

THE UNDERGROUND WATER CONTROL ACT

REGULATIONS
(*under section 6*)

The Underground Water Control (Abstractions) Regulations, 1961 L.N. 90/62

ORDERS
(*under section 9*)

(*Omitted*)

REGULATIONS
(*under section 13*)

The Underground Water Control (Licensing) Regulations, 1961

L.N. 91/62
127A/85

THE UNDERGROUND WATER CONTROL ACT

REGULATIONS
(under section 6)

THE UNDERGROUND WATER CONTROL (ABSTRACTIONS) REGULATIONS,
1961

(Made by the Underground Water Authority, with the approval of the Minister on the 18th day of November, 1961) L.N. 90/62

1. These Regulations may be cited as the Underground Water Control (Abstractions) Regulations, 1961.

2. In these Regulations “underground work” means a well, borehole, adit or other underground work used for obtaining a supply of water.

3.—(1) Subject to paragraph (a) of the proviso to subsection (1) of section 6 of the Act (which provides that regulations made under that section shall not apply in a case where water is abstracted by an individual for the domestic purposes of his household only) any person who abstracts water from an underground work shall keep such records as are specified in paragraph (2).

(2) The records to be kept by a person for the purpose of these Regulations shall, in respect of each underground work from which he abstracts water—

- (a) show the quantity of water abstracted each day;
- (b) if possible show as ascertained at some time in the month of March in each year—
 - (i) the rest level; and
 - (ii) the pumping level for a stated abstraction rate;
- (c) include certified copies of any chemical and bacteriological analyses of the water made on his behalf.

(3) For the purposes of this regulation—

- (a) the rest level of the water in an underground work means the water level therein when no abstraction of water is taking place, measured from a fixed point which shall be specified;

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- (b) the pumping level of the water in an underground work means the water level when abstraction of water therefrom is taking place at a specified rate as measured by a method approved by the Authority;
- (c) an underground work from which water is or may be abstracted by means of pumping shall be deemed to be capable of yielding so much water a day as the pumping equipment installed in connection therewith is capable of pumping in a day as measured by a method approved by the Authority.

(4) Any record kept for the purposes of these Regulations shall be preserved for a period of five years.

4.—(1) A person who is required by regulation 3 to keep the records therein mentioned shall—

(a) in respect of each period of twelve months ending on the 31st day of March, furnish to the Authority within twenty-one days of the end of the period a return in the form shown in the First Schedule in respect of each underground work in relation to which such records are required; and

First
Schedule.

(b) if required so to do by the Authority in writing—

(i) cause an analysis to be made of any water abstracted by him, in the state in which it is abstracted, and to furnish a copy of the analysis to the Authority;

(ii) furnish to the Authority a sample, of such quantity as the Authority may require of any water abstracted by him, in the state in which it is abstracted.

(2) An analysis for the purposes of this regulation shall be in the form set out in the Second Schedule.

Second
Schedule.

5. Any person who contravenes regulation 3 or 4 shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred dollars or to imprisonment with or without hard labour for a term not exceeding three months.

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FIRST SCHEDULE

(Regulation 4)

Annual Return

Geological Survey Ref. No.

Full address of premises in which underground work (well, borehole, adit or other work) is situated.

Name of well, borehole, adit or other work for which this return is made.

Name of person making the return, and address if different from that quoted above.

I certify that, according to the records kept by the abovenamed person—

- (1) The total quantity of water abstracted during the year ended 31st March, 19..... from the underground work described above was..... imperial gallons.
- (2) The rest level of the water therein on the..... March, 19....., was (.....feet) below..... (unascertainable) which is.....feet above/below ground level measured by
- (3) The pumping level of water therein on the..... March, 19....., when water was being abstracted at the rate ofimperial gallons per minute, was.....feet below/above the ground level.

(Signature).....

(Date).....

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SECOND SCHEDULE

(Regulation 4)

Return of analysis of underground water

Geological Survey Ref. No.

Name and address of person making return
 Full address of premises in which well, borehole,
 adit or other work is situated if different from
 above.

Analysis of sample of water from well, borehole, adit or other work in the
 state in which it is abstracted

Date of taking sample... ..

Analysed by.....

(a) Physical Examination

Temperature at source C.

Colour

Appearance

Taste

Smell

(b) General Chemical Examination

Reaction, pH

Free carbon dioxide, as CO₂ parts per million

Ammoniacal nitrogen, as N " " "

Albuminoid nitrogen, as N " " "

Nitrous nitrogen, as N " " "

Nitric nitrogen, as N " " "

Hardness (state test used... ..)

as CaCO₃—

Temporary " " "

Permanent " " "

Permanganate figure (4 hours, 80°F.)

as O parts per million

Alkalinity, as CaCO₃ " " "

Total Solids " " "

(c) Mineral Analysis

Calcium, as Ca " " "

Magnesium, as Mg " " "

Sodium, as Na " " "

Carbonate, as CO₃ " " "

[The inclusion of this page is authorized by L.N. 4/1976]

SECOND SCHEDULE, *contd.*

Chloride, as Cl	parts per million
Sulphate, as SO ₄	" " "
Nitrate, as NO ₃	" " "
Iron	" " "
(d) Other determinations to be carried out at the analyst's discretion or at the Authority's request, depending upon indications obtained and on general characteristics of waters of the district, e.g., manganese, fluorine, etc.			
		" " "
		" " "
		" " "
(e) Bacteriological analyses, if available, should be attached to this form.			

THE UNDERGROUND WATER CONTROL ACT

REGULATIONS
(under section 13)

THE UNDERGROUND WATER CONTROL (LICENSING) REGULATIONS, 1961

*(Made by the Underground Water Authority, with the approval
of the Minister on the 18th day of November, 1961)*

L.N. 91/62
Amdt.
L.N. 127A/85

1. These Regulations may be cited as the Underground Water Control (Licensing) Regulations, 1961.

2. In these Regulations "licence" means a licence under section 11 or 12 of the Act.

3.—(1) An application to the Authority for a licence shall be made to the Authority in the form set out in the First Schedule.

First
Schedule.

(2) The application shall be accompanied by—

- (a) a fee of four hundred dollars of which the sum of two hundred dollars shall be refunded if the application is refused;
- (b) a map on a scale of not less than six inches to one mile prepared by a duly qualified surveyor showing the location of the proposed works or the existing works from which it is proposed to abstract water.

4.—(1) An applicant for a licence shall, unless the Authority forthwith refuses his application, or grants a temporary licence under regulation 7, publish once at least in each of two successive weeks in one or more newspapers circulating in the Island, a notice—

- (a) specifying a place in or within a reasonable distance of the locality in which the works concerned are, or are to be situated, where a copy of the application and of the plan furnished to the Authority in accordance with paragraph (2) of regulation 3 may be inspected by any person free of charge at all reasonable hours during a period of twenty-one days from the date of the first publication of the notice; and

(b) stating that any person desirous of objecting to the application may do so by giving notice of his objection to the Authority in writing before the expiration of the said period, and the expense of publishing such notice shall be borne by the applicant.

(2) Any notice published pursuant to this regulation—

(a) shall specify only the following items of information—

- (i) name and address of applicant;
- (ii) location or proposed location of works;
- (iii) maximum daily quantity (in imperial gallons) of water to be extracted;
- (iv) address where a plan showing the location of the proposed site may be inspected;
- (v) name and address to which objections to the grant of the licence may be sent; and

(b) shall be no less than four inches down and two columns across in size.

(3) The applicant shall, as proof that he has complied with the provisions of this regulation, supply to the Authority within seven days of the publication of a notice by him, a copy of the newspaper page in which such notice appears; or he shall provide such other proof of publication of the said notice as may be satisfactory to the Authority.

5. Any person affected by the application, may object to the granting of a licence to the applicant by giving to the Authority before the expiration of the fourteen days referred to in regulation 4 a notice of objection in writing stating the grounds of the objection.

6.—(1) Subject to the provisions of regulation 7 the Authority shall before granting a licence consider every objection thereto made in accordance with regulation 5.

(2) On the granting of a licence the Authority shall give to any person who has objected thereto in accordance with regulation 5 and has not withdrawn his objection, notice of the grant and of any conditions attached to the licence which appear to him to affect that person.

7. If the Authority is satisfied, upon representations made by an applicant for a licence for the purposes of subsection (1) of section 12

of the Act, that it is necessary for the protection of existing underground works, whether waterworks or not, that such a licence should be granted without delay, it may dispense with the compliance of such of the foregoing provisions of these Regulations as the Authority may think fit and grant to the applicant forthwith a temporary licence valid for a period of not more than three months.

8. A licence shall be in the appropriate form set out in the **Second Schedule.** Second
Schedule.

FIRST SCHEDULE (Regulation 3 (1))

FORM OF APPLICATION FOR LICENCE

THE UNDERGROUND WATER CONTROL ACT

Application for a Licence to construct works or abstract water in a critical area

1. Name and address of applicant.....
2. Location of proposed work, or of existing work which is proposed to be extended.....
3. Purpose for which the licence is desired.....
4. Purpose for which the water is to be used.....
5. Technical details:
 - (i) Estimated depth of the borehole or well.....feet
 - (ii) Diameter of the borehole or well.....inches
 - (iii) In the case of artesian supplies, the method proposed for controlling the flow from the borehole and for preventing leakage around the borehole lining
.....
 - (iv) Type of apparatus proposed for measuring and recording the rate of abstraction.....
 - (v) Other technical information.....
6. (i) Maximum daily quantity of water to be abstracted in imperial gallons
.....
- (ii) Proposed hours of pumping.....
7. Geological strata from which water is to be drawn e.g. limestone, gravel, etc.
.....
8. Whether any request for a supply has been made to the Parish Council and, if so, with what result.....
9. Any further matters which the Authority is desired to take into account in considering the application.....

I hereby apply for a licence in accordance with the provisions of the Underground Water Control Act and the regulations made thereunder for the purpose set out above, and declare that to the best of my knowledge the above particulars are true.

Signed.....

Authorized on behalf of

Date.....19.....

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SECOND SCHEDULE (Regulation 8)

A. Licence to drill

Permission is hereby granted subject to the general provisions of the Act and any regulations which may be in force to.....ofto drill or have drilled a well at the location described in application No.....This well shall have maximum diameter of.....inches and shall be drilled to a depth of not more than.....feet.

Included in this licence is permission subject to the general provisions of the Act and any regulations which may be in force to abstract water from the well at a rate not exceeding.....imperial gallons per minute.

The following provisions are attached to the grant of this licence.....

Signed..... Secretary, Underground Water Authority

B. Licence to increase rate of abstraction of underground water

Permission is hereby granted subject to the general provisions of the Act and any regulations which may be in force to.....ofto increase the rate of abstraction of water from the well in.....known asfrom.....imperial gallons per minute to.....imperial gallons per minute.

The following provisions are attached to the grant of this licence.....

Signed..... Secretary, Underground Water Authority