

STATUTORY INSTRUMENT

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THE NATIONAL WATER RESOURCES MANAGEMENT AGENCY
(WATER USE AND CATCHMENT) REGULATIONS, 2021
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STATUTORY INSTRUMENT No. 5 OF 2022

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THE NATIONAL WATER RESOURCES MANAGEMENT
AGENCY ACT
(ACT NO 5 OF 2017)

THE NATIONAL WATER RESOURCES MANAGEMENT
AGENCY (WATER USE AND CATCHMENT) REGULATIONS
2021

In exercise of the powers conferred upon him by section 36 of the National Water Resources Management Agency Act 2017, the Minister responsible for water resources hereby makes the following regulations-

PART I—PRELIMINARY

1. In these Regulations unless the context otherwise Interpretation requires -

"Act" means the National Water Resources Management Agency Act No. 5 (2017);

"Agency" means the National Water Resources Management Agency established under section 2 of the Act

"agricultural water use" means the use of water to enhance agricultural output by means of irrigation or the use of water to sustain livestock;

"commercial water use" means the abstraction and use of water for economic benefits;

"domestic water use" means the use of water for household purposes and personal hygiene only, but not including domestic use for commercial purposes on a large scale for income generation;

"environmental water use" means the release or maintenance of certain flow of water for the purpose of maintaining specific environmental and recreational purposes;

"EPA" means Environment Protection Agency established under section 2 of the Environment Protection Act 2008;

"fisheries water use" means the release or maintenance of certain flow of water for the purpose of meeting the needs of aquaculture or fisheries activities;

"Industrial use" means the use of water by non-municipal establishments for the purposes of production;

"manual" means the process relating to or done with the hand for purposes of abstracting water from water bodies;

"MDAs" means Ministries, Departments and Agencies;

"municipal water use" means the diversion, treatment and distribution of water by a water supply utility to satisfy a range of domestic and non-domestic demands within a given municipality;

"person" includes both natural and legal persons;

"power generation water use" means the use of the hydraulic potential of water for the generation of power by diverting it through penstocks and turbines;

"recreational use" means the use of water for activities such as swimming, boat surfing, etc

"use" means any abstraction of water from a water body to meet any demand;

"water transportation use" means the use of water for navigation by boat, ship or other waterborne vessels for economic benefit.

PART II- WATER USE PERMIT APPLICATION

2. Pursuant to section 29 of the Act a person wishing to engage in any of the water use activities stipulated under that section shall submit an application to the Agency for a permit in the format as set out in the First Schedule

3. Pursuant to subsection (2) of section 28 of the Act the following water uses shall be exempted from requiring a permit -

- (a) water abstracted by mechanical means and used only for domestic purposes where abstraction does not exceed thirty cubic meters (30m³) per month;
- (b) subsistence agricultural water use for land areas not exceeding 5 hectares; and
- (c) use of water resources for the purposes of fire fighting

Registration
of exempted
water use

4. (1) A water user who falls under the exemption referred to under Regulation 3 shall submit an application for registration to the Agency

(2) The application shall contain the following -

- (a) name and address of the applicant;
- (b) category and level of water use;
- (c) purpose of the water use;
- (d) water body affected;
- (e) location of water use; and
- (f) any other information determined by the Agency

(3) Where the Agency is satisfied with the application, the Agency shall-

- (a) register the water user; and
- (b) issue the applicant with a registration number.

(4) The Agency shall-

- (a) enter the particulars of the registration in the Water Register, and
- (b) publish the names of registered water users annually.

Water use
Permit
application

5. (1) Pursuant to subsection (2) of section 29 of the Act the applicant shall attach the following to an application before submitting it to the Agency-

- (a) the prescribed administrative and processing fee;
- (b) certificates and other information listed by the Agency including an environmental impact assessment and an environmental management plan as the Agency may consider appropriate; and
- (c) any other relevant information to support the application .

6. The Agency shall acknowledge receipt of the application within 10 days of receipt of the completed application form. Acknowledgement of application

7. (1) Where an applicant-

Incomplete Application

- (a) fails to pay the appropriate administrative and processing fees;
- (b) submits an incomplete application form; or
- (c) submits an application that has errors;

the Agency shall notify the applicant in writing to rectify the situation within fourteen (14) days after receipt of the notice.

(2) Where the applicant fails to rectify the situation within fourteen (14) days, the Agency shall refuse to process the application.

8. (1) Pursuant to subsection (4) of section 29 of the Act the Agency shall among other things be guided by the following when assessing an application - Priority of Water use Guides

- (a) the prevailing water policy;
- (b) reserve water ; and
- (c) any other water use which fulfils the goals of the national socio-economic development of the country.

(2) Where the priority of the two applicants is the same, the applicant who submitted his application at the earliest time shall be given the priority.

processing an application

9. (1) When processing an application the Agency shall conduct an investigation to ascertain whether the proposed use of water -

- (a) is in accordance with the established water use policies and plans;
- (b) is in accordance with the water catchment management plan; and
- (c) shall not cause irreparable damage to water resources, public health and the environment.

(2) In conducting the investigation the Agency shall-

- (a) consider the technical, social and environmental aspects of the application;
- (b) ensure public participation especially by the people in the area likely to be affected by the proposed use.

environmental assessment

10. (1) Where the Agency after consultations with the relevant MDA considers the proposed water use to require an environmental impact assessment, it shall notify the applicant to submit evidence that an environmental impact assessment has been approved by EPA if it is not attached to his application form.

(2) Where in the opinion of EPA, the proposed or existing water use requires an environmental management plan, that requirement shall be one of the conditions for the granting of water use permit.

11. (1) Pursuant to sections 32 and 33 of the Act Agency shall publish in the gazette and in at least one national newspaper a notification of the applicant's application and invite objections from the general public.

Publication of Application and Public hearing

(2) Objections made in response to the notice under sub-regulation (1) shall be made in writing or in any other form as the Agency may specify in the notice.

(3) the Agency shall hold a public hearing if-

- (i) there is adverse public reaction to the proposed use;
- (ii) the use of the raw water involves the dislocation, relocation and resettlement which will cause the destruction of the natural water resources and water catchment and will adversely impact the community;
- (iii) it considers that the use of the raw water will have an adverse effect on the natural resources of the basin or downstream users; or
- (iv) a civil society organisation is involved with an application

(4) For the purposes of conducting the public hearing the Agency shall collaborate with-

- (a) the relevant MDAs;
- (b) traditional authorities; and
- (c) the community

(5) The proceedings at the public hearing shall be properly recorded and documented by the Agency.

(6) The Agency shall produce a report on the recommendations made by the participants during the public hearing.

(7) In considering the application the Agency shall take into consideration the recommendations contained in the report referred to under sub-regulation (6).

Grant of permit 12. After considering an application and the Agency grants the permit , it shall notify the applicant of its decision in writing .

Refusal of application 13. (1) The Agency shall refuse to grant a permit to an applicant on the following grounds-

- (a) public safety ;
- (b) where it is believed that the applicant is unable to make available all the required documents for the issuance of a permit; or
- (c) any other reason that the Agency deems necessary not to grant the applicant a permit.

(2) The Agency shall notify the applicant in writing of its decision to refuse the application and shall stipulate the grounds on which the application was refused.

Conditions attached to a permit 14. Where a permit is granted to an applicant he shall comply with all the conditions attached to the permit.

Permit fees 15. An applicant who is granted a permit shall pay the permit fee set out in the Fifth Schedule.

Register 16. The Agency shall maintain a register in which shall be recorded all permits issued by the Agency and any other details the Agency considers necessary

17. (1) A permit granted by the Agency shall be- duration of a permit

- (a) valid for a period of one year ; and
- (b) renewed before the expiration date

18. An application for the renewal of a permit shall be made to the Agency not later than ninety days before the expiration of the permit Renewal of a permit

19. (1) A permit holder shall not transfer his permit to any other person unless he applies to the Agency for approval and the Agency approves the transfer. Transfer of Permit

(2) The Agency shall conduct a background check on the proposed transferee before approving the transfer.

20. (1) The Agency shall within ninety days after the expiration of a permit serve a notice on the permit holder to Termination of permit

- (a) remove the work;
- (b) restore the land on which the work was situated to its original state

(2) Where the permit holder fails to comply with the notice under sub regulation (1), the Agency shall remove the work and restore the land to its original state.

(3) The permit holder shall pay the expenses incurred by the Agency in effecting the removal of the work and restoration of the land.

PART III-COMPLAINTS COMMITTEE

Complaints
Committee

21. (1) Pursuant to subsection (1) of section 9 of the Act the Agency shall establish a committee to be known as the Complaints Committee.

(2) The Complaints Committee shall comprise the following members-

- (a) Chairman of the Board
- (b) a Board member; and
- (c) a technical employee of the Agency

(3) The Complaints Committee shall be responsible for reviewing the application of an applicant who is aggrieved with the decision of the Agency.

Appeals

22. (1) An applicant who is aggrieved with the decision of the Agency may appeal to the Complaints Committee.

(2) The aggrieved applicant shall submit a letter to the Complaints Committee indicating his wish to appeal against the decision of the Agency and the reasons for appealing.

(3) The aggrieved applicant shall attach to the letter referred to under sub- regulation (2) the following-

- (a) a copy of the Agency's letter notifying the applicant of the refusal of the application; and
- (b) all relevant documents that would assist the Complaint Committee in determining the matter.

(4) The aggrieved applicant shall submit the letter to the Complaints Committee within 30 days of the Agency's decision.

(5) Where an applicant is dissatisfied with the decision of the Complaints Committee he may appeal to the Minister.

(6) An applicant dissatisfied with the decision of the Minister may appeal to the High Court and the decision of the High Court shall be final.

PART IV - RAW WATER CHARGES, MONITORING AND COMPLIANCE

23. (1) A permit holder shall at his own expense construct, secure and maintain to the satisfaction of the Agency a passage for wastewater flowing from any work constructed by the holder . Passage for Waste water

(2) The permit holder shall return used water treated to ambient water quality to the same body of water from which the water was originally diverted or abstracted.

(3) A permit holder shall ensure site safety measures are put in place and shall take full responsibility for any eventuality.

24. (1) A person who holds water right for an item specified in the Second Schedule shall pay the raw charges as specified in the Third Schedule Raw water charges

(2) Subject to section 20 of the Act the fees referred to under sub-regulation (1) shall be used to defray the cost of managing water resources

25. (1) Charges shall be levied for the following in accordance with the fees set out in the Third Shedule- charges and payment for raw water

- (a) water abstraction or water use;
- (b) dredging, diversion, damming and storing;
- (c) issuance of permit.

(2) The formulae used for the water charges specified under the Third Schedule shall be based on among other things a pricing strategy that takes into consideration the following -

- (a) the need to differentiate among geographical areas, categories of water use and water users;
- (b) the need to achieve an equitable and efficient allocation of water and water conservation
- (c) compliance with prescribed standards and water management practices based on the user and polluter pay principles;
- (d) the need to provide for incentives for timely payment of the charges and disincentives for non-payment;
- (e) the value of water by using economic parameters such as inflation rate, market values and opportunity costs of water; and
- (f) estimated cost of managing water resources divided by estimated volume of raw water available for abstraction or use

(3) A permit holder shall pay the assessed raw water charges in advance or as may be determined by the Agency after prior consultation with the holder

records of
permit
Holders

26. (1) A permit holder shall maintain records on the following-

- (a) all water abstracted, diverted or stored, giving the date, time, quality and methods of the

abstraction, diversion or storage, and

- (b) the purpose for which the water is used in a format provided by the Agency

(2) The permit holder shall furnish the Agency with a copy of the records referred to under sub-regulation (1) when required to do so

27. (1) The Agency shall equip the catchment area management committee established under subsection (1) of section 27 of the Act to work with relevant MDAs for the purpose of protecting water catchment . Monitoring
and
compliance

(2) Members of the catchment area management committee with the help of the police may apprehend any person in breach of these regulations and impound his tools or materials on the site or seal off his operations or business

(3) An authorized officer of the Agency with the help of the police may at any reasonable time enter any premises and water catchment areas without prior notice for the purposes of protecting water resources or water catchment and ensuring compliance with these Regulations

(4) The Agency may install bulk flow meters at raw water abstraction facilities for the purposes of monitoring water abstractions.

(5) No person shall conduct any detrimental human activity within 50 meters of a water course.

(6) The Agency after consultation with relevant MDAs responsible for natural resources management, may, by notice published in the Gazette, for the protection of water sources from pollution, erosion or any other adverse effect establish a protected water catchment on land draining to, or above surface and groundwater sources.

(7) An authorised officer of the Agency with the help of the Police may

- (a) arrest trespassers,
- (b) stop construction work;
- (c) demolish building;
- (d) stop any person from engaging in any activity that poses threat to any water catchment area.

PART V-MISCELLANEOUS PROVISIONS

prohibition 28. (1) A person shall not carry out any activity under these regulations that requires a permit if

- (a) he does not hold a permit
- (b) his permit has expired and has failed to renew his permit
- (c) his application for renewal is rejected by the Agency.

(2) An official complaint shall be made to the Agency against any person, who contravenes sub regulation (1)

(3) The Agency shall in writing notify any person who contravenes sub-regulation (1) to rectify his status with the Agency within 7 days from receipt of the notice.

(4) Where the person fails to rectify his status the Agency shall with immediate effect close down the operations and impose administrative fines as specified under the Third Schedule

29. (1) Any person who uses water contrary to these regulations commits an offence and is liable on summary conviction to a fine of not less than Five Million Leones in respect of every day during which the offence continues or a term of imprisonment for not less than one year or both. ^{offences and penalties}

(2) A permit holder who transfers a permit otherwise than in accordance with these Regulations commits an offence and is liable on summary conviction to a fine of not less than Five million Leones or a term of imprisonment not less than one year or to both the fine and imprisonment.

(3) A person who assaults, threatens, obstructs, hinders, delays or allows any person to assault, threaten, obstruct, hinder an authorized officer or person in the performance of his powers, functions or duties under these Regulations, commits an offence and on conviction, shall be liable to a fine of not less than Five Million Leones or a term of imprisonment not less than one year or both, and shall in addition be liable to pay compensation sufficient to cover any damage which the authorized officer or other person may have suffered as a result of the offence.

(4) Any person who, contrary to the provisions of these Regulations diverts, dams, stores abstracts or uses water or who being the holder of a permit or the occupier of any land to which the permit has been made appurtenant, abstracts or uses water in excess of that authorized or for a purpose other than that authorized commits an offence and shall be liable on summary conviction to a fine of not less than Five Million Leones in respect of every day during which the offence continues or a term of imprisonment not less than one year or both the fine and imprisonment

**FIRST SCHEDULE:
Water Rights Application Form
(Regulation 2)**

NATIONAL WATER RESOURCES MANAGEMENT AGENCY

1.0 Applicant Details:

Name of company/organization:-----

Name of CEO/Director:-----
Name of contact person(s):-----
Mailing address:-----
Telephone (Office):----- Mobile:-----
E-mail----- Website:-----
Permit: New Renewal
Renewal: If renewal, state Permit ID number:-----

2.1. Ownership Information:

Cooperation Partnership Joint Venture Sole Proprietorship
Others (Please specify)
Please provide names, addresses and telephone numbers of all partners

2.0 Location of the Water Use Activity:

Name of Town:----- District----- Region-----
Indicate type of (proposed) water use: Consumptive Non-consumptive

3.0 Purpose/type of water use:

Industrial Hydropower
Mining Small Town Domestic Water System
Irrigation Commercial
Domestic/Municipal Construction
Recreation Damming
Dewatering Aquaculture-Hatchery

Navigation Diversion
Aquaculture-Cage Wood Harvesting
Water Tankering
Aquaculture-Pond
Spillage (freshwater)
Others (Please specify)-----

4.0 Indicate whether the following are included:

Environmental Impact Assessment Report Yes No
Environmental Permit & Schedule Yes No
Other relevant permits /licenses/letters from MDAs, etc. Yes No
Site Plan Yes No
Water Demand Management Plan (for consumptive uses only) Yes No
Business Certificates (for private establishments) Yes No

If the answer to the above is No, state reasons why and when full documentation can be expected

5.0 Data on the (proposed) water use:

Point of water use:
Name of Town District Region.....
(Pls. state GPS co-ordinates)
Current status of the Water Use Activity: Construction/Installation Phase
Operational Phase

Date of Commencement of Activity if in Operation.....

Type of water source affected (e.g. River, Lake, Groundwater etc.).....

Name of the water source affected (if applicable).....

Tributary of.....

In case of groundwater abstraction, indicate number of boreholes involved and GPS locations (attach additional sheet if necessary).....

Rate of use (m3/annum) being applied for.....

If water use activity is in progress, state actual rate of use (m3/day).....

Indicate any variations in rate of use: Daily: seasonal/ monthly.....

Please indicate method of determining consumption/rate of use.....

6.0 Data on discharges or return flows:

Where water is discharged or returned to the natural environment, please state:
 Location of discharge or return flow:

Name of Town.....District.....Region.....

Point of discharge or return flow (GPS co-ordinates):.....

Quantity of return flow (m3/day).....

Type of water body receiving discharge or return flow.....

Name of the water body receiving the discharge (if applicable).....

Quality of return flow (attach freshwater/effluent quality monitoring results).....

Please indicate method(s) of assessing water quality.....

Please indicate name of water quality testing institution(s): Projected duration of use: from..... to.....

1. Use is defined in the NWRMA Act, 2017 as to divert, dam, store, abstract or use water resources

2. I ndicate the river, lake, reservoir or aquifer.

7.0 Project Description (Provide a detailed description of your project, including but not limited to type of construction activity, area to be graded or excavated, and how the water will be used. Attach extra sheet if necessary.)

8.0 Information on affected parties

Date of acquisition of interest or right of access

Beneficiaries of (proposed) water use activity:
Names of other major users (companies and communities) whose activities depend on the same water body/bodies or aquifer system mentioned above: (attach list)
Persons or areas affected by:

1) The (proposed) use of water: Up-stream.....
Down-stream.....

2) Subsequent discharges: Down-stream.....
Indicate any major impacts the proposed water use activity will have on the environment:

What measures are proposed or undertaken to avoid pollution, flooding or other adverse effects?

Data on Specific Water Use Activities

Additional data is required for certain specific uses. Please provide information as applicable below.

9.0 Abstraction (For all consumptive uses):

- Names and models of pumps:
- Pumping/Withdrawal mechanism:
- Number of pumps installed:

- Capacity of pumps:
- Capacity of additional pumps (to be installed):
- Pumping hours per day:
- Rate of abstraction (per hour) (m³/hr.):

10.0 Aquaculture

10.1. Cage:

Proposed concession area (m²):

Number of Cages:

Dimensions of Cages (m):

GPS coordinates of Proposed Concession Area Species to be cultivated:

10.2. Pond:

Number of ponds:

Dimensions of ponds (m):

Frequency of effluent discharge from ponds:

Discharge from ponds (m³/min):

Type of effluent treatment system in place (attach extra sheet if necessary):

10.3. Tank:

Number of tanks:

Volume of tanks (m³):

Frequency of discharge of tanks:

Discharge from tanks (m³/min):

Type of effluent treatment system in place (attach extra sheet if necessary):

11.0 Municipal and Domestic Use/Small Town Domestic Water Supply.

The projected number of persons, establishments and institutions to be served (5, 10- and 20-year estimates.): Indicate the planned rate of use per capita (5, 10- and 20-year estimates)

Location.....

Particulars of distribution of water:

12.0 Irrigation

The size of land to be irrigated (ha):

Proposed water demand per hectare:

The types of crops to be irrigated:

Crop water demand (l/ha):

Type of irrigation system:

The type of soil to be irrigated:

Describe any works to drain irrigated land:

13.0 Hydropower Generation

The gross head available for power production at low, medium and high water level:

Operational head (max and min):

Power (to be) generated (MW):

Water release for power generation per day (m³/day):

System of mandatory releases (spillways etc.):

Comprehensive hydrological assessment (high & low flows):

14.0 Livestock Watering

Type (s) of livestock:

Maximum number of Livestock:

Water use per day per livestock (liters):

15.0 Navigation/Transport

Type of vessel:

Number of vessels:

Route of transport:

Type of engine:

Distance travelled:

Frequency of travel per week:

Engine capacity (horsepower):

Data on specific Water Use activities

16.0 Diversion:

Indicate whether diversion is permanent or temporary:

Diversion by gravitation, canal or pipe:

Include detailed map/diagram of diversion works including dimensions and GPS coordinates:

Length, width and area of the portion of water body to be diverted:

Details of diversion plan/works including time frames:

Description of vegetation to be removed and/or planted before and after diversion:

Details of land ownership, if other than applicant:

17.0 Damming:

Height/proposed height of dam:

Length of dam (m):

Freeboard:

Type of construction material:

Maximum capacity of reservoir:

Area of inundation:

Average depth of storage:

System of mandatory releases (spillways etc.):

Type of spillway:

Details of damming works including time frames:

18.0 Recreation:

Type of recreational activity (e.g. boating, kayaking etc.):

Number of vessels:

Name & model of vessel/engine:

Capacity of engine (horsepower):

19.0 Underwater Wood Harvesting:

Type of wood to be harvested:

Proposed concession area:

Harvesting equipment:

Harvesting timeframe:

20.0 Spillage (freshwater/effluent):

Rate of spillage (m³/sec):

Possible area of inundation:

Quality of spillage (attach water quality monitoring results):

Ecosystem affected e.g. vegetation:

Data on Specific Water Use activities

22.0 Dredging:

Purpose of dredging:

Type & capacity of dredging machine:

Type and quality of material to be dredged:

Depth of dredging works:

Proposed dredging area:

Include detailed map/diagram of dredging activity:

23.0 Construction:

Type of construction works:

Status of construction:

partially

proposed

complete

Proposed quantity of water to be used

Commencement date: Completion date:

24.0 Dewatering:

Type of dewatering activity (e.g. pit, sump, etc....):

Purpose of dewatering:

Rate of dewatering:

Quality of water:

Duration of dewatering:

The information contained in this application is true to the best of my knowledge,
information and belief. Signature Date Print name:

THIRD SCHEDULE
Fees

No	Description of Charges	Amount (Le)	
1	Purchasing of Application form	200,000.00	
2	Administrative fee (Technical inspection and processing of Water Use Permit)	Western Area	1,000,000.00
		Provincial	6,500,000.00
3	Licences Fee	Domestic/municipal water use	22.00/m3
		Domestic water point (Hand dug wells/boreholes)	250,000.00/yr
		Mining	55.00/m3
		Industrial	50.00/m3
		Commercial	
		Irrigation (small scale farms)	10.00/m3
		Large scale Irrigation (private schemes)	22.00/m3
		Aquaculture (pond)	22.00/m3
		Hydropower (commercial)	33.00m3
		Navigation (petrol engine)	209.00/m3
		Navigation (diesel engine)	253.00/m3
		Recreation	

4	Administrative Fines (Seal off, Impoundment etc.)	The severity, duration, prevalence, circumstances, antecedent, degree of harm to lives and property, cost of remedies etc.	To be determined by the Agency
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MADE this 28th day of September, 2021.

ENG. PHILIP KARIMU LANSANA
MINISTER OF WATER RESOURCES

FREETOWN,
SIERRA LEONE
SEPTEMBER, 2021.