



**MEMORANDUM**

**WATER SERVICES ACT AND  
2025 PROPOSED WATER  
SERVICES AMENDMENT BILL**

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# Introduction

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This memorandum outlines how South Africa's Water Services Act and the proposed Water Services Amendment Bill reshape the legal and practical landscape for water use on privately owned farms and agricultural enterprises. It sets out what farmers need to know about obligations, risks, and opportunities arising from the existing statutory framework and from the new registration, licensing and governance measures now being introduced by the Amendment Bill, and it highlights how the Department of Water and Sanitation's policy on the supply of water to persons living on privately owned land intersects with those statutory duties.

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# Legal framework affecting agriculture

The Water Services Act establishes the state's role in ensuring access to adequate water services while creating duties for municipalities, water boards and service providers. Under the Act, the delivery, quality and regulation of potable and wastewater services are public functions carried out through municipal systems or designated water boards. The Department of Water and Sanitation's policy on supplying water to persons living on privately owned land recognises that not all rural residents rely exclusively on municipal reticulation and describes conditions under which the state or municipalities may supply water to households and workers on private property, often via connection agreements, service-level conditions and cost-recovery mechanisms.

## Practical implications for farmers under the current Act

### Service relationships:

Many farms receive water through municipal or water-board systems or through formal agreements that place responsibility for supply, quality and billing on a municipality or licensed supplier. These arrangements create contract and service-level obligations farmers must observe.

### On-farm works:

Boreholes, pumps, reservoirs and on-farm treatment systems are treated as part of the water-services landscape; owners and operators bear obligations for safe operation, water quality where potable supply is involved, and compliance with any conditions set by suppliers or regulators.

### Liability and risk:

Farmers can be held responsible for contamination, illegal connections, or failure to maintain infrastructure where those failures affect downstream users or municipal systems. Compliance costs and risk-management obligations therefore form part of routine farm governance.

### Access and cost recovery:

The Department policy on supply to privately owned land typically allows for cost-recovery mechanisms and structured agreements; farmers may therefore face usage-based tariffs, connection fees, and conditions tied to maintenance and metering.

# Changes introduced by the Amendment Bill and their effect on agriculture

## Registration of installers and operators:

Operators of water-services works on farms may need formal registration. This raises the expectation that farming operations ensure competent, certified personnel maintain pumping and treatment systems.

## Licensing of delivery mechanisms:

Where farms depend on municipal or private delivery mechanisms that now require licences, licence conditions may set technical and environmental standards, reporting duties, and restrictions on abstraction or discharge that affect irrigation scheduling, storage and reuse practices.

## Increased oversight and enforcement:

Stronger enforcement powers and reporting obligations increase the probability of inspections, compliance orders and penalties for breaches, shifting more compliance management onto farm owners and managers.

## Governance of water boards and service stability:

Stricter governance rules for water boards may improve bulk supply reliability over time, but transitional enforcement and licence adjustments could create short-term uncertainty for irrigation schemes reliant on bulk deliveries.

## Cost and investment pressures:

Compliance with licence conditions, registration requirements and monitoring standards will likely require capital investment in meters, monitoring systems, treatment upgrades and professional services, increasing operating costs particularly for smaller and resource-constrained farms.

# Interaction with the Department's policy on supply to persons on privately owned land

The Department's policy functions as the administrative conduit between statutory obligations and on-farm realities by outlining when and how state resources may be extended to households and workers on private property. Under the current Act and the Amendment Bill, that policy will acquire greater operational significance because licensing and registration create formal thresholds for who may lawfully supply, operate or receive services. The policy's provisions on connection terms, cost recovery and minimum service levels will therefore be the practical vehicle through which licence conditions and municipal decisions affect everyday farm operations, tenancy arrangements, and employer responsibilities to worker accommodation.

## Immediate priorities for farmers and agricultural organisations

### Map infrastructure and responsibilities:

Identify all water-services works on the property, who operates them, and which supplies rely on municipal or water-board delivery.

### Confirm operator competency and registration:

Where the Amendment Bill applies, ensure operators and installers are, or will be, registered and that contracts specify compliance responsibilities.

### Review agreements and tariffs:

Examine supply agreements with municipalities or water boards for new licence-driven conditions, metering and cost-recovery clauses that may change billing or service terms.

### Plan for capital and compliance costs:

Budget for metering, monitoring, treatment upgrades and professional services required to meet licence conditions or to secure lawful operation.

### Engage with policy processes:

Work through agricultural organisations to seek phased implementation, proportional requirements for smallholders, and technical support mechanisms tied to the Department's policy on supply to privately owned land.



## Closing

The Water Services Act and the proposed Amendment Bill together tighten the regulatory perimeter around water supply and operation, creating higher standards of competence, monitoring and accountability across the public and private interfaces of water services. For agriculture this means clearer rules but also greater compliance costs and management responsibilities. Early auditing of infrastructure, proactive engagement with service providers and municipal authorities, and collective advocacy for fair implementation and targeted support will be essential to protect farm productivity, affordability and rural livelihoods.



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