

ACT

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SIGNED this 3rd day of August, 2017.

DR. ERNEST BAI KOROMA,
President.

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No. 5



2017

Sierra Leone

**THE NATIONAL WATER RESOURCES
MANAGEMENT AGENCY ACT, 2017.**

Short title.

Being an Act to provide for the equitable, beneficial, efficient, and sustainable use and management of the country's water resources; to establish a National Water Resources Management Agency; to provide a Water Basin Management Board and Water Catchment Area Management Committees for the management of the water resources and for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

Interpretation. 1. In this Act, unless the context otherwise requires–

"Agency" means the National Water Resources Management Agency established by section 2;

"basin" means the land area formed by drainage boundaries of major river systems delineated by natural topographical features and international borders, which may be subdivided into a number of constituent parts and which includes both surface water and groundwater resources;

"basin strategy" means a water strategy adopted for a basin;

"Water Basin Management Board" means Water Basin Management Boards established by section 25;

"beneficial use" means the use of water including the method of diversion, storage, transportation and application of water resources which is reasonable and consistent with public interest, including domestic, energy, agriculture, commercial, industrial, navigational and recreational use;

"catchment area" means the area from which any rainfall will drain into the watercourse or watercourses or part of a watercourse through surface flow to a common point or common points;

"contained water" means underground streams, water upon the surface of the earth in bounds created naturally or artificially and the sub-flow of the water;

"court" means the High Court;

"existing right" means any right to water resources:

(a) which on the commencement of this Act has been lawfully acquired, is possessed by and is being beneficially used by any person; or

(b) lawfully acquired by any person before the commencement of this Act for the purpose of supplying water to the public

"fund" means the National Water Resources Management Fund established by section 20;

"groundwater" means water from aquifers or other underground sources;

"holder" means a person who has been granted water permit under this Act;

"Integrated Water Resources Management" means the subscribed principles of integrated water resources management which promote the coordinated development and management of water, land and related resources in order to maximize the resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems;

"Minister" means the Minister responsible for Water Resources and Ministry shall be construed accordingly;

"National Water Basin" means a National Water Basin declared by the Agency under section 24;

"pollution" means any natural, man-made or man aided alteration of the chemical, physical or biological quality of the environment to the extent that it is detrimental to the environment or beyond acceptable limits and pollutants shall be construed accordingly;

"protected catchment area" means any area declared by the Minister to be preserved for the protection of water resources in or derived from the area;

"Water Catchment Area Management Committees" means the Water Catchment Area Management Committees established by section 27;

"reserve" in relation to water resources means that quantity of water required to-

- (a) satisfy basic human needs for all people who are or may be supplied from the water resources; and
- (b) maintain significant environmental services of the water resource including protection of aquatic ecosystems;

"surface water" means any natural or man-made body of water flowing or standing on the surface of the land including rivers, streams, lakes, reservoirs, lagoons, wetlands, swamps, creeks deltas and estuaries;

"waste" means any material that is suspended, dissolved or transported in water (including sediment) and which is spilled or deposited on land or into water resources in such volume, composition or manner as to cause or be reasonably likely to cause the water resource to be polluted;

"water bodies" means any ground water or surface water;

"watercourse" means any natural channel or depression in which water flows regularly or intermittently;

"water resources" means all water flowing over the surface of the ground or contained in or flowing from any river, spring, stream, natural or artificial lake, part of a swamp, beneath a water course and all underground water but excluding any pond or swamp wholly contained within the boundaries of any private land;

"water resources of Sierra Leone" means all water resources in any form, including atmosphere, surface and underground whether the water resources are in territorial waters, exclusive economic zone or any area under the jurisdiction of the Republic of Sierra Leone;

"works" means any construction or activity for or related to use of water;

PART II-ESTABLISHMENT AND FUNCTIONS OF NATIONAL WATER RESOURCES MANAGEMENT AGENCY

2. (1) There is hereby established a body to be known as the National Water Resources Management Agency which shall be responsible to ensure that the water resources of the country are controlled in a sustainable manner taking into account:

Establishment of National Water Resources Management Agency.

- (a) adopting natural river basin and aquifer boundaries as the basic units of management of water resources;
- (b) protecting the water resources for sustainability of the resource and protection of aquatic systems and recognizing the polluter-pays principle;

- (c) providing for existing customary uses of water and avoidance of significant harm to other users;
- (d) promoting the efficient and beneficial use of water resources in the public interest;
- (e) promoting community participation and gender equity in the allocation of water resources;
- (f) promoting conservation and recognizing the economic value of water resources;
- (g) reducing and preventing pollution and degradation of water resources; and
- (h) meeting international obligations in protecting and managing transboundary water bodies.

(2) The Agency shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Agency shall have a common seal, the use of which shall be authenticated by the signatures of -

- (a) the Chairman or other member of the Board authorised either generally or specially by the Board in that behalf; and
- (b) the Director-General or some other person authorised by the Board in that behalf.

(4) The Agency and other water institutions established by this Act shall in the performance of their duties be guided by the following principles:

- (a) consultation and participation of relevant state institutions, local communities, women and other relevant stakeholders
- (b) management of water resources at the lowest possible level
- (c) administrative efficiency transparency and accountability; and
- (d) promotion of integrated water resources management.

(5) In implementing the principles under subsections (1) and (2) of this section, the Agency established under this Act shall promote the integrated water resources management and the coordinated management of:

- (a) economic development, social welfare and environmental sustainability;
- (b) land and water resources
- (c) the river basin and its adjacent marine and coastal environment; and
- (d) upstream and downstream interests.

3. (1) The property in and control of all water resources is vested in the Government and people of Sierra Leone. Use of water resources.

(2) Notwithstanding anything to the contrary in this Act or any other enactment, no person shall:

- (a) divert, dam, store, dredge, abstract or use water resources; or
- (b) construct or maintain any works for the use of water resources, except in accordance with the provisions of this Act.

(3) Notwithstanding the provision in subsection (2) a person may, without a permit:

- (a) take water from a water course to which the public has free access for the purpose of reasonable domestic use or for watering domestic livestock;
- (b) use water for the purposes of subsistence fishing or for navigation to the extent that such use is not inconsistent with the provisions of this Act or any other existing law;
- (c) where a statutory or customary right of occupancy to any land exists, take or use water without charge from the underground water source or if abutting the bank of any watercourse, from that watercourse for reasonable domestic use, watering livestock and for personal irrigation and not for commercial purpose.

(4) A person may continue with an existing lawful water use, including customary use, in accordance with the exempted water use section of this Act.

Board of Agency.

4. (1) The governing body of the Agency shall be a Board in which shall be vested, subject to this Act, the control and supervision of the Agency.

(2) The Board shall consist of a Chairman who shall have considerable knowledge and proven experience in water resources management and the following other members -

- (a) the Permanent Secretary of the Ministry or his representative not below the rank of Director;
- (b) the Permanent Secretary of the Ministry responsible for Energy or his representative not below the rank of Director;
- (c) the Permanent Secretary of the Ministry responsible for Local Government and Rural Development or his representative not below the rank of Director;

- (d) the Permanent Secretary of the Ministry responsible for Lands or his representative not below the rank of Director;
- (e) the Executive Chairman, Environment Protection Agency or his representative not below the rank of Director;
- (f) the Director General, National Minerals Agency or his representative not below the rank of Director;
- (g) the Chairman, National Council of Paramount Chiefs ;
- (h) the Managing Director, of Guma Valley Water Company or his representative not below the rank of Director;
- (i) the Director General, of Sierra Leone Water Company or his representative not below the rank of Director;
- (j) the Director, Sierra Leone Meteorological Services or his representative not below the rank of Director;
- (k) two representatives from Civil Society Organisations one of whom shall be a woman dealing with water resources management appointed by the Minister ;
- (l) the Executive Director, National Protected Area Authority, or his representative not below the rank of Director;
- (m) the Director-General who shall serve as secretary
- (n) the Permanent Secretary, Ministry of Agriculture, or his representative not below the rank of Director

(3) The Chairman shall be appointed by the President after consultations with the Minister and subject to the approval of Parliament on such terms as may be stated in his letter of appointment.

Tenure of members.

5. (1) The Chairman shall hold office for a period of 3 years and shall be eligible for re-appointment for another term of 3 years and may at any time by notice in writing to the Minister resign his office.

(2) A person shall cease to be a member of the Board on any of the following grounds-

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the board without reasonable cause, or
- (f) if he resigns his office by written notice to the Minister.

Meetings of Board.

6. (1) The Board shall meet for the dispatch of its business at least once every three months at such times and places as the Chairman may determine.

(2) The Chairman shall preside at every meeting of the Board, if present, and in his absence, the members present shall appoint a member from among their number to preside at that meeting.

(3) A minimum of not less than one-third of members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice:

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within five days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be 9.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) No act or proceeding shall be invalidated by a vacancy among its members or a defect in the appointment or qualification of a member.

(10) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(11) Subject to this Act, the Board shall regulate its own procedure.

7. (1) A member of the Board who has any personal interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter. Disclosure of interest.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the Board.

Immunity of members of Board, etc.

8. (1) No action or other proceedings shall lie or be instituted against any member of the Board or member of a committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) No member of the Board shall be personally liable for any debt or obligation of the Agency.

Committees of Board.

9. (1) The Board may, for the discharge of its functions, appoint committees comprising members or non-members or both.

(2) Without prejudice to the generality of subsection (1), the Board shall appoint an audit committee consisting of such members of the Board, excluding the Director-General, and performing such functions as the Board may determine.

(3) A committee appointed under subsection (1), shall submit a report of its proceedings to the Board at such time as the Board may determine.

Remuneration of members.

10. The Chairman and other members of the Board and any person co-opted by the Board under subsection (8) of section 6 shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Agency for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine.

Filling of vacancies.

11. (1) Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent for a continuous period exceeding 12 months or is by reason of illness unable to perform the functions of his office for a continuous period of three months-

- (a) the members of the Board shall, as the case may be, elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) in the case of a member, the Chairman shall arrange, subject to this Act, to have another person appointed to the Board.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment for one other term only.

12. Subject to this Act, the Agency shall not be under the control or direction of any person or authority. Independence of Agency.

PART III—FUNCTIONS OF THE AGENCY AND ADMINISTRATIVE PROVISIONS

13. (1) The object for which the Agency is established is to regulate, utilize, protect, develop, conserve, control and generally manage water resources throughout Sierra Leone. Functions of Agency

(2) Without prejudice to the generality of subsection (1) the Agency shall perform the following functions-

- (a) propose comprehensive plans and strategies for the utilization, conservation, development and improvement of water resources;
- (b) initiate, control and coordinate activities concerned with the development and utilization of water resources including the supervision and regulation of -
 - (i) the Water Basin Management Boards; and
 - (ii) Water Catchment Area Management Committees.
- (c) grant water rights and collect raw water charges;
- (d) collect, collate, store and disseminate data or information on water resources in Sierra Leone in collaboration with other relevant institutions;

- (e) require water user agencies to undertake scientific investigations, experiments or research into water resources in Sierra Leone;
- (f) monitor and evaluate programmes for the operation and maintenance of water resources;
- (g) advise the Minister on any matter likely to have adverse effect on the water resources of the country;
- (h) advise pollution control agencies in Sierra Leone on matters concerning the management and control of pollution of water resources;
- (i) cooperate and collaborate with relevant international organisations for the management and utilization of international trans boundary watercourses; and
- (j) carry out such other functions and programmes as is necessary for the attainment of the object stated in subsection (1).

Director-General

14. (1) The Agency shall have a Director-General who shall be the administrative head of the Agency, appointed by the President subject to the approval of Parliament.

(2) The Director-General shall be a person with-

- (a) formal qualification in any profession relevant or appropriate to the functions of the Agency; and
- (b) proven ability in public administration and management.

(3) The Director-General shall hold office on such terms and conditions as shall be specified in his letter of appointment.

15. (1) The Director-General shall be assisted by other ^{Other} Directors who shall be in charge of such departments of the Agency ^{Directors of} established by the Board as may be necessary for the performance of the functions of the Agency including -

- (a) the Water Planning, Research and Policy Department;
- (b) the Monitoring, Data Collection and Information Technology Department;
- (c) the Finance and Administration Department; and
- (d) the Regulation, Enforcement and Public Relations Department.

(2) A Director shall be appointed by the Board on such terms and conditions as shall be specified in his letter of appointment.

16. (1) The Agency shall have, in addition to the Director-General and other Directors referred to in sections 14 and 15, a secretariat consisting of a Secretary, Finance Officer, Administrative Officer and such other additional technical and administrative staff, as may be required for the efficient performance of the functions of the Agency. ^{Other staff of Agency.}

(2) The staff of the secretariat shall be appointed by the Board on such terms and conditions as the Board shall determine.

(3) The Board may delegate to the Director-General-

- (a) the power to appointment such grade or categories of staff as the Agency may require; and
- (b) the power to enter into agreements with independent bodies or agencies for the purpose of carrying out the functions of the Agency for and on behalf of the Agency.

Secondment of public officers.

17. Public officers may at the instance of the Agency, be seconded or otherwise render assistance to the Agency but the Agency may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Agency.

Protection of officers.

18. No officer or employee of the Agency or any person acting on the directions of an officer or employee of the Agency shall be liable in respect of any matter or thing done by him in good faith under this Act.

Consultants and experts.

19. The Board may engage the services of consultants and experts as it considers necessary for the proper and efficient performance of the Agency.

PART IV—FINANCIAL PROVISIONS

National Water Resources Management Fund.

20. (1) There is established by this Act a fund to be known as the National Water Resources Management Fund referred to in this Act as the “Fund” which shall consist of monies including—

- (a) such portion of the fees, levies, raw water charges as monies the Agency is allowed to retain by the Minister of Finance and Economic Development;
- (b) all monies appropriated by Parliament for the purposes of the Agency;
- (c) all monies given to the Agency by way of gifts, endowments, bequests, grants or other contributions by persons and organisations for the purposes of the Agency;
- (d) all returns on investment; and
- (d) all other monies including permit fees which may, from time to time, accrue to the Agency.

(2) The Water Resources Management Fund shall be applied only for the purposes of the approved budget of the Agency including.

- (a) the sustainable and efficient management of the water resources;
- (b) the education of the general public on proper management and utilization of water resources;
- (c) research, studies and investigations relating to the functions of the Agency;
- (d) funding the activities of the Basin Boards and Water Catchment Area Management Committees established under this Act;
- (e) human resource development; and
- (f) such other purposes as the Board after consultations with the Minister may determine.

21. (1) The Agency shall keep proper books of account and other records in relation to the activities, property and finances of the Agency in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Agency a financial statement which shall include—

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Agency kept under subsection (1) shall, not later than two months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Agency and to require such information and explanation thereon as he may think fit.

Accounts and audit of Agency.

(4) The Agency shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Agency.

(5) The Auditor-General or the auditor appointed by him shall submit to the Agency a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to -

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Agency; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Agency.

Financial year of Agency.

22. The financial year of the Agency shall be the same as the financial year of Government.

Annual report.

23. (1) The Agency shall, within 3 months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policies and programmes.

(2) The annual report shall include the accounts and annual financial statement prepared under section 21 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 2 months after he has received the report.

(4) The Agency shall make copies of the report available to all stakeholders once it has been laid before Parliament.

PART V—THE WATER BASIN MANAGEMENT BOARDS

Declaration of National Water Basins.

24. The Agency may, for the purpose of efficient water management declare any area to be a National Water Basin.

25. (1) There shall be, in respect of each National Water Basin declared by the Agency under section 24, a Water Basin Management Board for the area in question which shall, subject to the overall supervision and direction of the Agency, be responsible for the performance of the following functions-

- (a) exercise control over water resources within the Basin in respect of protection, use, development, conservation and management;
- (b) in consultation with the Agency and relevant local authorities, establish Water Catchment Area Management Committees for the sustainable management of water catchments within the Basin;
- (c) coordinate the activities of Water Catchment Area Management Committees within the Basin;
- (d) serve as an arbitration body in resolving conflicts between various Water Catchment Area Management Committees within the Basin;
- (e) establish and maintain a National Water Basin Register on which shall be a record of all water basins declared by the Agency as a National Water Basin under section 24;
- (f) promote improved water resources quality and control pollution through collaboration with relevant institutions;
- (g) monitor water use and water quality and take action for remediation where water quality is adversely affected; and

Water Basin Management Board.

- (h) regulate other activities that may affect water quantity including but not limited to weed dredging, control, clearing and containment activities.

(2) A Water Basin Management Board referred to under subsection (1), shall consist of the following members-

- (a) the Chairman of the District Council or Councils within the National Water Basin;
- (b) the Chairman of the Water Catchment Area Management Committee or Committees within the Basin;
- (c) the Paramount Chief or Chiefs within the Basin;
- (d) a representative of -
 - (i) the Ministry of Agriculture Forestry Divisions;
 - (ii) the National Minerals Agency;
 - (iii) the Ministry of Lands;
 - (iv) the Environment Protection Agency;
 - (v) the National Protected Area Authority; and
- (e) the Basin Board Officer who shall be the Secretary to the Board.

(3) The Basin Board Officer referred to in paragraph (e) of subsection (2) shall be appointed by the Agency and shall be responsible for the day to day administration of the National Water Basin in question and to ensure the implementation of the decision of the national Water Basin Management Board.

PART VI-THE WATER CATCHMENT AREA MANAGEMENT COMMITTEES

26. The Agency may, for the purpose of efficient water management declare any area to be a Protected Water Catchment Area.

Declaration of Protected Water Catchment Area.

27. (1) There shall be, in respect of each protected catchment area within a Water Basin, a water catchment area management Committee established by the Water Basin Management Board in consultation with the Agency and relevant local authorities, which shall perform the following functions-

Water Catchment Area Management Committees.

- (a) develop and implement water Catchment Area management strategies;
- (b) advise the relevant local authorities in making rules and bye-laws for the efficient management of water resources in the Protected Water Catchment Area;
- (c) protect, conserve, manage and control water resources and their use within the Protected Water Catchment Area
- (d) advise the Agency on the allocation and issuance of water permits within the Protected Water Catchment Area;
- (e) monitor water use and quality, collect data on water resources within the Protected Water Catchment Area and take action for remediation where water quality is adversely affected;
- (f) in collaboration with traditional authorities, promote improved water quality and pollution control through the integration of traditional institutions and practices within the Protected Water Catchment Area;

- (g) promote community participation in the protection, use, development, conservation, management and control of the water resources in the Protected Water Catchment Area;
- (h) coordinate the related activities of water users and other relevant water management institutions within the Protected Water Catchment Area;
- (i) facilitate resolution of water-related conflicts relating to the Protected Water Catchment Area;
- (j) participate in and coordinate with other Committees in upstream or downstream catchments in maintaining the integrity of the water resources;
- (k) maintain a Catchment Water Use Register containing information on water uses registered in the Protected Water Catchment Area; and
- (l) prepare and submit periodic reports on the management of water resources in the Protected Water Catchment Area to the National Water Basin Management Board including listing all registered water uses in its Protected water Catchment Area;

(2) A Water Catchment Area Management Committee referred to in subsection (1) shall consist of the following members-

- (a) a representative of –
 - (i) the Electricity Distribution and Supply Authority;

- (ii) the Ministry responsible for mineral resources;
 - (iii) the Ministry responsible for lands;
 - (iv) the Environment Protection Agency;
 - (v) the National Protected Area authority;
 - (vi) 2 members of a civil society organisation one of whom shall be a woman involved in water related activities within the Protected Water Catchment Area appointed by the Minister; and
 - (vii) forestry division, and
- (b) the Catchment Officer who shall be the Secretary to the Committee.

(3) The Catchment Officer referred to in paragraph (b) of subsection (2) shall be appointed by the Agency and shall, subject to the general directions of the Basin Officer, be responsible for the day to day administration of the Protected Water Catchment Area and to ensure the implementation of the decisions of the Committee.

PART VII–WATER USE AND PERMIT PROCEDURES

28. (1) No person shall abstract raw water by mechanical means except on a permit issued by the Agency for that purpose. Regulation of water use.

(2) The Minister may, after consultation with the Agency, by statutory instrument prescribe the level of water uses which shall be exempted from the requirement of a permit under subsection (1).

(3) Subject to this Act, an exemption from the requirement of a permit under subsection (2) shall be registered in accordance with section 29.

(4) A water permit granted under this Act shall–

- (a) be valid for the period specified in the permit;
- (b) be subject to the conditions specified in the permit; and
- (c) be renewed.

Application for water use permit. **29.** (1) An application for water use permit may be obtained from the Agency for any of the following purposes—

- (a) domestic water use
- (b) commercial water use
- (c) municipal water use
- (d) industrial water use
- (e) agricultural water use
- (f) power generation water use
- (g) water transportation use
- (h) fisheries (aquaculture) water use
- (i) environmental water use;
- (j) underwater wood harvesting; and
- (k) recreational water use ; or
- (l) any other purpose

(2) An application for water use permit under subsection (1), shall be submitted to the Agency in the prescribed form and shall be accompanied by-

- (a) the prescribed administrative and processing fees; and

- (b) any other information including an environmental impact assessment and an environmental management plan as the Agency may consider appropriate.

(3) The Agency shall, within 10 days of receipt of an application under subsection (2), -

- (a) acknowledge receipt of the application in writing, and
- (b) not more than 4 months, inform the applicant in writing of the Agency's decision.

(4) In considering an application for water use permit under subsection (2), the Agency shall be guided by the priority of domestic water use and any other national socio-economic development factors including -

- (a) lawful uses of water, including customary water use to the extent that such use does not conflict with national water policy and strategy;
- (b) efficient and beneficial use of water in the public interest;
- (c) the likely effect of the water use on the water resource and on other water users, including the avoidance of significant harm to customary users;
- (d) the strategic importance of the water use; and
- (e) the likely effect of the water use on water quality and reserve.

30. (1) Where the Agency has reasons based on-

- (a) technical data;

Refusal to grant permit.

- (b) sustainability of the water resources;
- (c) national security
- (d) public safety; or
- (e) other reasonable justification,

it shall refuse to grant the permit to the applicant.

(2) The Agency shall within fourteen days communicate the reasons for the refusal of a permit to the applicant.

Registration
of water use.

31. (1) A permit issued and an exemption given by the Minister under section 28 shall be registered by the Agency in the Catchment, Basin or National Water Register as the case may be.

(2) An application for the registration of water use permit or exemption under subsection (1) shall be submitted to the Agency in writing and shall state the -

- (a) name and address of the applicant;
- (b) category and level of the water required;
- (c) water body or system affected; and
- (d) location of the water use.

(3) Where the Agency is satisfied with the application, it shall-

- (a) register the water use; and
- (b) issue the user with a registration number.

Public
notification-

32. (1) The Agency shall, depending on the nature of the water use applied for, prior to granting of a permit, publish in the Gazette and in at least one national newspaper a notice-

- (a) stating the purpose of the application; and
- (b) inviting objections from the public to be submitted to the Agency within 30 days from the date of the publication.

(2) Objections made in response to a notice under subsection (1) shall be submitted in writing or in any other form as the Agency may specify in the notice.

33. (1) Where-

Objections.

- (a) a person claims water right or other interest in a water resource which is the subject of an application, or
- (b) conflicting claims of interest are made over the same water resources,

the claim shall be referred to a Committee set up by the Agency, in collaboration with the Environmental Protection Agency, traditional authorities of the community and relevant government institutions and agencies.

(2) A Committee set up by the Agency under subsection (1) shall, as much as possible, be informal and shall be governed by the rules of natural justice.

(3) The committee shall submit its report and recommendations to the Agency within 14 days after completion of the hearing.

(4) The Agency shall consider the report and recommendations of the committee and give such direction for its implementation as may be appropriate within fourteen days.

(5) A person may appeal to the High Court where that person is dissatisfied with the decision of the Agency.

PART VIII—MONITORING, REPORTING AND INFORMATION SYSTEMS

34. (1) The Agency shall establish and maintain national, basin and catchment water resources monitoring and information systems which shall provide for the collection of data and information necessary to assess-

Monitoring,
reporting,
and informa-
tion systems.

- (a) the quantity of water in the various water resources;
- (b) the status of groundwater aquifers;
- (c) the quality of water resources and the state of the general aquatic environment; and
- (d) the use of water resources, including a register of water uses authorized for all categories of uses.

(2) Information system under subsection (1) shall provide data and information -

- (a) for the protection, sustainable use and management of water resources;
- (b) for the development and or review and implementation of the national water resources strategy; and
- (c) to government, existing and potential water users and the public-
 - (i) on the status of water resources;
 - (ii) for research and development;
 - (iii) for planning and water environmental management;
 - (iv) for determining permit applications;
 - (v) for public safety and disaster management; and
 - (vi) for international cooperation.

(3) The Agency may require in writing that any person shall, within a reasonable time or on a regular basis, provide any data, information, documents, samples or materials reasonably required for-

- (a) the purposes of any national monitoring network or national information system; or
- (b) the management and protection of water resources.

PART IX—OFFENCES AND PENALTIES

35. (1) Any person who-

Offences and penalties.

- (a) uses water resources otherwise than as permitted under this Act;
- (b) fails to provide access to any records, documents or assets when required to do so under this Act;
- (c) fails to comply with any condition attached to a water use permit under this Act;
- (d) fails to comply with a directive issued by the Agency under this Act;
- (e) fails or refuses to give data or information, or gives false or misleading data or information when required to give information under this Act;
- (f) fails to register a water use permit issued or exemption granted under this Act;
- (g) intentionally refuses to perform a duty, or obstructs any other person in the exercise of any power or performance of any duties in pursuance of this Act;

- (h) unlawfully and intentionally or negligently commits any act or omission which pollutes or is likely to pollute a water resource; or
- (i) unlawfully and intentionally or negligently commits any act or omission which detrimentally affects or is likely to affect a water resource,

commits an offence and shall be liable on conviction to a fine not exceeding Le 5,000,000.00 or a term of imprisonment not exceeding 1 year or both such fine and imprisonment.

(2) Any person who—

- (a) interferes with or alters the flow of; or
- (b) pollutes or contaminates, any water resource beyond such level as the Agency may prescribe,

commits an offence and is liable on conviction to a fine not less than Le 10,000,000.00 or to a term of imprisonment not exceeding 3 years or to both such fine and imprisonment.

(3) Any person who.

- (a) diverts, dams, stores, dredges, abstracts or uses water resources; or
- (b) constructs or maintains any works for the use of water resources,

in contravention of this Act commits an offence and shall be liable on conviction to a fine not less than of Le 20,000,000.00 or to a term of imprisonment not exceeding 1 year or to both such fine and imprisonment.

(4) Any person who obstructs another person in the performance of their functions under this Act commits an offence and shall be liable on conviction to a fine of Le3,000,000.00 or a term of imprisonment not exceeding 6 months or both such fine or imprisonment.

PART X—MISCELLANEOUS

36. The Minister may, upon the recommendations of the Regulations. Agency, by statutory instrument make Regulations—

- (a) for preserving existing uses of public water;
- (b) prescribing the level of water uses exempted from permit procedures;
- (c) for controlling any change in the course, current or cross-current of any contained surface water in order to obtain the most beneficial use of the water;
- (d) relating to the declaration of water emergencies;
- (e) for regulating the use of contained water and groundwater;
- (f) for regulating drillers of underground water resources;
- (g) for the carrying out of investigations in respect of any function of the Agency;
- (h) for the protection of watersheds;
- (i) for the granting of permits to discharge waste into water bodies;

- (j) for prescribing the acceptable levels of pollution;
- (k) to regulate or prohibit the doing of any act by any person in a protected catchment area;
- (l) for levying raw water charges for water uses under this Act; and
- (m) prescribing guidelines, procedures, standards and methods for monitoring;
- (n) prescribing the nature, type, period and format of data to be submitted under this Act; and
- (o) generally for the purpose of giving effect to the provisions of this Act;

Repeal and savings.

37. (1) The Water (Control and Supply) Act, (Act No. 16 of 1963) is hereby repealed

(2) Notwithstanding subsection (1), any instrument made or any right, privilege, obligation or liability acquired, accrued or incurred under the Water (Control and Supply) Act, 1963 shall remain in force and be deemed to have been made under this Act until expressly revoked by statutory instrument made under this Act.

Passed in Parliament this *30th day of May*, in the year of our Lord two thousand and Seventeen.

IBRAHIM S. SESAY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

IBRAHIM S. SESAY,
Clerk of Parliament.