

Decree-Law No. 29 of 1995 Amending Certain Provisions of Law No. 1 of 1988 Regulating the Groundwater Wells Drilling

Section: Articles (1-4)

Article 1

The texts of Articles 1 (a), (b) and (c), 3, 5, 12, 17, 21, 26, 28 (bis) and 29 of Law No. 1 of 1988 referred to above shall be replaced with the following texts:

“Article 1

“The Minister” means the Minister of Municipal Affairs and Agriculture;

“The Ministry” means the Ministry of Municipal Affairs and Agriculture;

“The Competent Department” means the Department of Agriculture and Water Research.

Article 3

The Minister shall issue a resolution to define the conditions for obtaining drilling licences, their duration, conditions for renewal, the data included in the original and renewal application forms and supporting documents, the procedures for checking them, and the bodies and agencies consulted in connection therewith. The resolution shall also identify the models for the licence and application form.

Article 5

Licences to practise drilling shall be granted to six companies only, all of which shall fulfil the required conditions stated in a resolution by the Minister in accordance with the provisions of Article 3 of this Law.

Article 12

An application to obtain a drilling licence shall be submitted by the owner of the farm or land to the Competent Department according to the related model for which a resolution by the Minister is issued, provided that documents determined by the resolution are attached.

The application shall be studied and the licence issued in accordance with the procedures determined by the resolution referred to above.

The applicant shall be notified of the approval or rejection of his application by registered letter, which shall state the reasons in the case of a rejection. Where a period of thirty (30) days has lapsed from the date of submission of the application without any such notification to the applicant, the application shall be deemed rejected.

The applicant against whom a rejection decision is issued or whose application is deemed rejected may appeal to the Minister within thirty(30) days from the date of receiving the rejection letter or the date of expiry of the period prescribed in the preceding paragraph. The Minister's decision shall be final and not subject to appeal before any other body.

Article 17

The Minister shall have the right to suspend the extraction of groundwater at any time, to issue instructions and guidelines, and to take the necessary procedures thathe deems appropriate to prevent the deterioration of groundwater quality, to rationalise its use, and to prevent any wastage.

Article 21

A ruling, as well as the penalty set out in paragraph 1 of each of the preceding two Articles, may be issued for the confiscation of the tools, equipment and devices used in drilling. The ruling to confiscate shall be mandatory when applying the penalties set out in paragraph 3 of the aforesaid two Articles. In all cases, any works that contravene drilling regulations shall be removed and the situation restored to its original state at the expense of the violator without prejudice to the ruling in Article 18 (2) of this Law.

Article 26

The staff of the Ministry shall have the right to enter any land, farm or facility to conduct research and studies, to collect information on ground water, or to carry out any procedures necessary to implement this Law, provided that the owner is previously notified of the date set for this purpose.

Article 28 (bis)

Public and private legal entities owned by the State may be excluded from all or part of the provisions of this Law.

A resolution regarding this exclusion shall be issued by the Council of Ministers upon the proposal of the Minister.

Article 29

The Minister shall issue the necessary decisions to implement the provisions of this Law.”

Article 2

A new Article named Article 28 bis (A) shall be added to Law No. 1 of 1988 referred to above, to read as follows:

“Article 28 bis (A)

A decision shall be issued by the Council of Ministers, upon the proposal of the Minister, to define the fees for:

Granting a drilling licence.

Granting a renewal of a drilling licence.

Granting a licence to carry out any alteration to the well, its depth or cleaning, or to amend any related device for the purpose of increasing the quantity of water permitted to be extracted from the productive layer, or the renewal of such licence.”

Article 3

Each provision that violates the provisions of this Law shall be rescinded

Article 4

All competent authorities, each within its jurisdiction, shall enforce this Law which shall come into force from the date of its publication in the *Official Gazette*.

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