

STATUTORY INSTRUMENT NO. 2018

**The Water Resources Management Act
(Act No. 21 of 2011)**

**The Water Resources Management
(Groundwater and Boreholes)
Regulations, 2018**

IN EXERCISE of the powers contained in section 179 of the Water Resources Management Act, 2011, the following Regulations are made:

Title

1. These Regulations may be cited as the Water Resources Management (Groundwater and Boreholes) Regulations, 2018.

Interpretation

2. In these Regulations unless context otherwise requires -

“Authority” has the meaning assigned to the word in the Act;

“brackish” has the meaning assigned to the word in the Act;

“casing” means a pipe of steel, unplasticised polyvinyl chloride or any other suitable material inserted into a borehole to support the borehole against collapse;

“drillers” has the meaning assigned to the word in the Act;

“gravel pack” means sand or gravel that is uniform, clean, well-rounded and siliceous;

“karst” means a limestone rock layer that contains the cavities and cracks, which are characterised by high permeability and water movement is not homogeneous;

“pollution” has the meaning assigned to the word in the Act;

“pumping test” means a test carried out to assess the aquifer or borehole characteristics;

“sanitary seal” means a seal composed of a cement grout, with which the annular space between the borehole wall and the surface casing is filled in order to prevent contamination of the borehole;

“screen” means a perforated section of a casing pipe that allows water to enter the borehole whilst restricting sediments from entering the borehole;

“successful borehole” means a borehole that has acceptable yield upon completion;

“Total Dissolved Solids” means the quantity of dissolved material in water expressed as milligrams per litre; and

“unsuccessful borehole” means a borehole that

does not yield any water or meet the acceptable yield.

Notice to drill borehole

3. (1) A person who intends to drill a borehole shall give notice of intention to drill a borehole to the Authority, catchment council or sub-catchment council in Form I set out in the First Schedule.

(2) An application to drill a borehole shall be made to the Authority in Form II set out in the First Schedule, on payment of the prescribed fee.

(3) The Authority shall, where it authorises the drilling of a borehole, inform the applicant in Form III set out in the First Schedule.

(4) The Authority shall, where it rejects the notification of drilling a borehole, inform the applicant in Form IV set out in the First Schedule.

Location of boreholes

4. (1) A driller shall ensure that the location of the borehole meets the distances specified in the Second Schedule.

(2) Where the specified distances in the second Schedule are not practicable, the Authority may approve such other distances.

Specification of boreholes

5. (1) A driller shall ensure that a successful borehole is installed with the following:

- (i) full casing of the borehole from the top to the bottom;
- (ii) gravel pack;
- (iii) bottom plug; and
- (iv) a sanitary seal.

(2) An unsuccessful or exploratory borehole shall not require the specifications under subregulation (1).

(3) A driller shall ensure that an unsuccessful borehole is backfilled and capped with grout within twenty-four hours.

Register of boreholes

6. (1) A person who drills a borehole shall register the borehole in Form V set out in the First Schedule, on payment of a prescribed fee.

(2) The Authority shall keep and maintain a Register of boreholes as set out in the Third Schedule.

Defective borehole

7. A person who owns a defective borehole shall report to the Authority or a catchment manager within fourteen days of discovering brackish water or any other substance in Form VI set out in the First Schedule.

Fees

8. The fees set out in the Water Resources Management (Fees and Charges) Regulations, 2018, are the applicable fees for the purposes of these Regulations.

General offence and
penalty

9. A person who contravenes these Regulations commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.

Transitional provisions

10. A person who had a borehole before the coming into operation of these Regulations, shall register that borehole on payment of the prescribed fee within six months of the coming into effect of these Regulations.