

L.N. 120 of 1997

**WATER SERVICES CORPORATION ACT, 1991
(ACT NO. XXIII OF 1991)**

Ground Water Sources (Registration) Regulations, 1997

IN exercise of the powers conferred by section 45 of the Water Services Corporation Act, 1991, the Water Services Corporation, with the approval of the Minister of Public Works and Construction, has made the following regulations:

Citation and
commencement

1. (1) These regulations may be cited as the Ground Water Sources (Registration) Regulations, 1997

(2) These regulations shall come into force on the 27th August, 1997.

Interpretation

2. (1) In these regulations, unless the context otherwise requires:-

“Act” means the Water Services Corporation Act, 1991.

“Corporation” means the Water Services Corporation as established by the Act;

“ground water source” or “source” means any shaft, adit, opening, hole, spring outlet or well artificially dug in the ground or artificially enlarged, which has access to ground water or is vertically deeper than half the distance between the well head and the nearest water table at that point; but it does not include a water retaining cistern;

“officer” includes any person engaged by, detailed for duty with, or in any manner whatsoever performing duties for or on behalf of the Corporation;

“user” means the person who, solely or jointly with others, has the effective control of use over the property in which a ground water source is situated.

(2) The meanings set out in the Act shall be applicable in these regulations, unless the context requires otherwise.

3. (1) Every user shall, within seven days of the coming into force of these regulations, inform the Corporation of the existence of all ground water sources, whether previously registered or not, that are situated in the property over which he has effective control of use. Registration of a ground water source.

(2) The information required in paragraph (1) of this regulation shall be given on the form shown in the Schedule to these regulations, and shall include all the particulars and shall meet all the requirements stipulated therein.

(3) The form indicated in paragraph (2) of this regulation may be collected from the offices of the Corporation or from any other place which the Corporation may designate.

4. (1) There shall be paid to the Corporation, upon the registration of a ground water source, a registration fee of one hundred maltese liri: Registration fee.

Provided that, in the case of a ground water source which has already been registered with the Corporation, the registration fee shall be of thirty maltese liri:

Provided further that, in the case of a ground water source which was registered prior to the year nineteen hundred and fifty five (1955), no registration fee shall be paid.

(2) A ground water source shall not be deemed to be registered for the purposes of these regulations unless and until the relative registration fee has been paid.

(3) If a source is registered by more than one person, only one registration fee shall be paid.

5. Every ground water source registered in accordance with the provisions of regulations 3 and 4 of these regulations shall be deemed to have been developed under a licence from the Corporation. Licenced development.

6. (1) Every user who fails to inform the Corporation as prescribed in regulations 3 and 4 of these regulations, or who submits incorrect, incomplete or false information, shall be guilty of an offence and shall be liable to a fine (*multa*) of not less than four thousand Maltese liri (Lm4,000) but not exceeding eight thousand Maltese liri (Lm8,000) and to the confiscation of the equipment used in the same ground water source. Offencies and penalties.

(2) Such fine shall be payable within a period of time as the Court in passing sentence shall direct.

(3) Such fine and confiscation shall be without prejudice to any other punishment for which the user would be liable under any other law or regulation.

Execution of duties.

7. The Corporation may designate any officer or officers thereof to carry out duties in connection with, or arising from, these regulations.

Limited rights of use.

8. . The registration of a ground water source does not in any way give any right to the user to draw water from such source, or to dispose of any material, whether liquid or solid, in such source, or to keep open such source, and the Corporation may at any time order the user to close such source, notwithstanding that such source has been registered and the relative registration fee paid. If the Corporation orders the user to close a ground water source, the registration fee which would have been paid in respect of such source shall not be refunded.

Claims not prejudiced.

9. The registration of a ground water source by a user shall in no way prejudice any rights or claims which third parties may have over such source.

SCHEDULE

(Regulation 3)

REGISTRATION OF A GROUNDWATER SOURCE

1. PERSONAL DETAILS

Name: _____ I.D. Card No. _____

Address: _____ Tel. No.: _____

Are you the sole user of the water source: YES/NO (*)

If not, fill details in Section 6.

2. WATER SOURCE: WELL/SPRING (*)

(office use only)
Water Source No. _____

Name of Lands: _____

Limits of: _____

Total depth of well: _____ ft/ _____ m _____

Depth to water level: _____ ft/ _____ m _____
(below ground level)

3. WATER USE

What is this water used for: _____

4. APPLICANT'S DECLARATION

(To be filled by applicant)

I declare that all of the above information is true and correct.

Signed: _____ Date: _____
(Applicant's signature)

5. ARCHITECT'S DECLARATION

(To be filled by architect)

The following documents shall be attached to this application form:

- (1) Site Plan showing exact location of water source, certified by an architect;
- (2) Photo of site showing clearly water soource, also certified by an architect.

I hereby certify that the attached documents (site plan and photo) and the information submitted above are true and correct.

Signed: _____
(Architect's signature and certification)

Date: _____

This application form, duly filled in and signed, is to be returned to a Police Station not later than the 3rd September, 1997.

Payment (see Legal Notice) is to be effected via pre-paid bank draft at any local Bank. Applicant is to attach the bank draft with the application form.

*(Delete where not applicable)

6. USERS

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____