

**LAW [1983:292] ON THE IMPLEMENTATION OF THE WATER LAW
[1983:291]**

General regulations

§ 1. The water law [1983:291] and this law are effective as of January 1, 1984.

§ 2. Provisions of this law annul the prior water law [1918:523] the law [1918:524] regarding implementation of the prior water law and the law [1920:460] regarding procedures relating to the drainage of land lying in close proximity to the construction of a railway or tramway .

§ 3. If in another law or statute reference is made to a regulation that is also covered in the new water law or this law, the new regulation supersedes the old.

§ 4. In cases and matters brought into water court before the new water law took effect, the older regulations apply. However, in cases involving claims arising from unforeseen damages, the new water law applies to the proceedings and to compensation for legal expenses, provided the claim was initiated after the law took effect.

§ 5. If an application for appointment of a referee has been made or a procedure regarding an inspection hearing under chapter 3, § 11 of the prior water law [1918:523], has been announced before the new water law takes effect, the older regulations apply to the hearing, at subordination [underställning] and appeal and at the court's handling and examination of a matter that regards the hearing.

§ 6. Any provision which under the new water law, applies to the owner of a property also applies to a person in possession of the property, either with permanent right of possession or with a right to an estate in tail.

Special temporary regulation applicable to chapter 2 of the new water law

§ 7. A right, which before the new water law took effect, was due to someone because of a verdict, usage from time immemorial, or any other special legal ground or under chapter 1, § 2, paragraph two, sentence two of the water law [1918:523], is not limited by chapter 2, §§ 2 and 3 of the new water law.

Special temporary regulation applicable to chapter 3 of the new water law

§ 8. The provisions of chapter 3, § 2, paragraph one applicable to a local plan are also applicable to a plan of land divisions.

UNDER LAW 1987:140, THIS SECTION HAS EXPIRED.

Special temporary regulations applicable to chapter 4 of the new water law

§ 9. The regulations regarding the requirement for a permit [tillståndsplikt] in chapter 4, § 1, and in § 2, paragraph one, of the new water law do not apply to drainage projects in progress when the new water law became effective.

The legality of a water project in existence before the new water law takes effect, and not provided for under the water law [1918:523] or older applicable regulations, is judged by the regulations in effect at the time the works came into existence.

§ 10. If a water project, other than drainage, has been carried out without a permit while the water law [1918:523] was in effect, and that law applied to the project, the developer is required to submit evidence regarding the conditions that existed before the project was carried out.

Special temporary regulations under chapter 9 of the new water law

§ 11. If the appeal of a permit, under chapter 15, §§ 3, 4, 9, or 11 of the new water law, under the prior water law [1918:523], or under other applicable preexisting regulations causes damage to the permittee, compensation is to be paid to him, unless § 12 (below) does not apply or the matter involves an appeal to improve the security of a waterwork.

If an appeal of a permit under the new water law, as referred to in the preceding paragraph causes damage to someone other than the permittee, compensation is to be paid. Certain limitations apply, however, under § 15 (below), to a recipient of co-operative hydro-electric power or to compensation through transfer of power under the prior water law [1918:523], before the 1st of July 1974,

Regarding compensation under paragraph one or two above, chapter 9, §§ 1-10 and §13 of the new water law apply. In this connection, wording with regard to co-operative hydro-electric power, also applies to compensation through the transfer of power, as regulated in paragraph two.

§ 12. If damage, as referred to in paragraph one of § 11, concerns a loss of water, height of fall or restriction of the right to regulate the runoff of water, and an appeal is made for the benefit of the general fishing interest, public channel, public port, public floatway or public health, or if an appeal is made under chapter 15, § 3 or § 9, paragraph one of the new water law, for the benefit of general environmental preservation, the permittee is obliged, without compensation, to suffer the damage beyond that which he previously suffered under this paragraph or under § 14 of the new law, equivalent to a twentieth of the production or the value of the amount of water, height of fall or volume of water storage as stated in chapter 9, § 14, paragraph two of the new water law.

§ 13. The regulations in §§ 11 and 12 are also applicable to appeal of a special right to access to water, as referred to in chapter 2, § 41 of the water law. [1918:523]

§ 14. If a person holding a permit for a water project under the water law [1918:523] or applicable older regulations, is caused a loss of water or height of fall or limitation in the right to regulate the outflow of water, as a consequence of a water project under the new water law, aimed to protect the public fishing interest, public channel, public port, public floatway, public health or public environmental conservation, or which constitutes a land drainage project or water storage for irrigation purposes, his right to compensation is reduced in accordance with § 12 of the regulations in the water law

[1918:523] regarding main streams [kungsådra]* if said regulations apply to the water project.

Paragraph one also applies to loss or limitation caused a person who, without a special permit, manages a water project that was constructed before the new water law took effect.

§ 15. The regulation in chapter 9, § 19 of the new water law also applies to the compensation of co-operative hydro-electric power under the water law [1918:523] or compensation by transfer of power under the water law [1918:523], under its wording prior to July 1, 1974.

Special provisional regulations applicable to chapter 10 of the new water law

§ 16. If an obligation arises to pay an annual charge in 1984, according to chapter 4, § 14 of the water law [1918:523] year 1984, the charge for that year should, without special decision, be adjusted in relation to any change in the base amount, under the law [1962:381] of public insurance, that has occurred from July 1974 to 1984. If the charge has been determined under the wording of the law before July 1, 1974, the base amount should be adjusted upward by forty percent before any recalculation under sentence one is made.

If an obligation arises to pay an annual charge in 1984 under chapter 2, § 10 of the water law [1918:523], the charge for that year should, without special decision,

* "Kungsådra" means "Royal Stream" and was a designation for a main stream that was not permitted to be shut. King Gustavus I ruled that a "kungsådra" belonged to the king, but the peasantry disagreed. The concept was first found in 1442 and is used even in our time. Today "Kungsådra" does not have any real meaning, but the concept has been discussed since the Middle Ages. Names of main rivers previously carrying a "kungsådra" are listed in the blue Water Law book.

be adjusted in relation to the change of the base amount that has occurred from December of the first year in the latest charge period until 1984.

After 1985 the charge as referred to in paragraphs one and two should, without special decision, be adjusted on a yearly basis in relation to any change of the base amount that may have occurred between the charge year and the previous year.

If an obligation to pay a charge, under chapter 4, § 14 or chapter 2, § 10 of the water law [1918:523], arises after the end of 1984, adjustment should be made under the first and second paragraphs for the first year of the term, but not prior to 1984. After that, an annual adjustment should occur under paragraph three.

In regard to annual charges under chapter 2, § 8 of the water law [1918:523] or applicable preexisting law, except those cases referred to in paragraph six, if such charge is for the year of 1984 or later year, and the charge obligation arises without special decision, such charges should be adjusted in relation to any change in the base amount that has taken place between the charge year in question and December of the year when the charge was last determined through a final verdict, not previous, however, to December 1963. After that, annual adjustment should take place under paragraph three.

If a verdict establishing a charge according to chapter 2, § 8 of the water law [1918:523] includes an instruction on annual adjustment of the charge with regard to changes in the currency value, the charge for 1983 should from 1984 be adjusted annually in relation to the change in the base amount that has occurred between the charge year in question and the previous year.

Special provisional regulations applicable to chapters 12, 13 and 16 of the new water law

§ 17. Acquisition price and compensation for encroachment on a property held in tail cannot be set lower than that determined in chapter 9 of the new water law. Such compensations due the holder of an estate in tail should always be kept in safe custody at the regional administration and should not be paid until the government, or the authority authorized by the government, has decided how the compensation issue should be managed.

§ 18. The regulation established in chapter 13, §55, paragraph two of the new water law is equally applicable to the procedure referred to in chapter 11, § 83, paragraph two, of the water law [1918:523] when granted by a court or a senior bailiff.

Special provisional regulations applicable to chapter 15 of the new water law

§ 19. A permit for a water project or other action under the water law [1918:523] or applicable preexisting regulations, or under the new water law, is viewed as a permit under the provisions of chapter 15 of the new water law, taking into account the exceptions set forth in §§ 20 and 21 .

Paragraph one also applies to the special right to dispose of water as referred to in chapter 2, §41 of the water law. [1918:523]

The regulations in chapter 15, §§ 5 and 6 of the new water law are also applicable to water projects in existence before the new water law became effective, even if the permission of a court or other authority was not given or even required.

The provisions of chapter 15, §§ 4 and 12 of the new water law applicable to change of fishing charge and community charge are also applicable to charges under chapter 2, §§ 8 and 10, and chapter 4, § 14 of the water law. [1918:523]

§ 20. Appeals under chapter 15, § 3, paragraph one, sentence one of the new water law, in cases referred to in § 19, paragraphs one and two of this law will take place after the end of year 1993, unless restricted by paragraph two. Review of a permit for a hydro-electric power plant or water storage and control for hydro-power purposes must not take place earlier than 30 years from the day when the project, under the original instruction was to be completed, or if a new hearing under chapter 4 of the water law [1918:523] has occurred, no earlier than 30 years from the day when the verdict following the new hearing became effective.

If the project could have been re-heard under chapter 4 of the water law [1918:523] after the new water law took effect, an appeal can occur as soon as the established time has expired.

A review under chapter 15, § 3, paragraph one, sentence three of the new water law, for any purpose other than improving the safety of a water plant, can occur only if the change of water conditions occurred after the new water law took effect.

§ 21. If a permit for a project has been granted under the water law [1918:523], the regulations in that law apply if the project works are not completed within the prescribed time.

§ 22. The regulations in chapter 15, §§ 15 and 16 of the new water law also apply to associations under chapter 3 of the water law [1918:523] that are only intended for regulating water storage for hydro-electric power purposes, associations under chapter 7 of the water law [1918:523], associations for purposes referred to in chapter 8, § 20 of the water law [1918:523], and associations under applicable preexisting regulations.

If, in one of the above mentioned associations, the group of participants or the sharing of costs among them is altered through an appeal under chapter 15, § 15 of the new water law, or by approval of an agreement according to chapter 15, § 16 of the same law, an association under the new water law should be considered as constituted.

Special provisional regulations applicable to chapter 17 of the new water law

§ 23. The provisions of chapter 17, § 1, paragraph two also apply to a person who, under the terms of the water law [1918:523], has been assigned the right to utilize another person's water works.

Special provisional regulation applicable to chapter 19 of the new water law

§ 24. A procedure, under chapter 2, § 14, paragraph three of the water law [1918:523] for the protection against pollution, or under chapter 2, § 62 or 64 of the same law for the protection of the water supply, is also regarded as a procedure under chapter 19 of the new water law.

If a procedure under chapter 2, § 14, paragraph three or under § 62 of the water law [1918:523] is changed or annulled, it should be noted in the property book.

Special provisional regulations applicable to chapter 21 of the new water law

§ 25. In regard to an act punishable under the water law [1918:523] and which was committed before the new water law took effect, the water law [1918:523] should still be applied. The content of chapter 21, §§ 3 and 4 in the new water law is also applicable to acts committed during the time the water law [1918:523] was valid.

Suits regarding responsibility under paragraph one are brought to a district court as criminal cases.

Other regulations

§ 26. The regulations, in chapter 3, §§ 12-25 and § 27, chapter 7, §§ 61-65, and chapter 8, §§ 38-45 of the water law [1918:523], regarding the administration of a project with several participants that has been started under that law, are applicable as long as the administration of the project has not been organized in another way.

§ 27. The regulations in chapter 4 of the water law [1918:523] regarding the government's right of redemption are still valid if redemption has been completed by the time the new water law became effective and an application for a writ has been carried out at the court of real estate, rents, and tenancies.