



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

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**DEPUTY DIRECTORS-GENERAL
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WATER USE LICENCE REQUIREMENTS FOR NATIONAL WATER RESOURCES INFRASTRUCTURE DEVELOPMENT OF GOVERNMENT WATER WORKS

It has been brought to my attention that the Department requires clear guidance on the implementation of the National Water Act, 1998 (Act 36 of 1998) in respect of government waterworks.

As this Act is founded on the principle that National Government has overall responsibility for and authority over water resource management, including the equitable allocation and beneficial use of water in the public interest, a person can only be entitled to use water if the use is permissible under the Act.

The Minister of Water and Sanitation is empowered through Chapter 11 of the National Water Act to establish and operate government waterworks in the public interest out of funds allocated by Parliament or from other sources. The Minister must satisfy certain procedural requirements before constructing a government waterwork, including a duty to obtain an environmental impact assessment and invite public comment, except for emergency, temporary or insignificant waterworks. The prescripts apply to both new and existing waterworks.

The basis for regulating water use including all other types of licensed and unlicensed entitlements is addressed in detail in Chapter 4 of the Act. There are no legal requirements in terms of the National Water Act, 1998 to compel the Department to also obtain a Water Use License for the development of approved Government Waterworks.

You are required to note that:

(1) New and existing government waterworks which require construction or refurbishment, and where such work is approved by the Minister in accordance with section 110 of the Act (including environmental authority in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) do not require a further water use license authorisation to be issued by the Department to the Minister of Water and Sanitation.

(2) The above does not apply to a government waterworks that is to be transferred out of the ownership of the Department of Water and Sanitation, nor which is implemented by an agent outside of the DWS.

Yours sincerely



Ms Margaret-Ann Diedricks
DIRECTOR-GENERAL

DATE: 21/12/15