

**WATERRIGHT ORDINANCE [1983:788]**

Protection of public interests under the water law [1983:291]

§ 1. If a water case or a hearing under the water law [1983:291], involves a permit for a water project, the permissibility of which, according to the National Juridical Board for Public Lands and Funds, should be examined by the government under chapter 11, § 3 of the water law, the Board should, prior to the time the case is set for formal session, report this to the government.

§ 1(a). If a case or an issue deals with a water project under chapter 3, § 6, paragraph three of the natural resources act [Law 1987:12] the National Juridical Board for Public Lands and Funds should consult with the National Board of Environmental Protection. Consultation should also be made in cases of the nature mentioned in § 1 of this ordinance. [Law 1993:223]

§ 2. If the National Juridical Board for Public Lands and Funds pleads on behalf of the public interest in a water case or at a hearing under the water law [1983:291] and a municipality, at the same time, pleads on behalf of the public interest within the municipality, the National Juridical Board for Public Lands and Funds should consult with the municipality. Such consultation should also occur in other cases, when a matter of public interest for a locality is at issue in a water case or at a hearing.

The authority of the referenc

§ 3. Regulations on the authority of a referee under chapter 12 of the water law [1983:291] are announced by the National Board of Agriculture or, when the matter regards drainage of wooded ground, by the National Forestry Board. [Law 1991:561]

§ 4. Before the regional administration appoints a referee under chapter 12 of the water law [1983:291], the regional administration should consult with the National Board of Agriculture, or, when the matter regards drainage of wooded ground, with the Regional Forestry Board. [Law 1991:561]

When a referee has been appointed, the regional administration should inform the National Board of Agriculture and the Regional Agricultural Board of the appointment or, when a matter regards drainage of wooded ground, the Regional Board of Forestry. [Law 1991:80]

Records at a hearing under chapter 12 of the water law [1983:291], etc.

§ 5. A record should be kept of the hearing of the case that occurs at a meeting with the plaintiffs. If a ruling is announced that should be in the record or if necessary for the handling of the case to be reported in a satisfactory manner, a record should also be kept in regard to that other handling.

§ 6. The record should be kept and signed by the referee.

§ 7. The record should include:

1. time and place of the hearing of the case,
2. the referee, the qualified citizens, experts and interpreters, if any,

3. the plaintiffs and their attorneys or representatives with information on those attending and the properties at issue, stating the plaintiffs' connection to those properties,
4. other persons who are to be informed about meeting with plaintiffs, and those in attendance,
5. the person who has applied for the hearing,
6. a short summary of the matter,
7. authorizations given orally in front of the referee,
8. agreement, consent or permission requested for a certain action, in situations where such information has not been included in any document accompanying the file,
9. the ruling of the referee and dissenting opinions.

The information required under numbers 3-5 can, if appropriate, be given by reference to another document in the file.

Rulings concerning only the proceedings at the hearing do not have to be included in the record. The same applies to decisions to cancel a hearing because the application has been withdrawn, and to a decision to dismiss an application.

§ 8. The record kept at a meeting with plaintiffs should, in addition to the information required by § 7, include:

1. a short description of the agenda for the meeting,
2. motions and objections put forward at the meeting, and changes in previous motions and objections and allowance of claims,
3. a short description of the facts of the case discussed at the meeting and any motions regarding them,
4. a description of the examination put forward,

5. any other matters which may be relevant on appeal, or that for other reasons should be recorded for the future.

If matters referred to in numbers 2-4, have been recorded in another document in the file, the record can merely refer to that file.

§ 9. Any oral report by an expert should be noted in the record to the extent that report appears to be of import in the matter. The referee may, however, direct that the report should be fully recorded instead of noting it in the record.

Any recording should be reproduced in writing, when the referee or the court finds this necessary, or where the plaintiff or another person requests a written copy. The accuracy of the written copy should be confirmed by the referee and the copy added to the documents in the case.

Any recording should be left unchanged until the case has been finally settled. If the recording has been reproduced in writing, it may be destroyed.

§ 10. A record of meetings with plaintiffs should, if possible, be kept as the meeting proceeds. If this is not possible, notes should be kept. With the aid of these notes, the record should be established as soon as possible after the ending of the meeting.

§ 11. When the record is completed, the executor should make a notation of this, date the notation, and sign it.

§ 12. In each case, a diary should be kept by notations on a diary page that shows the date when the case was put forward, the actions that have been taken, and the documents that have been submitted or established in the case and the date of settlement of the case. The diary page should be kept in the case file.

§ 13. The documents that are submitted or established in a case should be collected in one file. The file should be furnished with a cover.

Documents included in the file, with the exception of documents referred to in §14, paragraph one, first sentence, should be marked with different symbols as the documents are submitted or established. Submitted documents should, in addition, be marked with the date of submission.

Decisions that are not included in a record should be noted on diary pages or on another document in the file. Such decisions should be signed by the referee.

§ 14. After the case has been settled through a final decision or verdict, the memoranda or duplicates of documents, and such letters and service certificates that do not include any information of importance to the case can be removed from the file. At the same time, authorization documents can also be removed, if a note is made in the file regarding the contents of such documents, and such note is verified by the referee.

Special regulations control the removal of other documents, and the maintenance of case files.

§ 15. A copy of the permit decision or other final decision at the hearing should be sent to the National Juridical Board for Public Lands and Funds and the regional

administration and to municipalities that have entered pleadings at the hearing. If any other authority has spoken during the hearing, such a copy should also be sent to that authority.

§ 16. Within six months after the hearing has been completed by a final decision, the referee should send the hearing file:

1. to the Regional Board of Forestry regarding projects that only concern drainage of wooded ground and,
2. to the regional administration regarding other projects.

The Regional Boards of Forestry and regional administrations should keep an index of hearing files sent to them under the previous paragraph or under § 20. [Law 1991:80]

List of the water court's notices to plaintiffs

§ 17. The water court's file regarding application cases should contain a list of the notices to plaintiffs that have been sent out under the regulations in chapter 13, §§ 22 and 35 of the water law. [1983:291] Such list, signed by an official at the district court, should indicate the date when the notices were mailed. If appropriate, it is sufficient to make reference in the list to notices in the file by name and address of the owner. In the absence of other indications, the list is evidence that notices have been sent to those persons and addresses on the stated day.

Communication of certain verdicts and decisions, etc.

§ 18. A copy of the court's verdict or final decisions in application cases should be sent to the National Juridical Board for Public Lands and Funds, the regional administration

and to municipalities that have entered pleadings in the case. If any other authority has spoken in the case, such copy should also be sent to that authority.

A copy of the verdict of the court or final decisions in application cases regarding water projects identified in chapter 1, § 3, paragraph one of the water law [1983:291] should be sent to the Swedish Meteorological and Hydrological Institute. [Law 1989:754]

§ 19. When a court in a water case has announced a verdict that includes regulations for the protection or promotion of fishing, the court should, as soon as possible after the time for appeal of the verdict has expired, send a copy of the portions of the verdict that include such regulations to the National Board of Fisheries. The copy should be accompanied by a certificate stating whether or not the verdict has been appealed. [Law 1991:561]

§ 20. After an execution case or the appeal of an execution case has been concluded by a final verdict or a decision, the court should send as soon as possible the hearing file and a copy of the verdict or decision to the authority stated in § 16, paragraph one.

The communication of maps, etc. to the authority responsible for property registration

§ 21. When a decision by a referee or a court on redemption of part of a property, under the water law [1983:291], has become final, the referee or the court should send to the authority for property registration.

When a protection area for surface or ground water supply has been designated, changed or has expired under chapter 19, § 2 of the water law [1983:291], the regional

administration should immediately inform the authority responsible for property registration. [Law 1990:270]

When redemption as referred to in the previous paragraph is completed, the regional administration should immediately inform the authority responsible for property registration, if this authority is other than the regional administration.

#### Renovation

§ 22 . Within six weeks after the expiration of each calendar quarter, the water court should send to the National Archives [riksarkivet] a copy of the documents in the water cases that have been concluded by final verdict or decision.

Notification of the registration authority, etc.

§ 23. The court should note, in the property book [fastighetsboken] or the ground lease right book, and in writing inform the authority responsible for property registration about any transfer of authority under chapter 14, § 4, paragraph one of the water law. [1983:291]

§ 24. The court and the referee should note, in the property book or the ground lease right book, and in writing inform the authority responsible for property registration about any authorization, under chapter 16, § 10 of the water law [1983:291], for a registered special right to remain in existence or expire.

§ 25. The regional administration should, note in the property book or the ground lease right book, and in writing inform the authority responsible for property registration,

that redemption of land under water law [1983:291] is completed, and about any circumstances as referred to in § 24, paragraph two of the law [1983:292] regarding implementation of the water law. [1983:291]

§ 26. If redemption or encroachment compensation due to an owner of an estate in tail has been reduced under § 17 of the law [1983:292] regarding implementation of the water law [1983:291], the regional administration should inform the entailed estate commission. Authorizations under the afore-mentioned regulation should be announced by the commission.

Announcements under chapter 16, § 15 the water law [1983:291]

§ 27. If a property is burdened by a mortgage that originally attached to a property with another register number, the announcement, under chapter 16, § 15 of the water law [1983:291], should include information about the register number of each property to which the mortgage was formally attached, excluding however the number of any property from which the mortgage has been removed or divided.

Communication of inspection records

§ 28. When the regional administration has acquired a record of inspection under chapter 18, § 3, paragraph one of the water law [1983:291], one copy of this record should be sent to the water court for notation in the water book.

Regulations within water protection areas

§ 29 The regional administration announces any regulations under chapter 19, § 3 of the water law. [1983:291]