

Ground Water Regulations 2011

GN No. 240 of 2011

THE GROUND WATER ACT Regulations made by the Central Water Board, with the approval of the Minister, under section 16 of the Ground Water Act

1. These regulations may be cited as the Ground Water Regulations 2011.

2. In these regulations –

“Act” means the Ground Water Act;

“agricultural purpose” means –

- (a) cultivating vegetables, flowers, fruit trees or other crops;
- (b) breeding livestock or poultry; or
- (c) farming aquatic organisms, including fish and aquatic plants, for commercial purposes;

“bill” means a notice of payment issued by the Authority under regulation 17;

“brackish water” means water that has more salinity than fresh water;

“domestic purpose” has the same meaning as in the Central Water Authority (Water Supply for Domestic Purposes) Regulations 2011;

“drink” means any alcoholic and non-alcoholic drink, including water;

“fees” means fees payable under Part A of the First Schedule;

“licensee” means a person who holds a ground water licence issued under section 7 of the Act;

“meter” means a device which measures and records the volume of water supplied to a consumer;

“monthly metered water supply” means the volume of water abstracted from a borehole, open well or other underground installation for a period not exceeding 35 days, and registered by such meter as may be approved by the Authority;

“monthly return” means a return made under regulation 11;

“water charges” means the amount payable for the monthly metered water supply at the rate specified in Part B of the First Schedule;

“year” means a continuous period of 12 months.

3. (1) Every person who wishes to abstract ground water from a property shall –
- (a) make a written application to the Authority in the form set out in Part A of the Second Schedule; and
 - (b) pay the non-refundable processing fee specified in Part A of the First Schedule at the time of making the application.

(2) Where the applicant is not the owner of the property referred to in paragraph (1), he shall submit a written authorisation from the owner of the property, authorising him to abstract ground water on that property.

(3) The written authorisation referred to in paragraph (2) shall be drawn up by a notary.

(4) On receipt of an application made under paragraph (1), the Authority may cause the property referred to in paragraph (1) to be inspected.

4. An application made under regulation 3 shall be accompanied by –

- (a) 2 site plans of the property referred to in regulation 3;
- (b) the original and one photocopy of the applicant's National Identity Card;
- (c) information relating to the daily water requirements of the applicant;
- (d) information relating to the arrangements which the applicant shall take for disposing waste water;
- (e) the memorandum of association or statutes or articles, as the case may be, where the applicant is a company, *société* or association, and the names of the directors or *associés* authorised to sign on behalf of the company, *société* or association; and
- (f) such other information as the Authority may require.

5. (1) Where the Authority informs the applicant that the application satisfies the requirements of regulations 3 and 4, the applicant shall cause a notice of his application to be published in the *Gazette*, and in 2 daily newspapers approved by the Authority for 2 consecutive days, informing interested parties that they may lodge an objection against the granting of the application.

(2) The notice referred to in paragraph (1) shall be in the form set out in Part B of the Second Schedule.

(3) Any person who wishes to object to an application shall, not later than 21 days after the last date of publication specified in paragraph (1), lodge his objection, in writing, with the Authority.

6. (1) The Authority shall, in determining whether to grant an application for a ground water licence, consider any objection made under regulation 5(3).

(2) The Authority may issue a ground water licence, subject to such conditions as it considers fit.

(3) Where the Authority grants the application, it shall notify the applicant of its decision in writing and inform him of –

- (a) the fees, costs and other charges payable by him under these regulations; and
- (b) the conditions that the ground water licence will be subjected to.

(4) The Authority shall not issue a ground water licence unless the applicant has paid the minimum registration fee and the annual licence fee specified in Part A of the First Schedule.

- (5) A ground water licence shall –
- (a) be valid for the period stated in the licence which shall not exceed 7 years;
 - (b) be in the form set out in Part C of the Second Schedule;
and
 - (c) not be transferable.

7. No person shall abstract water on the property referred to in his application made under regulation 3, unless he has paid the fees, costs and other charges referred to in regulation 6(3).

8. Where the applicant fails to pay the costs, fees and other charges referred to in regulation 6 within 6 months from the date of a notification under regulation 6(3), he shall be deemed to have abandoned his application.

9. A person who wishes to abstract ground water from a borehole, open well or any other ground installation which has been sealed by the Authority under regulation 18 or 19, and in respect of which he previously held a ground water licence, shall –

- (a) make an application for a ground water licence in such form as may be approved by the Authority; and
- (b) pay the minimum re-establishment fee specified in Part A of the First Schedule.

10. Where the Authority refuses to issue a ground water licence to an applicant, it shall, as soon as reasonably practicable, inform the applicant, in writing, of the reasons for such refusal.

11. Every licensee shall –

- (a) set up, at his own cost, a meter and use it to measure the volume of ground water abstracted;
- (b) keep the meter in good working conditions at all times;
- (c) keep a daily record of the quantity of water abstracted and the working water level below datum;
- (d) not abstract ground water in excess of his daily entitlement as specified in the ground water licence;
- (e) submit a monthly return of the volume of ground water abstracted to the Authority not later than on the fifth day of the following month;
- (f) comply with such condition as may be specified in the ground water licence;
- (g) not dispose of any ground water abstracted to any third party.

12. (1) The meter referred to in regulation 11 shall –

- (a) be fixed at the abstraction point of the borehole, open well or other underground installation;
- (b) be enclosed in a chamber made of cement or other material acceptable to the Authority;
- (c) where the Authority so determines, be locked by means of a padlock the key of which shall remain in the custody of the Authority.

(2) Where, at the request of a licensee, the Authority makes, provides or installs the chamber referred to in paragraph (1)(b), any cost incurred by the Authority for making, providing or installing the chamber shall be borne by the licensee.

(3) (a) Where the Authority has reasonable grounds to believe that a meter installed at the place of a licensee is not functioning properly and the licensee has failed to replace or repair it within a reasonable delay, the Authority may replace or repair the meter at the cost of the licensee.

(b) The volume of water abstracted during a period where a meter was not functioning properly or was removed by the Authority shall be calculated by reference to the average daily rate of consumption by the consumer.

(c) A licensee shall cause his meter to be calibrated at least once a year, by the Legal Metrology Division of the Ministry responsible for the subject of commerce or the Authority.

(d) Where the licensee requests the Authority to calibrate his meter, he shall pay the examination fee specified in Part A of the First Schedule, if the size of the meter does not exceed 50 millimetres.

13. (1) The Authority shall record the reading of the meter of every licensee to calculate the monthly metered water supply.

(2) Where the Authority is unable in any month to obtain a reading on the meter of the licensee for the month or the monthly metered water supply, the Authority shall calculate the volume of water supplied during that month by reference to the average daily rate of consumption.

(3) For the purpose of this regulation –

(a) “average daily rate of consumption” means the volume of water calculated by reference to the last 2 consecutive readings of an accurate meter;

(b) a meter shall be deemed to be accurate if the volume of water recorded from a calibrated meter gives a tolerance of plus or minus 5 per cent.

14. (1) A licensee who wishes to renew his ground water licence shall make a written application to the Authority, at least 6 months before the expiry of his licence, in the form set out in the Third Schedule.

(2) The licensee shall cause a notice of his application for the renewal of his licence to be published, in the form set out in Part B of the Second Schedule, in the *Gazette* and, for 2 consecutive days, in 2 daily newspapers approved by the Authority.

(3) Where the Authority grants the application for renewal of a ground licence, it shall issue a ground water licence to the licensee subject to –

(a) payment of all outstanding fees, water charges, where applicable, and waste water fees;

(b) the licensee submitting a certificate issued by the Legal Metrology Division of the Ministry responsible for the subject of commerce, certifying that the meter to be used by him has been calibrated; and

(c) the licensee complying with such other condition as the Authority may impose.

15. The licensee shall pay the appropriate monthly water charge specified in Part B of the First Schedule.

16. (1) The Authority may, where the public interest so requires, abstract ground water from the property in relation to which it has issued a ground water licence.

(2) The Authority may cause to be carried out a dry pumping test to reassess –

- (a) the yield of a borehole, open well or other underground installation in respect of which it has issued a ground water licence; and
- (b) the water entitlement of the licensee.

17. (1) For the purposes of these regulations, sections 20(2)(m) and 21A of the Central Water Authority Act and section 25 of the Waste Water Management Authority Act, the Authority shall issue to every consumer a single bill comprising –

- (a) the water charges payable under these regulations;
- (b) the waste water fees, charges or rates, where such fees, charges or rates are payable;
- (c) any fees or charges payable to the Authority under any other enactment.

(2) A licensee who is issued with a bill under paragraph (1) shall pay the bill within 21 days of the date the bill is issued, and any payment made after that delay shall be subject to a surcharge of 10 per cent.

(3) Where the amount payable under paragraph (2) is not a multiple of 10 cents, it shall be increased to the nearest multiple of 10 cents.

18. Where a licensee wishes to seal a borehole, an open well or other underground installation, he shall make a written application to the Authority in the form set out in the Fourth Schedule and produce his National Identity Card, together with a receipt of payment in respect of the bill for the month preceding the month in which he makes the application.

19. (1) A licensee who fails to receive his bill for the current month shall, as soon as reasonably practicable, inform any Customer Service Centre of the Authority.

(2) (a) Where –

- (i) a bill remains unpaid after 60 days from the date of its issue; or
- (ii) the licensee fails to pay any amount due to the Authority within such time as the Authority may specify in a notice served on him,

the Authority may seal the borehole, open well or other underground installation, as the case may be.

(b) The onus of proof of payment of the alleged unpaid bill or other amount shall rest with the licensee.

20. No person shall, without lawful authority or reasonable excuse –

- (a) abstract, consume or use water from a borehole, open well or other underground installation;
- (b) tamper or interfere with, damage or destroy a meter, any device or installation set up to measure the volume of ground water abstracted.

21. The Ground Water Regulations 1970 are revoked.

22. (1) Any licence issued under the revoked regulations referred to in regulation 21 shall be deemed to have been issued under these regulations.

(2) Any application received by the Authority before the coming into operation of these regulations, which has not, on the coming into operation of these regulations, been granted by the Authority shall be processed in accordance with these regulations.

23. These regulations shall come into operation on January 2012.

Made by the Central Water Board on 28 December 2011 and approved by the Minister on 28th December 2011.

FIRST SCHEDULE

[Regulations 2, 3, 6, 12 and 15]

FEES AND WATER CHARGES Part A – Fees

(Rs)

1. Processing fee	500
2. Minimum registration fee	1, 300
3. Minimum re-establishment fee	5, 000
4. Examination fee	500
5. Annual licence fee for –	
(a) use of ground water for agricultural purposes	1,000
(b) use of brackish water for desalination	5,000
(c) use of brackish water for purposes other than for desalination	1,000
(d) use of ground water for the purpose of producing drinks	50,000
(e) use of ground water for domestic purposes	1,000
(f) use of ground water for non-domestic purposes other than purposes at sub-items (a) to (d)	10,000

Part B – Monthly Charges

In respect of the –	Monthly rate per cubic metre (Rs)
(a) use of ground water for agricultural purposes	0.70
(b) use of brackish water for purposes other than for desalination	0.70
(c) use of ground water for the purpose of producing drinks	10.00
(d) use of ground water for domestic purposes	0.70
(e) use of ground water for non-domestic purposes other than purposes at items (a) to (c)	7.70

SECOND SCHEDULE
[Regulations 3, 5 and 6]

PART A

APPLICATION FOR GROUND WATER LICENCE

1. Name of applicant
2. National Identity Card No.
other type of exploitation, and the number thereof)
3. Address of property to which the application related
.....
.....
4. Reference of title deed of the property to which the application relates
5. Nature of proposed exploitation
(Borehole, open well, tunnel or
.....)
6. Average daily quantity of ground water to be used
7. Purpose for which the ground water will be used (Give details)
8. Names of the directors or *associés*
authorised to sign on behalf of the company, *société* or association,
where the applicant is a body corporate, a *société* or an association

I request that a ground water licence be granted to me in accordance with the particulars given above and the site plan submitted.

I undertake to pay regularly the water charges for the volume of ground water abstracted in accordance with the Ground Water Regulations 2011.

Date: FOR OFFICE USE ONLY

Signature of applicant: Licence No.:

.....

Issued on: Reference No.:

Date:

PART B

NOTICE OF APPLICATION FOR GROUND WATER LICENCE

NOTICE is hereby given that I have applied to the Central Water Authority for a ground water licence/renewal of a ground water licence to use ground water from a borehole, an open well, or other underground installation (*) No.

..... at.....

..... for the following purposes:

.....

.....

.....

Any person who wishes to object to the issue/renewal of the ground water licence may lodge his objection together with the reasons for such objection with the Central Water Authority within 21 days from the last publication of this notice.

Particulars and site plans of the property may be inspected at:

The Water Resources Unit
3rd Floor, Royal Commercial Centre
St. Ignace Street
Rose Hill

Date:

Applicant:

(*) *Delete if not applicable.*

PART C

LICENCE PERMITTING THE EXPLOITATION AND USE OF GROUND WATER

- 1. Licence No
- 2. Name of Licensee.....
- 3. Address of Licensee.....
- 4. Description of works.....
in respect of which
permission to
exploit and use.....
ground water is
granted.....
- 5. Location of.....
exploitation
- 6. Purpose for which
ground water is
permitted to be used.....

This licence is subject to the provisions of the Ground Water Act and to the following specified conditions-

- (1) this licence is granted for a period ofyears and expires on (Application for renewal must be submitted 6 months before the expiry of this licence);
- (2) this licence is not transferable;
- (3) the abandonment of the exploitation must be notified to the General Manager, Central Water Authority;
- (4) a daily record shall be kept showing the quantity of water drawn and the working water level below datum;
- (5)
..... Dated this day of

.....

.....

General Manager, Central Water Authority

NOTES

The following are guide notes to some of the conditions which may be

attached to a licence for the exploitation and use of ground water - (a) a limit may be placed on –

- (i) the depth to which a well or borehole may be sunk and its effective diameter;
 - (ii) the dimensions of a tunnel;
- (b) limits may be placed as to the capacity of the pumping installation and/or the quantity of water to be extracted;
- (c) limitation may be placed on the sale of water both as regards volume and price.

THIRD SCHEDULE

[Regulation 14]

APPLICATION FOR THE RENEWAL OF A GROUND WATER LICENCE

To: **The Central Water Authority.**

I.....of
..... being licensed to use ground water from a borehole,
an open well or other underground installation (*), No hereby apply for the renewal of my
licence No dated

Signature of Applicant

Dated this.....day of.....20.....

FOR OFFICE USE ONLY

Licence No.....

Issued on.....

Reference.....

Date.....

(Delete if not applicable*

FOURTH SCHEDULE

[Regulation 18]

APPLICATION FOR THE SEALING OF A BOREHOLE, AN OPEN WELL OR OTHER UNDERGROUND INSTALLATION

To: **The Central Water Authority.**

I..... of
..... being licensed to use ground water from
a borehole, an open well or other underground installation (*), No hereby apply for sealing
of the said borehole, open well or other underground installation

Signature of Applicant

Dated this.....day of.....20.....

FOR OFFICE USE ONLY

Licence No.....

Issued on.....

Reference.....

Date.....

() Delete if not applicable*