

*Water and Sewerage (Water Resource Management)*  
*Regulations*

SAINT LUCIA

—  
No. 7 of 2009

ARRANGEMENT OF REGULATIONS

PART 1

PRELIMINARY

*Regulation*

1. Citation
2. Interpretation
3. Inventory of water resources
4. Right to enter to conduct surveys
5. Ownership of information
6. Development of watershed management plans
7. Coordination with other agencies
8. Public consultation and participation
9. Approval of watershed management plans
10. Declaration of gathering grounds and protected areas
11. Preparation of water master plan
12. Approval of water master plan
13. Review and revision of the plan
14. Conduct of investigations
15. Serious deficiency in supply
16. Form of application for licence
17. Notification of grant or refusal of licence
18. Form of licence
19. Forms of application for permits
20. Notification of grant or refusal of permit
21. Forms of permits
22. Form of application for a hearing
23. Records to be kept
24. Fees

SCHEDULE

*Water and Sewerage (Water Resource Management)  
Regulations*

*Water and Sewerage (Water Resource Management)  
Regulations*

## SAINT LUCIA

STATUTORY INSTRUMENT, 2009, No. 7

[ 9th February, 2009 ]

In exercise of the power conferred pursuant to section 97 of the Water and Sewerage Act 2004, Act No. 14 of 2005, the Minister of Agriculture after consultation with the Agency, makes these Regulations:

### **Citation**

1. These Regulations may be cited as the Water and Sewerage (Water Resource Management Regulations) 2009.

### **Interpretation**

2. In these Regulations:

“Act” means the Water and Sewage Act 2004, No. 14 of 2005;

“Agency” means the Water Resource Management Agency established pursuant to section 3 of the Act;

“emergency” means a water-related emergency within the meaning of section 10 of the Act;

“protected area” means a defined area of land around a gathering ground specified in an order made pursuant to section 9 of the Act;

“register” means the register compiled in accordance with regulation 23;

“water master plan” means a national water master plan and allocation scheme prepared and approved in accordance these Regulations;

“watershed” means the catchment area or drainage basin of a watercourse or a system of watercourses with a common outlet;

“watershed management plan” means a watershed management plan prepared and approved in accordance with these Regulations.

*Water and Sewerage (Water Resource Management)  
Regulations*

**Inventory of water resources**

3.— (1) The Agency may do anything necessary or expedient for or in connection with the performance of the functions and exercise of the powers conferred on it by section 4(1)(b) and (f) of the Act.

(2) Without prejudice to the generality of sub-regulation (1), the Agency must coordinate the activities of all public authorities in relation to —

- (a) the collection, collation and analysis of data concerning the occurrence, flow, characteristics, quality and use of water;
- (b) the systematic gauging or recording of rainfall and of the volume, flow and quality of water;
- (c) the construction, operation and removal of meteorological and hydrological gauging, recording and monitoring stations and investigation and monitoring bores; and
- (d) the sampling and analysis of water.

(3) The Agency must, in collaboration with the Ministry responsible for Health and any other public agency with statutory responsibilities related to the monitoring and control of waste, collect and analyse data concerning the generation of waste and the discharge of waste into the environment.

**Right to enter to conduct surveys**

4.— (1) Where, in the opinion of the Agency, it is necessary or desirable for the purpose of investigating, controlling, conserving, protecting or managing water resources in Saint Lucia, the Agency or any person acting by its authority may enter upon any land in or adjoining any watercourse for the purpose of setting up, examining, maintaining, repairing, replacing or removing any gauge, structure or appliance for measuring the flow or level of water in that watercourse.

(2) Where, in the opinion of the Agency, it is necessary or desirable for the purpose of investigating, controlling, conserving, protecting or managing water resources in Saint Lucia, the Agency or any person acting by its authority may cause a bore and any structure or apparatus to be, drilled, excavated, constructed or laid down on, over or under any land overlying or adjoining any aquifer for the purpose of measuring the flow or level of groundwater in that aquifer and enter upon that land for the purpose of monitoring, servicing, repairing, replacing or removing any works or apparatus.

*Water and Sewerage (Water Resource Management)  
Regulations*

(3) When the Agency or any person acting by its authority proposes to enter on privately-owned land pursuant to sub-regulation (1) or (2), the Agency must give at least 24 hours notice of its intention to do so to the owner of that land and any person authorized by the Agency to enter on the land must show some form of identification and authorization to the occupier of the land.

(4) Notwithstanding the provisions of sub-regulation (3), in any case where, in the opinion of the Agency, it is necessary or desirable to enter upon privately-owned land forthwith to carry out emergency work to maintain or repair any structure or apparatus, any person authorized by the Agency to enter on the land may enter upon such land without giving prior notice to the owner, on showing some form of identification and authorization to the occupier.

(5) Where a person suffers loss, damage or injury caused by the exercise of the powers conferred under sub-regulation (2), the Agency must pay compensation to that person by way of a sum of money payable or a fixed sum of money payable periodically so long as the use or occupation of any privately-owned land by the Agency continues, to be assessed in default of determination by agreement in accordance with the provisions of the Land Acquisition Ordinance.

(6) A claim for compensation made pursuant to sub-regulation (5) will have no effect unless it is made before the end of a period of 6 months beginning on the date on which the loss, damage or injury to which it relates occurred.

(7) For the avoidance of doubt, it is hereby declared that nothing in this regulation confers any right to notice from the Agency or the payment of compensation on any person other than the owner or a legitimate occupier of privately-owned land.

**Ownership of Information**

**5.—** (1) Any water resources management information collected by the Agency in the performance of the duties and exercise of the powers imposed or conferred by this Part is the intellectual property of the Government of Saint Lucia and no person may utilise or publish any data or information without prior authorisation from the Agency and on payment of fees for the right to do so set by the Agency.

*Water and Sewerage (Water Resource Management)  
Regulations*

(2) The Agency must make any water resource management information that it collects, collates and analyses in the performance of the duties and exercise of the powers conferred by this Part available to any person who wants access to that information, on payment of a reasonable charge for such information having regard to the costs of its collection, collation and analysis.

**Development of watershed management plans**

**6.—** (1) A watershed management plan developed by the Agency pursuant to section 4 (1) (g) of the Act —

- (a) shall be prepared for all the watersheds identified in the water master plan in the order of priority specified in it;
- (b) may make provision for -
  - (i) the prohibition, regulation or control of any activity within the area which, in the opinion of the Agency, it is desirable to prohibit, regulate or control to manage, conserve or enhance water resources;
  - (ii) the carrying out of any works which, in the opinion of the Agency are desirable to prevent or mitigate the effects of erosion, drainage, pollution or flooding;
  - (iii) the designation of any area of land to be declared as gathering grounds or areas around gathering grounds in need of protection; and
  - (iv) the preservation of the environment and particularly the natural attributes of gathering grounds and protected areas.

**Coordination with other agencies**

**7.—** (1) In the course of preparing a watershed management plan, the Agency must consult with another agency of the Government having an interest in any matter related to watershed management, including but not limited to the management of Crown lands, forests and other protected areas, agriculture, fisheries, environmental protection and the development of land; and any *bona fide* non-governmental organisation having demonstrated an interest in water resource management.

(2) Where in the opinion of the Agency it is necessary or desirable for water resources management purposes, the Agency may, after consultation with the agency responsible for administration of the Forest,

*Water and Sewerage (Water Resource Management)  
Regulations*

Soil and Water Conservation Act Cap.7.09, designate in a watershed management plan any area of Crown Land to be declared as a Forest Reserve or Prohibited Area, and any area of land other than Crown land to be declared as a Protected Forest, under that Act.

(3) Where in the opinion of the Agency it is necessary or desirable for water resources management purposes, the Agency may, after consultation with the agency responsible for the administration of the Land Conservation and Improvement Act, Cap. 5.10, designate in a watershed management plan any area of land to be declared a Conservation Area or placed under a Protection Order under that Act.

(4) Where in the opinion of the Agency it is necessary or desirable for water resources management purposes, the Agency may, after consultation with the agency responsible for the administration of the Physical Planning and Development Act, Cap. 5.12, designate in a watershed management plan any area of land to be declared as a zoned area reserved for specific purposes under that Act.

(5) Where in the opinion of the Agency it is necessary or desirable for water resources management purposes for pasturage to be provided for landless livestock farmers, the Agency may, after consultation with the agency responsible for the administration of the Government Pasturage Lands Act, Cap 7.10 , designate in a watershed management plan any area of Crown land or other land owned or controlled by the Government to be declared as pasturage lands on which farmers may graze livestock by licence.

**Public consultation and participation**

**8.** In the course of preparing a watershed management plan, the Agency shall take reasonable steps to —

- (a) give adequate publicity in the area to which the watershed management plan relates to the matters concerning which proposals will be made in the plan;
- (b) liaise with community organisations and conduct public consultations in the area to which the watershed management plan relates;
- (c) invite persons whose interests may be affected by the prohibition, regulation or control of any activity in the area to make representations to the Agency on those matters and give

*Water and Sewerage (Water Resource Management)  
Regulations*

those persons adequate opportunity to make representations;  
and

- (d) incorporate into the watershed management plan mechanisms for the continued participation by persons and community organizations from the area during the implementation of the plan.

**Approval of watershed management plans**

**9.**— (1) After the Agency considers any representations made to it under regulation 8, the Agency shall submit the watershed management plan to the Minister for approval.

(2) After considering the watershed management plans submitted by the Agency, the Minister may accept it or reject it.

(3) Where a draft watershed management plan prepared by the Agency has been submitted to and accepted by the Minister, with or without modifications, the Minister must submit it for the approval of Cabinet.

(4) When a watershed management plan is approved by Cabinet, the Agency must cause notice of such approval to be published in the *Gazette* and at least one newspaper in general circulation in Saint Lucia.

(5) The prescriptions of a watershed management plan, including any prohibition, regulation or control on activities in the area, have effect from the date of publication in the *Gazette*.

**Declaration of gathering grounds and protected areas**

**10.** Where any area of land is designated in an approved watershed management plan as an area to be declared as a gathering ground pursuant to section 8 of the Act or a protected area, pursuant to section 9 of the Act the Agency must advise the Minister to declare the area to be a gathering ground or protected area pursuant to the Act, as soon as practicable after the plan is approved.

**Preparation of water master plan**

**11.**— (1) A water master plan prepared by the Agency pursuant to section 4 (1) (h) of the Act shall —

*Water and Sewerage (Water Resource Management)  
Regulations*

- (a) include an assessment of the :
    - (i) quantity and quality of the water resources of Saint Lucia and proposals for the conservation and sustainable development of those resources; and
    - (ii) present and future demand for and supply of raw and potable water in Saint Lucia and proposals for water allocation schemes; and
  - (b) divide the entire geographical area of Saint Lucia into watersheds on the basis of convenience for watershed management planning purposes; and
  - (c) set priorities between the various watersheds so defined for the purposes of the preparation of individual watershed management plans.
- (2) In the course of preparing a water master plan, the Agency shall:
- (a) take into account the National Water Policy of Saint Lucia; and
  - (b) take reasonable steps to consult with:
    - (i) the Commission;
    - (ii) any other Government agency having an interest in the matter related to water resources management, including but not limited to the management of Crown lands, forests and other protected areas, agriculture, environmental protection and the development of land; and
    - (iii) any *bona fide* non-governmental organisation which demonstrates an interest in water resource management.
- (3) Before presenting a water master plan to the Minister for approval, the Agency shall—
- (a) give notice in the *Gazette* and at least one newspaper in general circulation in Saint Lucia of the places where and times when the draft plan may be inspected; and
  - (b) give such other publicity to the matter as is appropriate to inform other Government agencies and the public in general, particularly persons whose interests are likely to be affected by the proposals in the draft plan, of-

*Water and Sewerage (Water Resource Management)  
Regulations*

- (i) their right to make representations to the Agency with regard to the proposals in the draft plan; and
- (ii) the date by or before which such representations must be made.

(4) After the expiry of the period allowed for the making of representations on a water master plan, the Agency must consider any representations made by other Government agencies, non-governmental organizations or the public and submit the water master plan, with or without modifications, to the Minister for approval.

**Approval of water master plan**

**12.—** (1) After considering the water master plan submitted by the Agency, the Minister may accept it or reject it.

(2) Where a water master plan has been submitted to and rejected by the Minister, it must be referred back to the Agency for review and modification, having regard to the grounds on which it was rejected by the Minister.

(3) Where a water master plan has been submitted to and accepted by the Minister, with or without modifications, the Minister shall submit it for the approval of Cabinet.

(4) When a national water master plan has been approved by Cabinet, the Agency shall —

- (a) cause notice of the approval of the national water master plan to be published in the *Gazette* and at least one newspaper in general circulation in Saint Lucia; and
- (b) make copies of the approved water master plan available for sale to the public, in electronic or printed form, at a reasonable price.

**Review and revision of the plan**

**13.—** (1) At least once in every 10 years after the date on which a water master plan is approved, the Agency must carry out a review of the approved water master plan and submit to the Minister a report on that review together with proposals for any changes to the water master plan that appear to be appropriate.

*Water and Sewerage (Water Resource Management)  
Regulations*

(2) The provisions of regulations 11 and 12 with respect to the preparation and approval of a water master plan apply, with any modifications necessary, to any proposal for changes to an approved water master plan made under this regulation.

**Conduct of investigations**

**14.**— (1) Where, in the exercise of the power conferred upon it by section 4(2)(a) of the Act, the Agency wishes to compel a licensee or permit holder to produce documents and records in the custody of the licensee or permit holder, the Agency must serve the licensee or permit holder with an order in the form set out in Form 2 of the Schedule.

(2) Where, in the exercise of the power conferred upon it by section 4(2)(b) of the Act, the Agency wishes to compel a licensee or permit holder to appear for the purpose of ascertaining compliance with the Act, the Agency must serve the licensee or permit holder with an order in the form set out in Form 2 of the Schedule.

(3) Where, in the exercise of the powers conferred upon it by sections 4(2)(a) and (b) of the Act, the Agency wishes both to compel a licensee or permit holder to appear for the purpose of ascertaining compliance with the Act and to produce documents and records in the custody of the licensee or permit holder, the Agency must serve the licensee or permit holder with an order in the form set out in Form 3 of the Schedule.

(4) Any order made under subsections 4(2) of the Act, pursuant to sub-regulation (1), (2) or (3), must be served on the licensee or permit holder by sending it to the licensee or permit holder, at the address of the licensee or permit holder recorded in the register, by registered mail.

(5) Where, in the exercise of the powers conferred upon the Agency by section 4(2)(e) of the Act, the Agency proposes to enter or inspect any premises, the person authorized by the Agency to enter or inspect the premises must show some form of identification and authorization.

(6) Where, in the exercise of the powers conferred upon the Agency by section 4(2)(f) of the Act, the Agency seizes, removes or impounds any documents or records, the Agency must give the licensee or permit holder a list or inventory of all the documents or records taken.

*Water and Sewerage (Water Resource Management)  
Regulations*

**Serious deficiency in supply**

**15.**— (1) Where by reason of exceptional shortage of rainfall or contamination of water, a serious deficiency of supplies of water exists or is threatened and the Agency proposes to advise the Minister to declare an emergency pursuant to section 10(1) of the Act, the Agency must consult with the Commission and any service licensee whose service is likely to be affected by the declaration of an emergency, with regard to the prohibitions or limitations on taking or using water to be included in the proposed Order, before advising the Minister to declare an emergency.

(2) Where an emergency exists or is threatened by reason of the contamination of water, the Agency shall —

- (a) immediately notify the Director of the National Emergency Management Office (NEMO), established under the Disaster Preparedness and Response Act, Cap 14.06;
- (b) consult with the Ministry of Health with regard to the prohibitions to be included and other matters to be catered for in the proposed Order, before advising the Minister to declare the emergency; and
- (c) cooperate with NEMO, the Ministry of Health and any other relevant Government agencies in taking emergency measures to clean-up any contamination, and counter-measures to prevent any further contamination.

**Form of application for licence**

**16.** For the purposes of section 14 of the Act, an application to the Minister for an abstraction licence, shall be in the form specified in Form 4 of the Schedule.

**Notification of grant or refusal of licence**

**17.**— (1) The notification of the grant of an abstraction licence pursuant to section 16 of the Act, shall be in the form specified in Form 5 of the Schedule.

(2) The notification of the refusal of an abstraction licence pursuant to with section 16 of the Act, shall be in the form specified in Form 6 of the Schedule.

*Water and Sewerage (Water Resource Management)  
Regulations*

**Form of licence**

**18.** For the purposes of section 18 of the Act, an abstraction shall be in the form specified in Form 7 of the Schedule.

**Form of application for permits**

**19.—** (1) For the purposes of section 27 (1) (a) of the Act, an application for a permit to abstract or use water in a water control area, shall be in the form specified in Form 8 of the Schedule.

(2) For the purposes of section 27 (1) (b) of the Act, an application for a permit to discharge waste or a class of waste in a waste control area, shall be in the form specified in Form 9 of the Schedule.

**Notification of grant or refusal of permit**

**20.—** (1) The notification to an applicant of the grant of a water use or waste discharge permit, in accordance with section 29(1) of the Act, shall be in the form specified in Form 10 of the Schedule.

(2) The notification to an applicant of the refusal of a water use or waste discharge permit, in accordance with section 29(1) of the Act, shall be in the form specified in Form 11 of the Schedule.

**Form of permits**

**21.** For the purposes of section 31 of the Act —

- (a) a permit to abstract or use water in a water control area shall be in the form specified in Form 12 of the Schedule;
- (b) permit to discharge waste or a class of waste in a waste control area shall be in the form specified in Form 13 of the Schedule.

**Form of application for a hearing**

**22.—** (1) The prescribed form for making an application to the Agency for a hearing on a pending application for an abstraction licence, pursuant to section 17(1) of the Act, is set out in Form 14 of the Schedule.

(2) The prescribed form for making an application to the Agency for a hearing on a pending application for a water use or waste discharge permit, pursuant to section 30(1) of the Act, is set out in Form 15 of the Schedule.

*Water and Sewerage (Water Resource Management)  
Regulations*

(3) Where an application is made to the Agency for a hearing pursuant to section 17(1) or 30(1) of the Act, in the form prescribed in sub-regulation (1) or (2), as the case may be, the Agency must appoint a time and place for a hearing at which the applicant may make a case, not being more than 48 hours after the application is received.

**Records to be kept**

**23.**— (1) The Agency shall maintain a register containing particulars of —

- (a) applications for an abstraction licence, including the name and address of the applicant, the date of the application, and particulars concerning the proposed source and volume of water to be abstracted;
- (b) applications for a permit to use water in a water control area, including the name and address of the applicant, and particulars concerning the volume of water that the applicant proposes to use and the class of use;
- (c) applications for a permit to discharge waste in a waste control area, including the name and address of the applicant, and particulars concerning the class and volume of waste and place where the applicant proposes to discharge it;
- (d) requests for additional information made by the Agency to the applicant, including the date on which the information was requested and the date on which the information was submitted, and particulars of any extension of time granted to the applicant by the Agency;
- (e) recommendations made by the Agency to the Minister with respect to an application, including the date on which the recommendation is made;
- (f) decisions made by the Minister with respect to applications referred to in paragraph (a) (b) and (c) , including the effect of the decision and the date on which the applicant is notified of it;
- (g) appeals from a decision of the Agency or the Minister made to the Appeals Tribunal against that decision, the date on which the appeal is made and the decision made by the Appeals Tribunal on the appeal; and

*Water and Sewerage (Water Resource Management)  
Regulations*

(h) abstraction licences, water use permits or waste disposal permits granted by the Minister, including the date of issue and expiry.

(2) The register kept by the Authority pursuant to sub-regulation (1) must include an index in the form of a map, and both the register and the index may be kept in an electronic data storage and retrieval system.

(3) Every entry in the register must be made within 7 days of the date on which the decision, notice or event to which it relates was made, filed, issued or done.

(4) The register must be kept at the office of the Agency and person is entitled to access to the information recorded therein on payment of the prescribed search fee and to take copies of such information on payment of the cost of making copies.

**Fees**

**24.** The fees payable with respect to an application, licence or permit made or granted pursuant to these Regulations are as prescribed.

*Water and Sewerage (Water Resource Management)  
Regulations*  
SCHEDULE

**Form 1**

(Regulation 14(1))

**Form of Order to Produce Documents**

**ORDER TO PRODUCE DOCUMENTS**

**Water and Sewerage Act 2004, No.14 of 2005  
Section 4(2)**

To: *[Name & Address of (Licensee or) Permit Holder]*

The Water Resource Management Agency, in the exercise of the power conferred by section 4(2)(a) of the Water and Sewerage Act 2004, No. 14 of 2005, orders you to produce at the office of the Agency at *[address]* on the *[date]* at *[time]* the following documents and records in your custody or control:

*[List the documents or records to be produced.]*

Date: .....

Signed: .....

Director

**NOTICE:**

**Failure to comply with this Order constitutes a breach of the Act and of the [licence or permit] granted to you under the Act, as a consequence of which the said [licence or permit] may be suspended or revoked pursuant to section [21 or 34] of the Act and you may be prosecuted under section [22 or 35] of the Act.**

*Water and Sewerage (Water Resource Management)  
Regulations*

**Form 2**

(Regulation 14(2))

**Form of Order to Appear**

**ORDER TO APPEAR**

**Water and Sewerage Act 2004, No.14 of 2005  
Section 4(2)**

To: *[Name & Address of Licensee or Permit Holder]*

The Water Resource Management Agency, in the exercise of the power conferred by section 4(2)(b) of the Water and Sewerage Act 2004, No. 14 of 2005, orders you to appear at the office of the Agency at *[address]* on the *[date]* at *[time]* for the purpose of providing information with respect to compliance with the Act.

Date: .....

Signed: .....

Director

**NOTICE:**

**Failure to comply with this Order constitutes a breach of the Act and of the *[licence or permit]* granted to you under the Act, as a consequence of which the said *[licence or permit]* may be suspended or revoked pursuant to section *[21 or 34]* of the Act and you may be prosecuted under section *[22 or 35]* of the Act.**

*Water and Sewerage (Water Resource Management)  
Regulations*

**Form 3**

(Regulation 14(3))

**Form of Order to Appear & Produce Documents**

**ORDER TO APPEAR & PRODUCE DOCUMENTS**

**Water and Sewerage Act 2004, No.14 of 2005  
Section 4(2)**

To: *[Name & Address of (Licensee or) Permit Holder]*

The Water Resource Management Agency, in the exercise of the powers conferred by section 4(2)(a) and (b) of the Water and Sewerage Act 2004, Act No. 14 of 2005, orders you to:

1. Appear at the office of the Agency at *[address]* on the *[date]* at *[time]* for the purpose of providing information with respect to compliance with the Act; and
2. Bring with you and produce at the aforementioned place and time the following documents and records in your custody or control:

*[List the documents or records to be produced.]*

Date: .....

Signed: .....

Director

**NOTICE:**

**Failure to comply with this Order constitutes a breach of the Act and of the *[licence or permit]* granted to you under the Act, as a consequence of which the said *[licence or permit]* may be suspended or revoked pursuant to section *[21 or 34]* of the Act and you may be prosecuted under section *[22 or 35]* of the Act.**

*Water and Sewerage (Water Resource Management)  
Regulations*

**Form 4**

(Regulation 16)

**Form of Application for a Water Abstraction Licence**

**APPLICATION FOR A LICENCE TO ABSTRACT WATER**

**Water and Sewerage Act 2004, No.14 of 2005  
Section 14(1)**

FOR OFFICIAL USE ONLY	
Application No.	
Date Submitted	
Fee Paid	
Receipt No.	
Information Requested	
Information Submitted	
Recommendation Made	
Notice Issued	

**APPLICANT**

1. Name of Applicant (in BLOCK LETTERS):  
.....
2. Address of applicant: .....
3. Name & Address of person other than the applicant (professional adviser or agent) (if any) to whom communications concerning this application are to be sent: .....

**WATER SOURCE**

4. Give the name of, or sufficient description to identify, the source of the water from which you propose the licence should authorise abstraction:  
.....

**ABSTRACTION POINT/S**

5. Give the reference number of the Map Sheet and the map reference (coordinates) of the proposed intake/abstraction point/s indicated:  
.....

*Water and Sewerage (Water Resource Management)  
Regulations*

**INTEREST IN THE LAND**

- 6. State whether you are the owner or occupier of the land .....
- 7. If you are the owner/co-owner of the land [attach proof of title]
- 8. If you are the occupier of the land, [attach a copy of your tenancy agreement or other documentary proof of authorisation to occupy the land]
- 9. If you are not owner of the land, state whether the owner has been informed that this application is being made .....
- 10. If you are not the owner or occupier of the land, state if and when you expect to acquire an interest in or the right of access to the land .....
- 11. Give the names & addresses of any other persons known to you whose interests may be affected by this application .....

**PURPOSE FOR WHICH WATER IS TO BE USED**

- 12. State whether the water proposed to be abstracted is to be used for public water supply or other purposes .....
- 13. If the water to be abstracted is to be used for purposes other than public water supply, specify the use to which the water proposed to be abstracted is to be put, as follows:

<b>Class of Use</b>	<b>Details</b>	<b>Quantity</b>
<input type="checkbox"/>	Domestic	
<input type="checkbox"/>	Livestock	
<input type="checkbox"/>	Irrigation	
<input type="checkbox"/>	Fish Farming	
<input type="checkbox"/>	Tourism	
<input type="checkbox"/>	Industrial	
<input type="checkbox"/>	Mining	
<input type="checkbox"/>	Power generation	
<input type="checkbox"/>	Other (Specify)	

**QUANTUM OF WATER TO BE ABSTRACTED**

- 14. Specify the maximum quantity of water (in thousands of gallons per annum) that you propose the licence should authorise to be abstracted .....

*Water and Sewerage (Water Resource Management)  
Regulations*

15. If, because of the purposes for which the water is to be used, there will be significant seasonal variations in the quantity of water to be abstracted, specify in the following table the maximum quantity of water that you propose the licence should authorise to be abstracted from month to month:

QUANTITY OF WATER TO BE ABSTRACTED (Thousands of Gallons per Month)			
Month	Quantity	Month	Quantity
January		July	
February		August	
March		September	
April		October	
May		November	
June		December	

**PROPOSED MEANS OF ABSTRACTION & MEASUREMENT**

16. Specify the works (if any) and the type and capacity of the machinery or apparatus by means of which you propose the licence should authorise abstraction at the point/s shown.....
17. Specify the way in which you propose the licence should require the quantities of water abstracted to be measured or assessed .....

**PARTICULARS OF POSSIBLE POLLUTION**

18. If the purpose for which you propose to utilise water will result in the discharge of wastewater, state the estimated proportion of the quantity of water abstracted that is likely to be discharged after use .....
19. Specify whether the wastewater is to be discharged into a public sewer or returned into the environment .....
20. If the wastewater is to be returned into the environment, specify whether the wastewater will be subjected to any treatment (and the type of treatment) prior to discharge .....
21. If the (treated or untreated) wastewater to be returned to the environment will be discharged from any point source/outfall, show the point/s of discharge on the accompanying map and give the map reference (coordinates) for that/those discharge points .....
22. Give particulars of possible pollution and describe the measures to be taken to avoid pollution .....

*Water and Sewerage (Water Resource Management)  
Regulations*

**OTHER MATTERS**

- 23. Give particulars of any previous application/s made for an abstraction licence .....
- 24. If the water to be abstracted is to be used for purposes other than public water supply, state whether you have applied to a service licensee for a supply of water for those purposes .....
- 25. Specify the period for which you require the licence ..... [years].

I hereby apply to the Minister [*responsible for agriculture*] for a licence under the Water and Sewerage Act 2004, No. 14 of 2005 and the Water Resource Management Regulations to abstract water in accordance with the proposals set out above and I declare that, to the best of my knowledge, the statements made above are true.

I enclose with this application form:

- (i) A copy of the required map; and
- (ii) Proof of payment of the prescribed application fee.

Signature of Applicant: .....

Date: .....

**NOTES:**

- 1. This application must be accompanied by a copy of an official [Ordnance Survey] topographic map of the area, showing the intake point/s at which you propose that the licence should authorise abstraction, and the point/s at which you propose that wastewater will be returned into the environment (if any).
- 2. This application must be submitted to the Water Resources Agency at [address of office] in [duplicate/triplicate].

*Water and Sewerage (Water Resource Management)  
Regulations*  
**Form 5**

(Regulation 17 (1))

**Form of Notice of Grant of Water Abstraction Licence**

**NOTICE OF GRANT OF ABSTRACTION LICENCE**

**Water and Sewerage Act 2004, Act No.14 of 2005  
Section 16(1)**

To: [Name & Address of Applicant]

TAKE NOTICE that, in accordance with a recommendation made by the Water Resource Management Agency, the Minister [*responsible for agriculture*] has decided to grant the abstraction licence applied for on the [.....] day of [*month & year*] under Application No. [.....], for a period of [.....] years from the date of issue, subject to the provisions of the Water and Sewerage Act 2004, No. 14 of 2005 and the Water Resource Management Regulations, and to the following specific terms and conditions:

1. [*Etc.*]
2. [*Etc.*]

AND that the abstraction licence will be issued on presentation of proof of payment of the prescribed abstraction licence fee.

TAKE FURTHER NOTICE that, if you are aggrieved by the decision of the Minister, you have the right to appeal in writing to the Appeals Tribunal within 28 days of the date of this decision, pursuant to sections 16(2) and 96(4) of the Act.

Date: .....

Signed: .....  
For: Minister responsible for Agriculture

*Water and Sewerage (Water Resource Management)  
Regulations*

**Form 6**

Regulation 17(2)

**Form of Notice of Refusal of Water Abstraction Licence**

**NOTICE OF REFUSAL OF ABSTRACTION LICENCE**

**Water and Sewerage Act 2004, Act No.14 of 2005  
Section 16(1)**

To: *[Name & Address of Applicant]*

TAKE NOTICE that, in accordance with a recommendation made by the Water Resource Management Agency, the Minister [*responsible for agriculture*] has decided to refuse the abstraction licence applied for on the [...] day of [*month & year*] under Application No. [...], for the following reasons:

1. [*Etc.*]
2. [*Etc.*]

TAKE FURTHER NOTICE that, if you are aggrieved by the decision of the Minister, you have the right to appeal in writing to the Appeals Tribunal within 28 days of the date of this decision, pursuant to sections 16(2) and 96(4) of the Act.

Date: .....

Signed: .....  
*For Minister responsible for Agriculture*

*Water and Sewerage (Water Resource Management)  
Regulations*

**Form 7**

(Regulation 18)

Form of Water Abstraction Licence

**LICENCE TO ABSTRACT WATER**

**Water and Sewerage Act 2004, No.14 of 2005**

**Section 18**

Licence No.: .....

Expiry Date: .....

WHEREAS, [*Name*] of [*Address*] (hereinafter referred to as “the licensee”) applied to the Minister, on the ..... day of ..... under Application No. ...., pursuant to the Water and Sewerage Act 2004, No. 14 of 2005 and the Water Resource Management Regulations, to abstract and use water, the right to which is vested in the Crown;

AND whereas, in accordance with the provisions of the aforesaid Act and Regulations, the Water Resource Management Agency has made a recommendation to the Minister that the said application be granted and the Minister has decided in accordance with that recommendation to grant an abstraction licence;

AND whereas the licensee has paid the licence fee prescribed by law;

LICENCE IS HEREBY GRANTED to the licensee under section 18 of the Water and Sewerage Act, 2004, to take and use water from [*description of source*] known as [*name of source*] for the purpose of [*public water supply or other specified use*], for a period of [*years*] from the date of issue, subject to the Water and Sewerage Act, 2004, No. 14 of 2005 and the Water Resource Management Regulations, and any other laws that may from time to time be in force governing the works to be constructed and activities to be carried out, and such additional terms and conditions as are specified in this licence.

**ADDITIONAL TERMS & CONDITIONS**

[*List specific conditions (if any)*]

THIS LICENCE does not have the effect of dispensing with the necessity of obtaining any other permission where such permission is required under any law in force in Saint Lucia.

Issued this ..... day of .....

[*Signed*]

*Minister responsible for Agriculture*

*Water and Sewerage (Water Resource Management)  
Regulations*  
**Form 8**

(Regulation 19(1))

Form of Application for a Water Use Permit

**APPLICATION FOR A PERMIT TO USE WATER  
IN A WATER CONTROL AREA**

**Water and Sewerage Act 2004, No.14 of 2005  
Section 27(1)(a)**

<b>FOR OFFICIAL USE ONLY</b>	
Application No.	
Date Received	
Fee Paid	
Receipt Number	
Information Requested	
Information Submitted	
Recommendation Made	
Notice Issued	

**APPLICANT**

1. Name of Applicant (in BLOCK LETTERS): .....
2. Address of applicant: .....
3. Name & Address of person other than the applicant (professional adviser or agent) (if any) to whom communications concerning this application are to be sent: .....

**WATER SOURCE**

4. Identify the Water Control Area to which this application pertains .....
5. State whether you propose to take the water that you desire a permit to use from a supply provided by a service licensee or another source .....
6. If you propose to take the water from a supply provided by a service licensee, is the water that you desire a permit to use raw water or potable water?  
.....

*Water and Sewerage (Water Resource Management)  
Regulations*

7. If you propose to take the water that you desire a permit to use from a source other than a supply provided by a service licensee, give a description sufficient to identify the proposed source .....

**USE/S OF WATER**

8. Specify the use/s to which you propose to put the water that you desire a permit to use, as follows:

<u>Class of Use</u>	<u>Details</u>	<u>Quantity</u>
<input type="checkbox"/> Domestic		
<input type="checkbox"/> Livestock		
<input type="checkbox"/> Irrigation		
<input type="checkbox"/> Fish Farming		
<input type="checkbox"/> Tourism		
<input type="checkbox"/> Industrial		
<input type="checkbox"/> Mining		
<input type="checkbox"/> Power generation		
<input type="checkbox"/> Other (Specify)		

**EXISTING USE**

9. State whether you are existing user of the said water: YES  - NO
10. State whether are, or were previously, the holder of a permit to use the water: YES  - NO
11. If the answer to 7 is YES, give the reference number and date of expiry of the permit: Ref. No. .... Expiry Date: .....
12. If the answer to 7 is NO: State whether you had been using the water continuously for a period of more than 24 months prior to [*the commencement date of the Act*]: YES  - NO

**ABSTRACTION LICENCE**

13. If you propose to take the water that you desire a permit to use from a source other than a supply provided by a service licensee, state whether you have applied for an abstraction licence with respect to taking that water: YES  NO
14. If you have an abstraction licence, give the reference number and date of expiry of the license: Licence No. .... Expiry Date: .....

*Water and Sewerage (Water Resource Management)  
Regulations*

- 15. If your application for an abstraction licence was refused, give the reference number of your application and the date of refusal: Application No. ....  
Date of Refusal: .....
- 16. If you have applied for an abstraction licence and your application is still pending, give the reference number of your application: Application No. ...

**OTHER MATTERS**

- 17. Specify the period for which the permit is required .....
- 18. Give details of any other matters that you wish the Agency to take into account in considering your application (e.g. the facilities that you have available for storing water for use during periods of deficiency in supply; the extent to which the water used will be re-used or returned to the environment, etc) .....  
.....  
.....  
.....

I hereby apply to the Minister [*responsible for agriculture*] for a permit under the Water and Sewerage Act 2004, No. 14 of 2005 and the Water Resource Management Regulations to use water in a Water Control Area and I declare that, to the best of my knowledge, the statements made above are true.

I enclose with this application form proof of payment of the prescribed application fee.

Signature of Applicant: .....

Date: .....

**NOTE:**

**This application must be submitted to the Water Resources Agency at [address of office] in [duplicate/triplicate].**

*Water and Sewerage (Water Resource Management)  
Regulations*

**Form 9**

(Regulation 19(2))

**Form of Application for a Waste Discharge Permit**

**APPLICATION FOR A PERMIT TO DISCHARGE WASTE IN A  
WASTE CONTROL AREA**

**Water and Sewerage Act 2004, No.14 of 2005  
Section 27(1)(b)**

<b>FOR OFFICIAL USE ONLY</b>	
Application No.	
Date Received	
Fee Paid	
Receipt Number	
Information Requested	
Information Submitted	
Recommendation Made	
Notice Issued	

**APPLICANT**

1. Name of Applicant (in BLOCK LETTERS): .....
2. Address of applicant: .....
3. Name & Address of person other than the applicant (professional adviser or agent) (if any) to whom communications concerning this application are to be sent: .....

**DISCHARGE SITE**

4. Identify the Waste Control Area to which this application pertains .....
5. Give a description sufficient to identify the land, sewer or drain, bore or water, into which you desire a permit to discharge waste .....

*Water and Sewerage (Water Resource Management)  
Regulations*

**CLASS OF WASTE**

- 6. State whether the waste discharge will consist of or include any of the following classes of waste:
  - (i) Surface/Storm Water Runoff: YES  - NO
  - (ii) Sewage Effluent: YES  - NO
  - (iii) Trade Effluent: YES  - NO
  - (iv) Other Discharge (Specify) .....
- 7. Will the discharge consist of or contain any oil or oily waste?  
YES  - NO
- 8. Will the waste discharge consist of or contain any toxic, noxious or persistent organic pollutants? YES  - NO
- 9. If the answer to 7 or 8 is YES, give particulars of the composition of the waste to be discharged .....

**QUANTUM OF DISCHARGE**

- 10. What is the estimated volume of the discharge? ..... (gal. or m<sup>3</sup>/d)
- 11. What is the estimated maximum rate of discharge? ..... (gal or m<sup>3</sup>/hr)
- 12. What is the estimated maximum temperature of the discharge? .....(C<sup>o</sup>)
- 13. Give particulars of method/s of measurement of volume, rate and temperature of discharge: .....

**TREATMENT OF DISCHARGE**

- 14. Give particulars of proposals for treatment of waste prior to discharge (if any) .....

**RECEIVING WATERS**

- 15. What is the rate of flow in the sewer, drain or watercourse into which the waste is to be discharged? ..... (gal. or m<sup>3</sup>/hr)
- 16. If waste is to be discharged into a watercourse or body of water, give particulars of the ambient quality of the receiving waters .....

*Water and Sewerage (Water Resource Management)  
Regulations*

I hereby apply to the Minister [*responsible for agriculture*] for a permit under the Water and Sewerage Act 2004, No. 14 of 2005 and the Water Resource Management Regulations to discharge waste in a Waste Control Area and I declare that, to the best of my knowledge, the statements made above are true.

I enclose with this application form proof of payment of the prescribed application fee.

Signature of Applicant: .....

Date: .....

**NOTE:**

**This application must be submitted to the Water Resources Agency at [address of office] in [duplicate/triplicate].**

*Water and Sewerage (Water Resource Management)  
Regulations*  
**Form 10**

(Regulation 20(1))

**Form of Notice of Grant of Water Use or Waste Discharge Permit**

**NOTICE OF GRANT OF PERMIT**

**Water and Sewerage Act 2004, Act No.14 of 2005  
Section 29(1)**

To: [Name & Address of Applicant]

TAKE NOTICE that, in accordance with a recommendation made by the Water Resource Management Agency, the Minister [*responsible for agriculture*] has decided to grant the permit [*to use water in a water control area/discharge waste in a waste control area (as the case may be)*] applied for on the [.....] day of [*month & year*] under Application No. [.....], for a period of [.....] years from the date of issue, subject to the provisions of the Water and Sewerage Act 2004, No. 14 of 2005 and the Water Resource Management Regulations and to the following specific conditions:

1. [*Etc.*]
2. [*Etc.*]

AND THAT the permit will be issued on presentation of payment of the prescribed permit fee.

TAKE FURTHER NOTICE that, if you are aggrieved by the decision of the Minister, you have the right to appeal in writing to the Appeals Tribunal within 28 days of the date of this decision, pursuant to sections 29(2) and 96(4) of the Act.

Date: .....

Signed: .....  
*For: Minister responsible for Agriculture*

*Water and Sewerage (Water Resource Management)  
Regulations*

**Form 11**

(Regulation 19(2))

**Form of Notice of Refusal of Water Use or Waste Discharge Permit**

**NOTICE OF REFUSAL OF PERMIT**

**Water and Sewerage Act 2004, Act No.14 of 2005  
Section 29(1)**

To: [Name & Address of Applicant]

TAKE NOTICE that, in accordance with a recommendation made by the Water Resource Management Agency, the Minister [*responsible for agriculture*] has decided to refuse the permit [*to use water in a water control area/discharge waste in a waste control area (as the case may be)*] applied for on the [...] day of [*month & year*] under Application No. [...], for the following reasons:

- 1. [*Etc.*]
- 2. [*Etc.*]

TAKE FURTHER NOTICE that, if you are aggrieved by the decision of the Minister, you have the right to appeal in writing to the Appeals Tribunal within 28 days of the date of this decision, pursuant to sections 29(2) and 96(4) of the Act.

Date: .....

Signed: .....  
*For: Minister responsible for Agriculture*

*Water and Sewerage (Water Resource Management) Regulations*  
**Form 12**

(Regulation 21(a))

**Form of Water Use Permit**

**PERMIT TO USE WATER IN A WATER CONTROL AREA**

**Water and Sewerage Act 2004, No.14 of 2005  
Section 31**

Permit No.: .....

Expiry Date: .....

WHEREAS, [*Name*] of [*Address*] (hereinafter referred to as “the holder”) applied to the Minister, on the .... day of ..... under Application No. ...., pursuant to the Water and Sewerage Act 2004, No. 14 of 2005 and the Water Resource Management Regulations, to use water in a Water Control Area;

AND whereas, in accordance with the provisions of the aforesaid Act and Regulations, the Water Resource Management Agency has made a recommendation to the Minister that the said application be granted and the Minister has decided in accordance with that recommendation to grant a permit;

AND whereas the holder has paid the permit fee prescribed by law;

PERMISSION IS GRANTED to the holder under section 29 of the Water and Sewerage Act 2004, No. 14 of 2005 to [*set out scope of permit*] .....

....., within a declared Water Control Area, for a period of [*time in number of days, months or years*] from the date of issue, subject to the Water and Sewerage Act 2004, No. 14 of 2005 and the Water Resource Management Regulations, and the following additional terms and conditions:

**ADDITIONAL TERMS & CONDITIONS**

[*List specific conditions (if any)*]

THIS PERMIT does not have the effect of dispensing with the necessity of obtaining an abstraction licence, where such a licence is required under the Water and Sewerage Act 2004, No. 15 of 2005 or with the necessity of obtaining any other permission, where such permission is required under any law in force in Saint Lucia.

Issued on this .... day of .....

[*Signed*]  
*Minister responsible for Agriculture*

*Water and Sewerage (Water Resource Management) Regulations*

**Form 13**

(Regulation 21(b))

**Form of Waste Discharge Permit**

**PERMIT TO DISCHARGE WASTE IN A WASTE CONTROL AREA**

**Water and Sewerage Act 2004, No.14 of 2005**

**Section 31**

Permit No.: .....

Expiry Date: .....

WHEREAS, [*Name*] of [*Address*] (hereinafter referred to as “the holder”) applied to the Minister, on the ..... day of ..... under Application No. ...., pursuant to the Water and Sewerage Act 2004, No. 14 of 2005 and the Water Resource Management Regulations, to discharge waste in a Waste Control Area;

AND whereas, in accordance with the provisions of the aforesaid Act and Regulations, the Water Resource Management Agency has made a recommendation to the Minister that the said application be granted and the Minister has decided in accordance with that recommendation to grant a permit;

AND whereas the holder has paid the permit fee prescribed by law;

PERMISSION IS GRANTED to the holder under section 29 of the Water and Sewerage Act 2004, No. 14 of 2005 to: [*set out scope of permit*] .....

....., within a declared Waste Control Area, for a period of [*time in number of days, months or years*] from the date of issue, subject to the Water and Sewerage Act 2004, No. 14 of 2005 and the Water Resource Management Regulations and the following additional terms and conditions:

**ADDITIONAL TERMS & CONDITIONS**

[*List specific conditions (if any)*]

THIS PERMIT does not have the effect of dispensing with the necessity of obtaining any other permission where such permission is required under any law in force in Saint Lucia.

Issued on the ..... day of ....., 2008

[*Signed*]

*Minister responsible for Agriculture*

*Water and Sewerage (Water Resource Management)  
Regulations*

**Form 14**

(Regulation 22(1))

**Form of Application to the Agency for a Hearing under Section 17**

**Water and Sewerage Act 2004, No.14 of 2005  
Section 17**

To: The Water Resource Management Agency

WHEREAS on [*date of application*] the Applicant submitted an application, Application No. [*Ref. No.*], for an abstraction licence, together with the prescribed application fee, to the Minister pursuant to section 14 of the Act; and

[*EITHER*] NO RECOMMENDATION has been made by Agency to the Minister within the period of 28 days of [*the application being made OR the additional information requested from the applicant being submitted (as the case may be)*], specified in section 15(5) of the Act;

[*OR*] NO NOTIFICATION has been given by the Minister to the Applicant within the period of 14 days of receipt of the recommendation made by the Agency, specified in section 16(1) of the Act;

THE APPLICANT APPLIES FOR A HEARING to make a case before the Agency pursuant to section 17 of the Act.

Date: .....

Signed: .....

*Applicant*

*Water and Sewerage (Water Resource Management)  
Regulations*

**Form 15**

(Regulation 22(2))

**Form of Application to the Agency for a Hearing under Section 30**

**Water and Sewerage Act 2004, No.14 of 2005  
Section 30**

To: The Water Resource Management Agency

WHEREAS on [*date of application*] the Applicant submitted an application, Application No. [*Ref. No.*], for a permit [*to use water in a Water Control Area OR discharge waste in a Waste Control Area (as the case may be)*], together with the prescribed application fee, to the Minister pursuant to section 27 of the Act; and

[*EITHER*] NO RECOMMENDATION has been made by Agency to the Minister within the period of 28 days of [*the application being made OR the additional information requested from the applicant being submitted (as the case may be)*], specified in section 28(5) of the Act;

[*OR*] NO NOTIFICATION has been given by the Minister to the Applicant within the period of 14 days of receipt of the recommendation made by the Agency, specified in section 29(1) of the Act;

THE APPLICANT APPLIES FOR A HEARING to make a case before the Agency pursuant to section 30 of the Act.

Date:..... Signed: .....  
*Applicant*

Made this 1st day of December, 2008.

Ezechiel Joseph  
*Minister responsible for Agriculture*