

**BERMUDA STATUTORY INSTRUMENT**

**SR&O 15/1976**

**DEVELOPMENT AND PLANNING (WELLS AND BOREHOLES)  
ORDER 1976**

*[made under section 15 of the Development and Planning Act 1974 [title 20  
item 1] and brought into operation on 1 March 1974]*

ARRANGEMENT OF ARTICLES

- 1 Interpretation
- 2 Permitted development; wells
- 3 Limitation of permitted development
- 4 Pump houses
- 5 Planning condition to prevail
- 6 Building Code to prevail
- 7 *[omitted]*

**Interpretation**

- 1 In this Order—

"lot" means the land within the curtilage of a building (not being a building ancillary to another) and in the case of land which is not within such a curtilage the expression shall be construed in conformity with the general development plan for Bermuda as from time to time in force;

"well" includes any well, borehole, adit, tunnel, gallery or other excavation constructed or used for the abstraction of public water.

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**Permitted development; wells**

2 (1) Subject to this Order the development of land by the construction of a well shall be permitted and may be undertaken without the permission of the Development Applications Board.

(2) The planning permission granted by sub-paragraph (1) shall have the effect of granting planning permission for any drilling, excavation or other engineering works which are necessary in order to carry out the development permitted by sub-paragraph (1).

**Limitation of permitted development**

3 Nothing in paragraph 2 shall authorize the construction of—

- (a) more than one well upon any lot;
- (b) a well upon a lot where there is already a well.

**Pump houses**

4 Subject to this Order the development of land by the construction of a building to house pumping equipment for the abstraction of water from a well shall be permitted and may be undertaken without the permission of the Development Applications Board where—

- (a) no wall of the building exceeds 1.8 metres in length; and
- (b) the building is not more than 1.2 metres in height; and
- (c) the siting of the building complies with the requirements of the development plan in force in the place where the building is situated and any zoning order or municipal bye-law which is in force in such place.

**Planning condition to prevail**

5 Nothing in this Order shall operate so as to permit any development contrary to a condition imposed on the grant of any planning permission under the Development and Planning Act 1974 [*title 20 item 1*].

**Building Code to prevail**

6 Nothing in this Order shall derogate from the Building Code 1972 [*title 20 item 1(f)*] or any regulation under Part VIII of the Development and Planning Act 1974 [*title 20 item 1*].

**Commencement**

7 [*omitted*]