



STATUTORY INSTRUMENTS.

S.I. No. 261 of 2018



EUROPEAN UNION (WATER POLICY) (ABSTRACTIONS
REGISTRATION) REGULATIONS 2018

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I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive 2000/60/EC¹ of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, hereby make the following Regulations:

Citation and commencement

1. (1) These Regulations may be cited as the European Union (Water Policy) (Abstractions Registration) Regulations 2018.

(2) These Regulations shall come into effect on 16th July, 2018 and the date prescribed for the purposes of Regulations 3(2), 3(3) and 7 shall be four months after that date.

Interpretation

2. In these Regulations—

“abstraction” means the doing of anything whereby water is removed or diverted by mechanical means, pipe, or any engineering structure or works from any part of the water environment, including anything whereby the water is so removed or diverted for the purpose of being transferred to another part of the water environment;

“abstraction point” means any borehole, well, sump or inlet pipe whose primary purpose is the supply of water for drinking or other purposes;

“Agency” means the Environmental Protection Agency;

“groundwater” means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;

“prescribed date” means the date prescribed in Regulation 1(2);

“surface water” means inland waters (except groundwater), transitional waters and coastal waters.

Register of abstractions

3. (1) The Agency shall establish and maintain a register of abstractions of water where 25 or more cubic metres of groundwater or surface water is being abstracted in any 24 hour period.

¹O.J No. L327/1, 22 December 2000

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 24th July, 2018.*

(2) A person abstracting 25 or more cubic metres of groundwater or surface water from an abstraction point or points in any 24 hour period shall, on or before the prescribed date and in accordance with these Regulations, arrange to have that abstraction entered onto the register of abstractions maintained by the Agency, and a separate entry shall be made in respect of each abstraction.

(3) A person who, after the prescribed date, commences an abstraction of 25 or more cubic metres of groundwater or surface water in any 24 hour period from an abstraction point or points shall, in accordance with these Regulations, arrange to have that abstraction entered onto the register of abstractions maintained by the Agency not later than one calendar month after the commencement of the abstraction, and a separate entry shall be made in respect of each abstraction.

(4) Where more than one abstraction point joins to form a combined water supply, this shall be construed as a single abstraction for the purposes of these Regulations.

(5) In the case of an abstraction being undertaken by more than one person, each person shall be jointly and severally liable for the registration of the abstraction in question and registration by any one of the persons undertaking the abstraction shall discharge the obligation to register of each person.

(6) The register of abstractions shall be maintained in such form, including electronic form, as the Agency may decide and shall contain details of abstractions entered onto the register in accordance with paragraphs (2) and (3) and such other information as may be determined by the Agency from time to time.

(7) The Agency shall publish by electronic means, and in such abridged manner as it thinks fit, details of the abstractions registered with the Agency under the provisions of these Regulations.

(8) The Agency may serve on any person a notice requiring that person to furnish to the Agency, within a period or at times specified in the notice and in the form specified, any information which the Agency reasonably considers necessary for the purpose of maintaining the register and it shall be an offence for a person to not provide the requested information within the time frame and in the manner specified by the Agency.

(9) Nothing in these Regulations shall be construed as authorising an abstraction.

Notification of information on an abstraction for entry onto the register

4. (1) A notification of information on an abstraction for entry onto the register under this Regulation shall—

- (a) be made by electronic means in the manner prescribed by the Agency;
- (b) specify the name and address of the person or persons undertaking the abstraction;

- (c) specify the address and location, including the grid coordinates, at which the abstraction is taking place;
 - (d) specify the name and contact details of the person responsible for registering the abstraction, if different from the person undertaking the abstraction;
 - (e) specify the purpose of the abstraction, any related planning conditions or court orders, and where appropriate provide linkages with other reporting requirements as specified by the Agency;
 - (f) specify the maximum amount of water being abstracted in a 24 hour period; and
 - (g) include any other information prescribed or requested by the Agency, including the grid coordinates for the point of abstraction, whether the abstraction is permanent or temporary and whether the abstraction is from groundwater or surface water.
- (2) On completion of the notification for entry onto the register as outlined in paragraph (1), a registration number shall be issued in respect of each registration and that number shall be proof of registration of the abstraction.
- (3) The Agency shall specify the procedures or methods by which the amount of water abstracted in a 24 hour period shall be calculated or estimated in the notification for entry onto the register and different methodologies may apply in the case of different types of abstractions.
- (4) The Agency shall publish guidance in respect of estimated quantities of water required for specified activities.

Amendment of register

5. (1) The Agency shall, if it becomes aware that any particular in the register is incorrect or has ceased to be correct, make such alteration to the register as it considers necessary and shall notify any person it considers appropriate of such alteration.

(2) If a person undertaking a registered abstraction becomes aware that any particular contained in the register in relation to that abstraction is incorrect or has ceased to be correct, that person shall notify the Agency and provide the Agency with updated information in relation to the abstraction in the format prescribed by the Agency.

Sharing of information on register

6. The Agency may share details entered onto the register in relation to an abstraction, with the exception of personal details, with such other person as it considers necessary for the discharge of its statutory functions, or to enable any other public body to satisfactorily discharge its statutory functions.

Transfer of abstraction

7. A person who, on or after the prescribed date, transfers the undertaking of an abstraction to another person shall furnish a registration number as assigned under the provisions of Regulation 4(2) to the person to whom the undertaking of the abstraction is being transferred and that person shall, within a month of that transfer, notify the Agency of the transfer and arrange to have the information specified in Regulation 4(1) updated in the register.

Cessation of abstraction

8. Where a registered abstraction ceases or is discontinued, the person to whom the registration number was issued under the provisions of Regulation 4(2), or to whom it has transferred in accordance with Regulation 7, shall notify the Agency of that fact within a month of that cessation or discontinuation and the register shall be amended accordingly.

Offences and penalties

9. (1) It shall be an offence for a person abstracting 25 or more cubic metres of water in any 24 hour period to fail to notify the Agency of that abstraction, or to knowingly provide false information to the Agency in respect of any abstraction of 25 or more cubic metres in any 24 hour period.

(2) A prosecution for a summary offence on account of contravention or failure to comply with these Regulations may be taken by the Agency.

(3) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under these Regulations may be commenced—

- (a) at any time within 24 months from the date on which the offence was committed, or
- (b) at any time within 24 months from the date on which evidence, in the opinion of the Agency, is sufficient to justify the bringing of the proceedings, comes to that person's knowledge,

whichever is the later, provided that no such proceedings shall be commenced later than two years from the date on which the offence concerned was committed.

(4) A person guilty of an offence under this Regulation or under Regulation 3(8) is liable, on summary conviction, to a class A fine.

(5) Where a court imposes a fine under these Regulations it shall, on the application of the Agency, provide by order for the payment of the amount of the fine to the Agency.

(6) Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay the Agency the costs and expenses, measured by the court, incurred by the Agency in relation to the detection and prosecution of the offence, including costs and expenses incurred in the taking of samples, the carrying out of tests, examinations or analyses and in respect of the remuneration and other expenses of any directors, employees, consultants and advisers engaged by the Agency.



GIVEN under the Official Seal of the Minister for Housing, Planning and Local Government,
16 July 2018.

EOGHAN MURPHY,
Minister for Housing, Planning and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations give further statutory effect to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy. They provide for the establishment of a register of abstractions of water of more than 25 cubic metres per day. The register shall be established and maintained by the Environmental Protection Agency.

The Regulations make it an offence to not register an abstraction of water of more than 25 cubic metres per day, to knowingly provide false information with regard to a relevant abstraction or to fail to comply with a notice requiring specified information. They also include provisions as to what is to be included in the register and provide for the register to be amended as required.

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