

(12 November 1999 - to date)

## **NATIONAL WATER ACT 36 OF 1998**

*(Gazette No. 19182, Notice No. 1091. See Act for commencement dates)*

### **REGULATIONS REQUIRING THAT A WATER USE BE REGISTERED**

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The Minister of Water Affairs and Forestry has under section 26(1)(c), read together with section 69 of the National Water Act, 1998, (Act No. 36 of 1998), made the regulations set out in the Schedule hereto.

#### **MINISTER OF WATER AFFAIRS AND FORESTRY**

#### **EXPLANATORY NOTE**

*The Minister of Water Affairs and Forestry is responsible for the protection, use, development, conservation, management and control of the water resources of South Africa on a sustainable basis. These regulations will contribute to this responsibility.*

*Section 26(1)(c) of the Act allows for registration of all water uses including existing lawful water use in terms of section 34(2). Section 29(1)(b)(vi) also states that in the case of a general authorisation, the responsible authority may attach a condition requiring the registration of such water use.*

#### **SCHEDULE**

#### **REGULATIONS ON REGISTRATION OF WATER USE**

##### **1. Definitions**

In these regulations any word or expression to which a meaning has been assigned in terms of the National Water Act, 1998 (Act No. 36 of 1998), (hereinafter referred to as "the Act") shall have the meaning so assigned unless the context indicates otherwise.

##### **2. Water use**

For the purpose of these regulations water use is water use as contemplated in section 21 of the Act.

##### **3. Application for registration of water use**

Any person who uses water in terms of section 21 of the Act must register such use on a form obtained from the Department and submit the completed form to the responsible authority-

- (a) as required under a general authorisation promulgated in terms of section 39 of the Act; or
- (b) when requested to do so by the responsible authority
  - (i) by means of a notice published in the *Gazette*; and
  - (ii) by other means likely to reach the water user.

#### **4. Different users at different places**

Subject to section 39(1) of the Act, different water users may be called on to register specific water uses at different times and in different defined geographical areas.

#### **5. Only official forms may be used**

Only official forms obtained from the Department may be used in terms of these regulations.

#### **6. Extent and lawfulness of water use**

- (1) The extent or lawfulness of the relevant water use will be determined on the basis of the information supplied in the application forms. The responsibility is with the water user to ensure the correctness of all information.
- (2) The extent or lawfulness of the water use is subject to verification by the responsible authority in terms of section 35 of the Act.

#### **7. Registration certificate**

- (1) As soon as possible on submission of an application form completed to the satisfaction of the responsible authority, a registration certificate must be issued.
- (2) In the event of damage to or loss of the original certificate, the water user may, subject to regulation 12(3), obtain a replacement registration certificate from the responsible authority.

#### **8. Deregistration**

- (1) A person who no longer wishes to continue with his or her registered water use must apply to the responsible authority for the deregistration of that water use.

- (2) If the water use is connected with-
- (a) a waterwork that belongs to a bulk water supplier, a water management institution or a communal scheme; or
  - (b) a waterwork in respect of which financial obligations are outstanding,
- the written approval of the supplier who owns the waterworks must be submitted with the application for deregistration.
- (3) Where a dam is a dam with a safety risk or declared to be a dam with a safety risk, the procedure as set out in Chapter 12 of the Act and any regulation appertaining thereto must be complied with in respect of deregistration.
- (4) Proof of deregistration of any registered water use must be provided by the responsible authority.

## **9. Inspection**

The registration certificate and the property in respect of which a water use has been registered in terms of these regulations, are subject to inspection in terms of section 125 of the Act.

## **10. Exemptions from registration of water use**

The following water uses are exempted from registration-

- (a) any water use under Schedule 1 to the Act
- (b) where registration is not required in terms of a general authorisation promulgated in terms of section 39 of the Act; and
- (c) a person who obtains water from a bulk water supplier, a water management institution or from a communal scheme.

## **11. Amendment to the registration of water use**

- (1) The registered user must within one month of any change in the water use reflected in any registration certificate report the proposed change to the responsible authority.
- (2) The responsible authority may instruct the water user in writing -
  - (a) to submit an application for an amendment to his or her registration certificate;

- (b) to submit a new application for registration; or
  - (c) to apply for a licence in terms of the Act, within a specific period.
- (3) Seasonal or cyclical fluctuations in water use are not regarded as a change in the water use for purpose of these regulations.

## **12. Cost of registering a water use**

- (1) No fee will be charged for an application to register a water use if the completed registration forms are submitted in compliance with regulation 3.
- (2) A fee may be charged for registration for any application not submitted within a stipulated period.
- (3) Replacement of a lost or damaged registration certificate will be subject to a charge to cover the costs of replacement.

## **13. Offence**

Any person who contravenes or fails to comply with any provision of these regulations is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years.

## **14. Title and coming into effect**

These regulations are the Water Use Registration Regulations and come into effect on date of publication.