and Sanitation Company
Civil Society for Poverty Reduction
Competition and Consumer Protection Commission
University of Lusaka
WaterAid
Zambia Development Agency