

L.N. 70 of 2013

**MALTA RESOURCES AUTHORITY ACT
(CAP. 423)**

**Groundwater Abstraction (Metering) (Amendment)
Regulations, 2013**

IN exercise of the powers conferred by article 28(1) of the Malta Resources Authority Act, the Minister for Resources and Rural Affairs, after consultation with the Malta Resources Authority, has made the following regulations:-

1. (1) The title of these regulations is the Groundwater Abstraction (Metering) (Amendment) Regulations, 2013, and these regulations shall be read and construed as one with the Groundwater Abstraction (Metering) Regulations, hereinafter referred to as "the principal regulations".

Citation.

S.L. 423.40

(2) These regulations shall be deemed to have come into force on the 27th April 2010.

2. Regulation 2 of the principal regulations shall be amended as follows:

Amends
regulation 2 of
the principal
regulations.

(a) immediately after the definition "the Corporation" there shall be added the following new definitions:

"domestic garden" means a garden that is not bigger than 1000 square metres and that is used solely in connection with a residential tenement whose produce is not sold;

"domestic groundwater source" means any groundwater source which is located in a residential tenement and where the groundwater abstracted is used or stated by the user to be used for one or more of the following purposes:

- (a) household purposes; and, or
 - (b) swimming pools; and, or
 - (c) for irrigation of a domestic garden; and,
- or
- (d) watering of animals kept as pets but this

does not include dairies, piggeries, poultry or rabbit farms or any other intensive or commercial agricultural uses which shall be considered as commercial uses and shall be metered in accordance with the provisions of these regulations:

Provided that when a groundwater source is used for any of the above purposes within a domestic garden bigger than 1000 square metres, than such a source shall not be considered as being a domestic groundwater source. The aforementioned 1000 square metres shall be calculated solely within the footprint of the land wherein the domestic groundwater source is located and shall include only ground containing soft-landscape materials;"

(b) immediately after the definition "saturated zone" there shall be added the following new definition:

" "soft-landscape materials" means each layer of the ecological sequence including aquatic plants, semi-aquatic plants, field layer plants (including grasses and herbaceous plants), shrubs and trees;"

Amends
regulation 17 of
the principal
regulations.

3. Regulation 17 of the principal regulations shall be amended as follows:

(a) sub-regulations (1), (2) and (3) thereof shall be renumbered as sub-regulations (3), (4) and (5) respectively, and immediately before sub-regulation (3), as renumbered, there shall be added the following new sub-regulations:

"(1) The Authority shall order the closure of any domestic groundwater source, with the sole exception of domestic groundwater sources:

(a) to which no pump or other mechanical device is installed or used to abstract water from such groundwater source; or

S.L. 423.03

(b) located within a residential tenement which cannot be supplied by a constant supply of water by the Corporation, in accordance with the Water Supply Regulations, solely because the public water distribution network is located more than 50 metres from the nearest point of the residential tenement; or

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(c) that is proved by the user of such groundwater source as being a cultural property under the Cultural Heritage Act or is proved to lie within scheduled property as referred to in the Environment and Development Planning Act; or

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(d) which is declared by the user by means of an affidavit sworn before a Commissioner of Oaths and is proved by such user by means of unequivocal, documented proof submitted to the Authority as being a source:

(i) which is used solely for domestic purposes by the user's household; and

(ii) where the abstraction yield from such groundwater source does not exceed one cubic metre per day; and

(iii) the water abstracted from the groundwater source is from the perched aquifer.

The proof to be submitted to the Authority by the user shall be required *ad validitatem*.

(2) The closure, sealing and decommissioning of a groundwater source referred to in sub-regulation (1) shall be carried out at the expense of the user and in accordance with the specifications and technical requirements that the Authority may establish, and any costs incurred by the Authority associated with the closure, sealing and decommissioning of the groundwater source shall be at the expense of the user of such groundwater source who shall reimburse the Authority within sixty (60) days from the date of the closure, sealing and decommissioning of the groundwater source. The user of a groundwater source shall close, seal and decommission the groundwater source within sixty (60) days from the date of a decision by the Authority ordering such closure."; and

(b) in sub-regulation (4) thereof, as renumbered, immediately after the words "If any person" there shall be added the words "fails to close a groundwater source in accordance with the Authority's order issued under this regulation and, or".

