

BELIZE:

NATIONAL INTEGRATED WATER RESOURCES ACT, 2010

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No. 19 of 2010

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

18th May, 2011

AN ACT to provide for the management, controlled allocation and the sustainable use and protection of the water resources of Belize; to provide for water quality control and for the establishment of a National Integrated Water Resources Authority; and to provide for matters connected therewith or incidental thereto.

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same as follows:

(Gazetted 21st May, 2011.)

PART I

PRELIMINARY

1. This Act may be cited as the

Short title

**NATIONAL INTEGRATED WATER
RESOURCES ACT, 2010.**

Interpretation.

2. In this Act unless the context otherwise requires

“aquifer” means a geological structure or formation or an artificial landfill permeated or capable of being permeated permanently or intermittently with water;

“artesian well” means a well drilled deep enough to reach water that rises to the surface by internal pressure without pumping;

“Authority” means the National Integrated Water Resource Authority established under section 3;

“bore” means any bore, hole, well, excavation or other opening in the ground or any naturally or artificially constructed or improved underground cavity which could be used, is used or may be used for the purpose of intercepting, collecting, obtaining or using groundwater or for the purpose of disposing of any water or waste below the surface of the ground, or which extends to an aquifer;

“Controlled Area” or “control use” means an area or use declared as such in accordance with section 55;

“domestic use” in relation to the abstraction of water means the use of such water for drinking, washing, cooking and sanitary purposes in connection with a residence; or farming, gardening, the watering of stock or pen-keeping in connection with a household where the entire area of land does not exceed 5 acres;

“gathering ground” any surface of land or device which collects rainfall and which supplies a controlled area or waterworks;

“ground water” means all water occurring or obtained from below the surface of the ground other than water

contained in works, not being a bore, for the distribution, storage or treatment of water or waste, and includes water occurring in or obtained from any bore or aquifer;

“impoundment works” means any dam, basin or other works whereby water may be impounded for abstraction and use;

“interested person” means a person who may be materially affected by any decision or regulation made or issued by the Authority;

“licensee” means a person who is in possession of a license issued in accordance with section 16;

“local authority” means any Town Council established under the Belize City Council Act, the Belmopan City Council Act or the Town Councils Act;

CAP. 85.
CAP. 86.
CAP. 87.

“Master Plan” means the National Water Resources Master Plan referred to in section 14;

“Minister” means the Minister responsible for Natural Resources, unless otherwise specified;

“permit holder” means a person who holds a permit for the discharge of waste under section 66;

“public utility provider” Means any person or company (including lessee, trustee, receiver or liquidator of such persons or company) who owns or operates equipment or facilities for the provision, storage, purification, delivery, sale, furnishing or supplying, directly or indirectly to or for the public, of water, or the provision of sewerage facilities through a system of pipes connected to households in any area or community;

“recharge area” means any area of the watershed where water infiltrates through a permeable or semi-permeable surface;

“surface water” includes water collected from roofs but does not include such water collected for domestic use;

“use” in relation to water, includes to withdraw, pump, extract, take, use or re-use or divert for the purpose of using or re-using that water;

“waste” means sewerage and any other matter or thing whether wholly or partly solid, liquid or gaseous state, which may cause water pollution and includes waste declared pursuant to section 64;

“water”, “waters” and “water resources” mean —

- (a) water flowing or situated upon the surface of any land,
- (b) water flowing or contained in —
 - (i) any river, stream, creek or other natural course for water,
 - (ii) any lake or spring, whether or not it has been altered or artificially improved,
- (c) ground water,
- (d) any water contained by works acquired, constructed, improved or operated by or on behalf of the holder of any license issued pursuant to the provisions of this Act,
- (e) any estuarine or coastal waters prescribed by the Minister by Order published in the *Gazette*, as water to which this Act or any Part or provision thereof applies;

“Water Quality Control Area” means an area declared as such by the Minister in circumstances specified in section 79;

“Water Quality Control Plan” means a plan prepared pursuant to section 80;

“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes and passages through which water flows, whether on the surface or underground, except water-mains and sewers;

“waterworks” includes all existing reservoirs, intakes, catchments, dams, tanks, cisterns, deep wells or boreholes, tunnels, pillar beds, conduits, aqueducts, pipes, fountains, sluices, valves, hydrant pumps, and all other structures or appliances which are used or intended to be used or constructed for the supply, storage, purification, conveyance, support, measurement or regulation of water by or on behalf of a licensee, or which may be used or constructed for the aforesaid purpose by a licensee and which belong to or are managed by or vested in a licensee;

“Works” includes waterworks.

PART II

WATER RESOURCES ADMINISTRATION

Establishment
of Authority

3. There is hereby established for the purposes of this Act a statutory body to be called the National Integrated Water Resources Authority (hereinafter called the Authority) which shall be a corporate body with perpetual succession and a common seal.

Functions of
the Authority

4. (1) This Act applies to control, conservation, and proper uses of water resources, but before the Authority exercises its functions in relation to such activities, it shall

consult with the companies licensed by the Public Utilities Commission under the *Water Industry Act*:

CAP. 222.

Provided that

- (a) the Authority shall strictly confine itself to discharging its functions specified in relation to a matter falling within the provision of this Act;
- (b) the companies licensed by the Public Utilities Commission under the *Water Industry Act* shall strictly confine themselves to discharging the functions specified in that Act;
- (c) notwithstanding anything in this Act, no function that is essentially a function of, or which has over the time been discharged by companies licensed by the Public Utilities Commission under the *Water Industry Act* shall be discharged by the Authority.

CAP. 222.

CAP. 222.

(2) Subject to the provisions of this Act, the Authority may, for the purpose of performing any of its functions under this Act, do anything and enter into any transaction which, in the opinion of the Authority, is necessary to ensure the proper performance of its functions.

(3) In particular, and without prejudice to the generality of the provisions of subsections (1) and (2), the Authority may:—

- (a) obtain, compile, store and disseminate data concerning the water resources of Belize;
- (b) exercise planning functions as provided for in this Act in relation to the Master Plan and Water Quality Control Plan;

- (c) allocate water resources in conformity with the provisions of this Act;
- (d) protect and control the quality of water resources in accordance with the provisions of this Act;
- (e) provide to any department or agency of Government, at its request, technical assistance in respect of any projects, programmes or activities which relate to the development, conservation and use of water resources;
- (f) take measures designed to raise public awareness of the importance or need for the wise use of water resources;
- (g) perform such other functions relating to the management, protection, conservation and use of water resources as may be assigned to it by or under this Act or any other enactment.

**Ministerial
directions.**

5. The Minister may give to the Authority, directions of a general nature pertaining to the policy to be followed by the Authority in the performance of its functions, as appear to the Minister to be in the interest of Belize and the Authority shall comply with such directions.

**General
Powers of the
Authority.**

6. (1) The Authority may, without limiting its powers-

- (a) issue administrative orders, rules, by-laws and regulations necessary for the implementation of this Act;
- (b) issue rules, regulations and orders for the administrative operations of the Authority

in respect to its powers and functions under this Act;

- (c) grant, refuse, amend, suspend or revoke licences;
- (d) establish and manage technical standards and procedures to monitor adherence to such standards;
- (e) monitor compliance with the Act, or any order, regulations, rules and by-laws;
- (f) perform such other duty as may be conferred upon it by this Act or by any other law;

(2) Where the Authority intends to issue an instrument under subsection (1) (a) or (b), the Authority may give prior notice and invite comments from persons who will be affected by the issuing of the said instrument.

(3) A licence issued by the Authority under subsection (1) (c) may be subject to the following terms and conditions -

- (a) the Authority may charge a prescribed fee at intervals specified in regulations for use of water in accordance with the licence;
- (b) any other terms and conditions which the Authority may by Regulations prescribe.

(4) A person who fails to comply with an instrument issued under subsection (1) (a) or (b) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Composition of
the Authority.

7. (1) The Authority is composed of seven members, appointed by the Governor-General acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition for such period not exceeding five years and for such terms as may be specified in the instrument of appointment.

(2) The Authority consists of the following members:

- (a) An Executive Chairperson nominated by the Minister;
- (b) a representative of the Public Utilities Commission, nominated by the Public Utilities Commission;
- (c) a representative of the Department of the Environment;
- (d) an attorney-at-law, with five years experience nominated by the Chief Justice;
- (e) two persons nominated by the Minister from among persons with recognized competence in the fields of Economics, Finance, Banking, Commerce, Business Management, Forestry, Agriculture, Environmental Engineering or from a Non-Governmental Organisation with socially related objects;
- (f) the chief executive officer of the Ministry of Natural Resources, *ex officio*, as Deputy Chairperson;

(3) Member of the Authority, at the expiration of his term of office may be eligible for reappointment;

(4) Where for any reason, the Chairperson is unable to preside at a meeting of the Authority:

(a) the Deputy Chairperson shall preside;
and

(b) where the Deputy Chairperson is also absent, the members of the Authority shall elect one of the members present to preside.

(5) The quorum of a meeting of the Authority is four members;

(6) Decisions of the Authority is by majority votes provided that in the event of an equality of votes, the person presiding at the meeting shall have a casting vote.

8. The Minister, with the approval of the Minister of Finance may approve remuneration including allowances, gratuities, or other benefits payable to members of the Authority.

**Remuneration
of Members of
the Authority.**

9. Where a member is interested in any matter before the Authority, or is unable to act because of an infirmity of body or mind, or because of absence or any other cause, the Minister may temporarily appoint a person to act as a member in the place of the substantive member for that occasion or until the termination of the disability.

**Temporary
membership.**

Appointment
of experts.

10. The Authority may from time to time, appoint or engage experts or persons having technical or special knowledge necessary for the purpose of assisting the Authority to carry out its functions under this Act.

Appointment
of staff.

11. The Authority shall have the power to appoint and suspend or dismiss its staff and to exercise disciplinary control over such staff.

Obtaining
services of
public
officers.

12. For the purposes of any inquiry or investigation, the Authority may with the approval of the Public Services Commission, utilize the service of a public officer.

Disqualification
to be a
director and
prohibition of
directors from
engaging in
certain
activities.

13. (1) No member of the Authority or member of the administrative staff of the Authority shall, directly or indirectly:

(a) hold, acquire or become interested in any share, stock, debenture or other security of any public utility provider;

(b) have any interest in any contract or agreement for the construction of any works or the furnishing of any service for or by any public utility provider;

(c) have any interest in any device, appliance, machine, article, patent or patented process, or any part thereof, which is required or used by any public utility provider for the purpose of its equipment or service.

(2) A member of the Authority or a member of the administrative staff of the Authority shall not be deemed to have any interest in a public utility provider by reason of the fact that he is the user or subscriber of any water and sewerage services from any public utility provider.

(3) No person shall be appointed or remain a member of the Authority who is a member of the National Assembly.

(4) The Chairperson or any other member of the Authority may resign his office by writing under his hand addressed to the Governor-General.

(5) The Governor-General may, acting on the advice of the Prime Minister, given after consultation with the Leader of the Opposition, terminate the appointment of the Chairperson or any other member of the Authority, if the Chairperson or such other member of the Authority, as the case may be:-

- (a) engages in any of the activities specified in subsection (1) above;
- (b) becomes subject to the disqualification specified in subsection (3);
- (c) becomes bankrupt or insolvent, compounds with his creditors or benefits under the law for the relief of a bankrupt or makes any assignment in whole or in part of his income for the benefit of such creditors;
- (d) if convicted of an offence involving dishonesty, or of any other offence punishable with not less than one year imprisonment (whether or not the convicted person is awarded such sentence);
- (e) becomes totally or permanently incapable of performing his duties;
- (f) is guilty of gross misconduct in the performance of his duties under this Act.

NATIONAL WATER RESOURCES
MANAGEMENT MASTER PLAN

Master Plan.

14. (1) Subject to the provisions of this section, the Authority shall prepare and submit to the Minister for approval a draft National Water Resources Master Plan for Belize that reflects the water policy of the Government of Belize.

(2) For the purpose of preparing the draft Master Plan, the Authority may—

- (a) collect from any source data and information relating to the use and quality of water resources, and to water resources generally;
- (b) consult with, and obtain data and information relating to water resources from, such person or organization including the holding of public consultations as the Authority deems appropriate or from any agency or department of Government or local authority;
- (c) undertake such studies and investigations and carry on such other activities as may be necessary or relevant to the preparation of the Master Plan.

(3) In preparing the draft Master Plan the Authority shall take such steps as are practicable to co-ordinate the Master Plan with the plans of any department or agency of Government for national or regional economic and physical development and shall have regard to any plans relating to the development of water resources by any Non-Governmental Organisations.

(4) The Authority shall ensure that the draft Master Plan—

- (a) identifies objectives for the development, conservation and use of the water resources of Belize, taking into account all relevant considerations including the desirability of economic efficiency, the protection of the health, safety and welfare of persons, the promotion of a sustainable utilization of water resources and the protection and the enhancement of environmental values;
- (b) identifies, describes and inventories in relation to Belize—
 - (i) the occurrence, quantity, availability and quality of water
 - (ii) the current uses of water; and
 - (iii) the activities which are dependent on, affected by, or related to water and its uses;
- (c) identifies and describes in relation to Belize, the projected needs for water and recommends the projects, programmes and other steps which, in view of such needs, should be undertaken in respect of the development of water resources and the control, abstraction and storage of water and the supply, distribution, drainage and disposal thereof;
- (d) having regard to the current and projected needs for water identified pursuant to paragraph (c) and the projects, programmes and other steps recommended under that paragraph, indicate the

objectives in relation to water quality and quantity whether in respect of Belize generally or in respect of regions thereof, and the programmes designed to achieve those objectives.

(e) indicates and evaluates the ways in which all projects and programmes proposed in the draft Master Plan in respect of the current and projected use of water will achieve the objectives identified pursuant to paragraph (a).

(f) contains strategies for

(i) cost analysis and budgeting,

(ii) plan of action and timeframe,

(iii) prioritizing and implementation,

(iv) any other component which the Minister may by administrative instrument specify.

(5) Where the Minister is satisfied with the draft Master Plan, the Minister shall:

(a) by notice published in the *Gazette*, and in at least one newspaper of general circulation in Belize

(i) declare his approval of the Master Plan

(ii) specify the date on which the Master Plan shall take effect;

(iii) state the availability of the Master Plan at the address of the Authority,

for the public inspection on payment of the prescribed fee.

- (b) cause the approved Master Plan to be available to departments and agencies of the Government, local authorities, and other person which in the opinion of the Minister, may be affected by the Master Plan.

(6) Not more than three (3) years after the adoption of the Plan or any subsequent revision thereof, the Authority shall cause to be prepared and shall submit to the Minister for approval periodic revisions of the whole or any part of the Master Plan which is for the time being in effect pursuant to this section; and for the purposes of such revision, the Authority and the Minister shall have the like functions as are exercisable under this section in relation to the draft Master Plan.

PART III

NATIONAL POLICY AND LICENSING

15. (1) The purpose of the Authority in performing its functions under section 4, is to enforce the policy of the Government for the orderly and coordinated development and use of Belize's water resources, to conserve and protect such resources for the benefit of present and future generations of Belizeans, and to provide the Belizean public with a safe, adequate and reliable supply of water.

Purpose.

(2) The Authority shall in keeping with the requirements of subsection (1) above, discharge its functions with respect to the abstraction of water and the augmentation, distribution and proper use of water resources, so as to secure the effective execution of that policy by the bodies responsible therefor.

Licensing.

16. (1) No person shall abstract water, augment, distribute or use water resources, or construct or alter, or cause to be constructed or altered any works for the abstraction of water, unless that person is licensed for the purpose under this Act.

(2) A person who intends to abstract water, augment, distribute or use water resources shall

(a) publish the notice of application, in a newspaper of general circulation in Belize,

(b) at least fourteen days of the making of the application under paragraph (a), apply to the Authority for a licence pursuant to subsection (1).

(3) The Authority may, in its discretion, grant, renew, or refuse to grant a licence to an applicant.

(4) Where the Authority intends to grant a licence, the Authority may by notice in the *Gazette*, and in a newspaper of general circulation in Belize, or by any other appropriate means

(a) declare its intention to grant the license,

(b) give reasons for the grant of the license,

(c) specify the time (not being less than twenty-eight days from the date of publication of the notice within which representation of objections with respect to the proposed licence may be made,

and shall consider any representations or obligations duly made.

(5) The fees, form and manner of application, form of license, and notice of application may be prescribed by Regulations may under section 99.

(6) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for one year or to both.

17. A license granted under section 16 may be subject to the following conditions:

Conditions of
license.

- (a) the license is non-transferrable;
- (b) a license granted is valid for one year and is subject to renewal;
- (c) the Authority may for good cause and after giving the licensee an opportunity to make representations, cancel, modify or suspend a license;
- (d) the licensee may enter into agreements with other person for the use of pipelines or water works (wherever situated and whether or not used for the purpose of carrying on activities authorized by the license) for such purposes and may be specified in the agreement;
- (e) the licensee shall refer to the Authority for approval any agreement made prior to the grant of a license;
- (f) the licensee shall refer proposed agreements to the Authority;
- (g) the licensee shall notify the Authority of any change in response to the application for a license;
- (h) the licensee shall pay prescribed charges to the Authority for use of water;

- (i) the licensee shall comply with directions given by the Authority either as specified in the license or otherwise;
- (j) the licensee shall comply with conditions of the license and any other conditions which the Authority may by Regulations prescribe.

Procedures for modification of license.

18. (1) Where the Authority intends to modify a license under section 17 (c), the Authority may give notice to the licensee

- (a) of its proposition to modify the license;
- (b) of the modification and the reasons for the modification;
- (c) specifying the period (not less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed modifications may be made, and the Authority shall consider representations or objections duly made.

(2) Where a notice is given under subsection (1), the Authority shall also notify, in an appropriate manner, the persons likely to be affected by the modification.

Procedure to secure compliance.

19. (1) Where the Authority is satisfied that a licensee is contravening or has contravened and is likely again to contravene any of the conditions of his license, the Authority may by Order make such provisions as are requisite for the purpose of securing compliance with that condition or conditions.

(2) In determining the extent of the Order to be made, the Authority in consultation with the Minister, shall consider in particular the extent to which every person is likely to sustain loss or damage in consequence

of anything which, in contravention of the relevant condition, is likely to be done, or omitted to be done.

(3) An Order made under subsection (1) above—

- (a) shall require the licensee (according to the circumstances of the case) to do, or not to do, such things as are specified in the Order;
- (b) shall take effect at such time, being the earliest practicable time, as is determined by or under that Order; and
- (c) may be revoked at any time by the Authority

(4) In this section, “contravention” in relation to any condition of a licence includes any failure to comply with that condition and “contravene” shall be construed accordingly.

(5) Nothing in this section shall preclude the Authority from the cancellation of a licence under section 16.

20. (1) The Authority shall keep a register of licences granted under section 16 above and any orders, and in such form as it may determine.

**Authority to
keep Register
of licences.**

(2) The Authority shall cause to be entered in the register the provisions of —

- (a) every licence granted under section 16 above and every modification or revocation of, and every direction or consent given, or determination made under, such a licence; and
- (b) every Order and every revocation of such an Order.

(c) any other instrument, which the Authority deems appropriate.

(3) The register shall be open to public inspection during such hours and subject to payment of such fees as may be prescribed by Regulations made by the Authority.

(4) Any person may, on payment of such fee as may be prescribed by Regulations so made, require the Authority to supply to him a copy of or extract from any part of the register, certified by the authority to be a true copy or extract.

Appeal.

21. A person who is aggrieved by the decision of the Authority to grant, refuse, cancel or suspends a license may within twenty-one days apply to the Minister for a review, and the decision of the Minister is final.

PART IV

FUNCTIONS, POWERS AND DUTIES OF LICENSEES

General
functions of
licensee.

22. It shall be the duty of all licensees to

- (a) comply with the policy of the Government in relation to water abstraction;
- (b) maintain and develop any waterworks or other property relating thereto which may be under the charge of a licensee under this Act;
- (c) adhere to prescribed standards of performance, and standards for safe, adequate and reliable abstraction of water, augmentation, distribution and use of water resources;

- (d) maintain, improve or extend any water mains or other pipes as are necessary for securing that a licensee is or continues to be able to meet its obligations under this Act;

23. It shall be the duty of every licensee in formulating or considering any proposals relating to any functions under his licence to:

Duty of licensee in formulating or considering proposals.

- (a) exercise any power conferred with respect to the proposals subject to the requirement as to further the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features of special interest;
- (b) have regard to the desirability of protecting and conserving buildings, sites and objects of archaeological, architectural or historic interest; and
- (c) take into account any effect which the proposals would have on the beauty or amenity of any rural or urban area or on any such flora, fauna, features, buildings, sites or objects.
- (d) consider any other matter or effect which the Authority may by Regulations prescribe.

24. (1) A licensee shall consult with

Duty of licensee to consult.

- (a) the Ministers responsible for Agriculture, Forestry, National Parks, or Lands;
- (b) relevant officers within the ministries of Agriculture, Forestry, National Parks, or Lands;

(c) any other relevant Minister, ministries or departments prior to taking any action as may be necessary or expedient for the purpose of conserving, redistributing or otherwise augmenting any water resources in Belize.

(2) A licensee shall -

(a) prepare and thereafter keep under review a hydrometric scheme for obtaining, recording and analyzing particulars of rainfall, evaporation of water and the flow level of volume of inland waters;

(b) carry out periodical surveys of water consumption patterns in Belize and prepare reports thereon;

(c) prepare estimates of the future demand for the use of water;

(d) prepare plans for the purpose of securing the more efficient management of water in Belize, including the meeting of future demands for water and the use of water;

(e) carry out such engineering or other operations as it considers necessary or expedient for the purpose of implementing any plan prepared under paragraph (d) above.

(f) prepare any other document or carry out any other function, which the Authority may by Regulations prescribe.

(3) The licensee, in carrying out its functions under subsection (2) shall consult with:

- (a) the Ministers responsible for Finance, Economic Development, Budget Planning;
- (b) relevant officers within the ministries of Finance, Economic Development, Budget Planning;
- (c) any other Ministry, municipal authority or statutory authority,

likely to assist or be affected and the licensee shall send to those Minister, officers, or bodies, a copy of any report prepared in consequence of any survey or plan.

PART V

ABSTRACTION AND USE OF WATER

25. Notwithstanding anything to the contrary in any enactment and or agreements, the abstraction and use of water in Belize and the construction of any works for such abstraction and use shall be governed by the provisions of this Act, and accordingly, nothing in any enactment and or agreements shall be construed as derogating from any provision made by or pursuant to this Act:

Application of this Act to abstraction and use of water

Provided that this section shall not apply to the provision of a public utility service as defined in the Public Utilities Commission Act.

CAP. 223.

26. (1) Notwithstanding any other law, the property in and the right to the use and flow of all the water at any time in Belize are for all purposes vested in the Government of Belize, provided that the Authority may establish private rights of use only under licences issued or approvals given under this act, or may choose to recognize the private rights of use only previously established under licences issued or approvals given under any other Act.

Belize's waters.

(2) Subject to section 4, no right to water may be acquired by prescription.

CAP. 222.
CAP. 223.

(3) For the avoidance of any doubt (and without prejudice to the Water Industry Act and the Public Utilities Commission Act as they relate to the provision, storage, purification, delivery, sale, furnishing or supplying, directly or indirectly to or for the public, of water), where there is any inconsistency between the provisions of this Act and any other law, the provisions of this Act shall prevail unless the Authority unanimously resolves to let that other law prevail.

Exemption.

27. (1) Notwithstanding section 16, a person may abstract and use water without a license if the water is required for the following purposes:

- (a) domestic use;
- (b) agricultural use, which does not include flood irrigation;
- (c) any other purpose which the Authority may prescribe.

(2) For the purpose of subsection (1), the Authority may prescribe parameters for domestic use or agricultural use.

Department of Environment to certify discharge of effluent or otherwise.

28. (1) An applicant, pursuant to section 16, shall apply to the Department of Environment for certification that the purpose which he is seeking a license will, or is likely to, or will not result in the discharge of effluents.

(2) The applicant shall attach the certification under subsection (1) to the application for license under section 16.

Regulations relating to licences under this Part.

29. The provisions of regulations made under this Act shall have effect in relation to the grant, suspension, revocation, trade of water rights under this Part and otherwise in relation to such licences.

30. It shall be an implied term of every licence granted under this Act to abstract and use water that the Authority may by notice in writing addressed to the licensee impose, in accordance with section 17, such conditions as it deems necessary.

Implied term in every licence.

31. Where in relation to the grant of a licence to abstract and use water, any condition imposed by the Authority to the construction of works, the fact that the Authority is satisfied that the works have been properly constructed shall not operate –

Approval of works by Authority not guarantee.

- (i) to imply a guarantee by the Government or the Authority that the works have been properly designed or constructed; or
- (ii) to support or justify any claim against the Government or the Authority or any officer of the Government or the Authority in connection with such works.

32. The grant under this Act of a licence to abstract and use water does not dispense with the necessity of obtaining any permission or approval where such permission or approval is required under any other enactment in force at the time of the grant, unless otherwise stated in such other enactment.

Planning permission still necessary.

Easement

33. A person who –

Easement may be claimed.

- (i) under this Act is an applicant for or is the holder of a licence to abstract and use water; and

- (ii) requires an easement, shall satisfy the Authority that the owner of the land over which the easement is required has agreed to the grant of such easement.

Constitution
of easement.

34. (1) An easement referred to in section 33 may be constituted by written agreement between the holder of the licence and the owner of the land over which the easement is required and shall contain a provision that the easement is not revocable by the person granting it unless approval of the Authority is first obtained.

(2) In this section “owner” in relation to land includes an occupier having such authority over the land as would empower him to grant an easement.

Application
where
landholder
does not
consent.

35. If the owner of the land does not agree to an easement, the applicant or permit holder may apply to the Authority, in the prescribed manner, for an easement, and shall serve notice of such application upon the owner of the land.

Determination
of application
for easement.

36. (1) The Authority may either dismiss the claim for an easement or grant the claim with or without modification and subject to such conditions, and to the payment of such compensation to the owner of the land as the Authority seems just.

(2) The Authority shall notify the applicant and the owner of the land of its decision.

Registration,
etc. of
easement.

37. (1) The person to whom an easement is granted shall submit details of the easement as required by the Registrar of Lands for registration of the easement.

(2) Until it is registered or recorded pursuant to subsection (1), an easement is binding only on the persons who were the original parties to the agreement.

38. (1) The Authority may deal with surface water and ground water as one source of supply if, in its opinion, the surface water and ground water are so interconnected as to constitute one source of supply.

Interconnected surface and underground water.

(2) In any area declared pursuant to section 40, the Authority may, if it is of the opinion that it is in the best interest of the management of the water resources of Belize, deal with all licences under this Act to abstract and use water from an inter-connected source of supply on the basis of equality of standing before the Authority.

Special Powers Relating To The Abstraction And Use Of Water

39. (1) Where the Authority is satisfied that by reason of an exceptional shortage of rain, or contamination of water sources or watercourses, a serious deficiency of water supply exists or is threatened, then it shall by Regulations and after consultation with the Minister (and the Department of the Environment in the case of contamination of water sources or watercourses) and subject to the provisions of this section, make such provisions as appears to it to be expedient, with a view to meeting such deficiency.

Powers of Authority in water related emergencies.

(2) Without prejudice to the generality of subsection (1) above, Regulations made under this section may include provisions to -

- (a) require licensee to take water from any source specified in the Regulations;
- (b) prohibit or limit the use of water for specified purpose;
- (c) prohibit or limit the taking by any person of water from a source specified in the

Regulations if the Authority is satisfied that the taking of water from that source seriously affects the supplies available.

(3) The Authority shall give reasonable public notice of the making of any Regulations under subsection (1) above.

(4) Regulations made under subsection (1) above shall remain in force no longer than is necessary to meet the deficiency or impending deficiency but shall be revoked as soon as practicable after the deficiency or impending deficiency has been made good or removed.

PART VI

CONTROL AND PROTECTION OF GROUND WATER

CONTROL OF WELL DRILLING

Consent of Authority to search for underground water.

40. (1) Subject to subsection (3), no person shall sink, construct, enlarge or otherwise alter a well for the purpose of searching for ground water or for any other purpose unless, in accordance with this section, he has obtained the Authority's consent to do so.

(2) In granting its consent, the Authority may make it subject to such conditions as the Authority considers appropriate.

(3) Subsection (1) shall not apply in relation to a licence granted under Part III the terms of which may authorize him to sink, construct, enlarge or otherwise alter a well.

(4) For the purpose of subsection (1), where a person enters into a contract to sink a well on land belonging to or occupied by any other person, and the

execution of the work is under the control of the contractor, the contractor is deemed to be the person sinking the well.

(5) The Authority shall maintain a Register of Consent containing prescribed information and require a person who has obtained consent to furnish to the Authority the relevant information.

(6) A person who has obtained consent in accordance with this section shall maintain a journal of the information relevant to the consent to sinking a well, which the Authority may prescribe.

(7) A person who owns an existing well shall apply to the Authority for registration of the well within six months of the commencement of this Act or any other period of extension, which the Authority may by Order published in the *Gazette* deem necessary.

41. (1) No person shall practice as a well-driller except under and in accordance with a licence granted by the Authority.

Duty on welldriller to be licensed, etc.

(2) The Authority may by Regulations made under this Act establish policies and procedures to govern the licensing of well-drillers.

(3) It shall be the duty of any person who is the holder of a well-driller's licence and who contracts to sink, construct, enlarge or otherwise alter a well on behalf of any person to satisfy himself prior to commencing any work that the other person –

- (i) holds a license issued pursuant to section 16 to abstract and use water;
- (ii) has obtained written consent from the Authority in pursuance of section 40 (1);
or

(iii) is, by virtue of the provisions of section 27 entitled to abstract and use water without a licence.

(4) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for two years or to both.

Well-drilling
and mining
operations.

CAP. 225.
CAP. 226.

42. (1) Any person who proposes to construct any new boring, or to enlarge or otherwise alter any existing boring, for the purpose of searching for or extracting minerals or other substances under the Mines and Minerals Act, the Petroleum Act or any other law, which regulates the mining of substances shall take such measures as may be required by the Authority for conserving ground water, being measures which, in the opinion of the Authority, will not interfere with the mining of minerals or other substances and shall submit to the Authority, at its request, such data or other information as the Authority may require in connection with such construction or enlargement, as the case may be.

(2) Information required pursuant to subsection (1) shall be forwarded to the Authority within thirty days of the date of a request therefor or such longer period as the Authority may allow.

Waste of
ground water.

43. (1) Subject to subsection (2), no person shall cause or allow any ground water to run to waste from any well or other work except for the purpose of testing the extent of quantity or quality of the supply or cleaning, disinfecting, examining or repairing the well or other work.

(2) Where ground water interferes or threatens to interfere with the execution or operation of any underground works, it shall not be unlawful under this

subsection to cause or allow the water to run to waste so far as may be necessary to enable the works to be executed or operated, if no other method of disposing of the water is reasonably practicable.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for one year or to both.

44. (1) Every person abstracting ground water by means of a well shall, in order to prevent contamination or pollution of the water –

Contamination
and pollution
of ground
water.

- (a) effectively seal off to a sufficient depth any contaminated or polluted surface or shallow water in rock openings or soft broken ground;
- (b) effectively seal the top of the well between the surface casing and the internal pump column, and the suction or discharge pipe;
- (c) dispose of all return or waste water by means other than by return to the well;
- (d) extend the well casing to a point not less than twenty centimeters above the elevation of the finished pump house or pump pit floor;
- (e) use either welded or screw type well joints on the casing, if made of metal;
- (f) dispose of effluents or drainage from any household, stable, factory, trade premises or other premises in such a manner as will prevent any such effluent or drainage from reaching a seal or ground water; and

(g) carry out such other work as the Authority may by order direct, from time to time, for the prevention of contamination or pollution.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for one year or to both.

Authority may order special measures to safeguard ground water resources.

45. During the construction of a well, if

(a) water is encountered in an aquifer,

(b) water from a water table or lower aquifer flows from an upper aquifer to the lower aquifer,

and in the opinion of the Authority, this is likely to prove detrimental to the ground water resources of the area, the Authority may by Order require the owner of the well to take special measures specified in the Order, to prevent the encounter or the flow of water to the aquifer.

Artesian wells to be cased.

46. Every artesian well and every sub-artesian well shall be efficiently cased, capped or furnished with such appliances as will readily and effectively arrest and prevent the flow there from over the surface of the ground or wasting from the well through the strata through which it passes.

Prevention of dumping in wells.

47. (1) Except with the expressed written consent of the Authority no person shall place, deposit or discharge or cause to be placed, deposited or discharged any waste into any well.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for one year or to both.

48. The Authority shall have power to decommission any well where the Authority determines it to be necessary in order to protect any water source.

Decommissioning of wells.

Special Power of Authority in Relation to Aquifers

49. The Authority shall have the power –

Authority may determine safe yield of aquifers.

- (a) to determine the safe yield of any aquifer for the purpose of guiding determinations concerning the abstraction and use of water from the aquifer;
- (b) to impose special requirements and restrictions with respect to artesian wells, for the purpose of preventing waste or contamination of water, or loss of artesian pressure; and
- (c) to carry out programmes for the recharge of aquifers,

and for the purpose of paragraph (a) “safe yield” means the amount of water which may be abstracted from an aquifer at a rate which would not reduce the supply to an extent as would render such abstraction harmful to the aquifer itself or to the quality of the water and would not affect the economic feasibility of other abstractions.

PART VII

GATHERING GROUNDS

50. (1) The Authority shall ensure that all gathering grounds shall either –

Gathering grounds.

- (a) be retained as forest reserves or national parks, as the case may be, in accordance with the provisions of the Forests Act and the National Parks System Act; or

CAP. 213.
CAP. 215.

- (b) be declared to be controlled areas under section 54 of this Act, by the Minister, after consultation with any relevant entity likely to be affected.

Protection of gathering grounds from deforestation and animals

51. If it appears to the Authority that by reason of deforestation or any other activity, the storage capacity or sanitation of any gathering ground is seriously threatened, the Authority shall -

CAP. 213.
CAP. 215.

- (a) request the Ministry responsible for Forestry to take appropriate action under the Forests Act or the National Parks System Act to prevent or regulate the threat to the gathering ground, if the gathering ground has been retained or declared a forest reserve or a national park, as the case may be;

CAP. 40.

- (b) request the Ministry of Health to take appropriate action under the Public Health Act to prevent or regulate the threat to the gathering ground, if the gathering ground has been declared a controlled area; or
- (c) request any other relevant agency or Ministry to take appropriate action to prevent or regulate the threat to the gathering ground; or
- (d) in default of action being promptly taken under paragraphs (a), (b) or (c) above, the Authority may take such actions as it considers necessary.

52. (1) If it appears to the Authority that it is necessary for the purpose of protecting the storage capacity or integrity of any gathering ground, it may by regulations with the approval of the Minister -

Protection of defined area around gathering ground.

- (a) define an area around a gathering ground it considers in need of protection; and
- (b) prohibit or regulate the doing within that area of any act specified in the Regulations.

(2) Upon a request being made under subsection (1) above, the Authority may make Regulations as it considers necessary, and such Regulations may contain different provisions for different parts of the defined area.

(3) Without prejudice to the generality of subsection (1) (b) above, the acts prohibited or regulated by Regulations made by the Authority under this section may include -

- (a) the placing, depositing or discharging within the area of material of any kind that is likely to impair the quality or significantly reduce the quantity of the water or the storage capacity of the gathering ground;
- (b) such other acts or omissions as may be considered likely to impair the quality or significantly reduce the quantity of the water or the storage capacity of the gathering ground.

(4) In exercising its functions under this section, the Authority shall consult with and make suitable recommendation to the Ministers responsible for agriculture, forests or natural resources, as the case may be.

Recharge
areas.

53. The Authority may delimit areas as recharge areas and the areas so delimited shall either –

- (a) be declared to be a control area under section 54 of this Act; or
- (b) be declared to be a special development area pursuant to the provisions of the Land Utilization Act; or
- (c) be protected under any relevant legislation.

CAP. 188.

PART VIII

CONTROL OF WATER ABSTRACTION AND USE

Declaration of
controlled
areas or use.

54. (1) The Authority may, with the approval of the Minister, by Order published in the *Gazette* declare –

- (a) as controlled area, an area pursuant to section 39;
- (b) as controlled area, any other area where the Authority deems necessary in the public interest;
- (c) as controlled use, any use or class of use, as the case may be for the purpose of controlled allocation, sustainable use, and protection of the water resources of Belize.

(2) The Authority shall serve notice of any declaration made pursuant to subsection (1) above to all interested persons in a manner it deems is best calculated to reach the largest number of interested persons.

(3) In exercising its authority under subsection (1) above, the Authority shall have regard to such factors as:

- (a) the hydrology and hydrogeology of the area;
- (b) the established and projected water demands in the area;
- (c) the current and projected availability of water in the area; and
- (d) the actual or projected impact of given uses or classes of uses on water resources in general, including the impact of the disposal of wastewaters on water resources in general, or in relation to a specific area, having regard also to the technologies employed in the abstraction and utilisation of the water, and in the disposal of the wastewater.
- (e) any other relevant factors.

55. (1) Subject to the provisions of this Part, no person shall claim or obtain the right to abstract and use water and to construct works therefor except in accordance with the provisions of the licence as modified pursuant to section 57.

Abstraction of water in controlled areas.

(2) Any person who abstracts and uses water in respect of a controlled area or a controlled use or a controlled class of uses otherwise than in accordance with the terms and conditions of the licence, commits an offence under this Act.

56. (1) Subject to the provisions of section 39 of this Act, the occupier of any land, his family and employees ordinarily resident on that land are entitled to abstract and use any water on, adjacent to, or under that

Use of water in controlled areas.

land for the domestic necessities of his household, including the watering of livestock and the irrigation of a subsistence garden, notwithstanding an Order made in accordance with section 54 above.

(2) Where a licensee is of opinion that in any area of water supply covered by his licence, a serious deficiency of water available for distribution by him exists or is threatened, the licensee shall so inform the Authority who may, by Order published in the *Gazette* and at least one national newspaper, for such period as the Authority thinks necessary prohibit or restrict as respects the whole or any part of the licensee's water supply system, the use of water for the purpose of watering private gardens or washing private motor cars, or any water supplied by him and drawn through a hosepipe or similar apparatus.

(3) In subsection (2) above, the expression "private motor car" means a motor vehicle intended or adapted for use on roads, other than a public service vehicle or a goods vehicle within the meaning a public service vehicle pursuant to the *Motor Vehicles and Road Traffic Act*.

CAP. 230.

(4) The Authority shall at least three days before such prohibition or restriction comes into force, publish in one or more newspapers circulating in the country, or any other appropriate means notice of the prohibition or restriction and of the date when it will come into force.

(5) Any person who contravenes any Order made under this section commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

(6) During any period when a prohibition or restriction imposed under this section is in force, any

officer of the Authority shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises in any area to which the prohibition or restriction applies for the purpose of ascertaining whether there is or has been any contravention of the prohibition or restriction; and the provisions of section 90 (2) relating to entry of premises shall apply to any such right of entry.

57. (1) Where the Authority has made a declaration pursuant to section 54, the Authority may be notice to licensee, recall the licenses for which the abstraction or use of water is authorized in that controlled area for the purpose of modification or revocation.

Modification or revocation of license applicable to controlled areas.

(2) In exercising its authority under subsection (1) above, the Authority shall have regard to the following:

- (a) the owners or occupiers of land on which, adjacent to which, or under which water occurs, and any person who has secured amicably or by compulsory acquisition such an interest in the land as to give him access to the water shall be eligible to make representation under this Part;
- (b) a modification under this Part may contain a request for the approval of proposals for the disposal of waste water if these have been classified for controlled disposal in accordance with Part IX or if the area where the proposed discharge occurs or which is affected by the proposed discharge has been classified in accordance with Part IX;
- (c) in the process of screening for the purpose of modification of a license adequate

opportunities shall be provided for the protection of all actually or potentially affected interests, and for public comment.

(3) The reasons for decisions taken on licenses under this section shall be given in writing.

Other means
of
modification
or revocation
of license.

58. (1) A licence under this Part may be varied in any of its terms and conditions -

- (a) at the request of the licensee;
- (b) for non-use of water under the licence;
- (c) for any other reasons the Authority deems necessary.

(2) Where the Authority intends to vary or revoke a licence under this section, it shall give at least one month's notice of his intention to revoke or vary the licence and shall give the licensee an opportunity to exonerate himself or to remedy the default.

(3) Any person whose licence is varied or revoked in accordance with this section shall have a right of appeal to the Supreme Court against the decision of the Authority;

Succession of
license.

59. The Authority shall, by Regulations made in accordance with section 90 of this Act, provide for the succession to a licence under this Part in the event that the licensee who is the owner or occupier of the land on which, adjacent to which, or under which the water to which the licence relates occurs, dies or ceases otherwise to be the owner or occupier of the whole or part of the relevant land.

60. The Authority shall, by Regulations made in accordance with section 90 above, provide for the recording of all licences under this Part, and of all action relevant thereto taken in accordance with section 59 of this Act, in a Register of Water Abstraction Licences, and for the formation and upkeep of such Register.

Maintenance of Water Abstraction Licences.

61. A licence granted under this Part shall not have the effect of dispensing with the necessity of obtaining planning permission where such permission is required under the Housing and Town Planning Act.

Applicability of other law.

CAP. 182.

62. A person who at the commencement of this Act is performing an activity for which a license, permit or other instrument is required and intends to continue such activity, shall, within three months of the commencement of this Act, apply to the Authority for a license, permit or other instrument, as the case may be.

Transition.

63. A person who contravenes this Part commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for one year or to both.

Offence and penalty in controlled areas.

PART IX WATER POLLUTION CONTROL

64. (1) The Authority may, by reason of polluting or likely to pollute, by Order published in the *Gazette*, declare wastes, or classes of wastes as controlled waste for the purpose of protecting the quality of water resources.

Declaration of waste.

(2) In exercising its powers under subsection (1), the Authority may consult with the Minister, the Department of the Environment, or any other relevant authorities and shall have regard to the following factors:

- (a) terms and conditions pursuant to a licence issue under section 16;

- (b) necessity to protect the health of the public;
- (c) uses of the water resources;
- (d) necessity to protect and enhance scenic and environmental values;
- (e) any other factors, research, or data to enable it to make informed decisions.

Discharge of waste prohibited.

65. (1) No person shall discharge waste or construct works therefor in a Water Quality Control Area declared as such under section 79, except in accordance with a permit granted pursuant to section 66.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than ten thousand dollars or more than one hundred thousand dollars or to imprisonment of not less than one year or more than five years or to both.

(3) Subject to this section, a person who at the commencement of this Act is discharging waste in a Water Quality Control Area and intends to continue discharging such waste shall, within three months of the commencement of this Act, apply to the Authority pursuant to section 66 for a permit to discharge waste.

Permit for the discharge of waste.

66. (1) A person who intend to discharge waste or classes of waste on any land, bore, sewer or drain, water or watercourse, or any area declared as a Water Quality Control Area under section 54 shall apply in the prescribed form to the Authority for a permit to discharge waste.

(2) An application for permit shall be accompanied by:

- (a) a certificate from the Minister of Agriculture;
- (b) a certificate from the Department of the Environment;
- (c) the prescribed fee;
- (d) any other documentation as the Authority may prescribe.

(3) Notwithstanding subsection (1), a permit for the discharge of waste is not required if the discharge of waste is in accordance with good agricultural practice as determined by the Minister of Agriculture.

(4) Where a discharge or deposit is caused or permitted by or in an emergency in order to avoid danger to the public, as soon as practicable after the discharge or deposit, the licensee or appropriate person shall furnish particulars of the discharge or deposit to the Authority.

67. (1) A licensee shall not be held to have violated the provisions of section 66 by reason only of the fact that a discharge from a sewer or works vested in it contravenes the conditions of a permit relating to the discharge if—

- (a) the contravention is attributable to a discharge into the sewer or works caused or permitted by another person; and
- (b) the licensee either was not bound to receive the discharge into the sewer or works or was bound to receive it subject to conditions which were not observed; and

Circumstances of non-violations for discharge of waste.

- (c) the licensee could not reasonably have been expected to prevent the discharge into the sewer or works.
- (d) the discharge occurs under any other circumstances which the Authority may consider is outside the control of the licensee;

(2) A person shall not be held to have violated the provisions of section 65 in consequence of a discharge which he caused or permitted to be made into a sewer or works vested in a licensee if the licensee was bound to receive the discharge either unconditionally or subject to conditions which were observed.

Terms and
Conditions of
Permit.

68. A permit issued under this Part shall be in the prescribed form and is subject to the following terms and conditions:

- (a) a term of one year;
- (b) permit is non-transferable;
- (c) permit is renewable on expiration of the term;
- (d) any other terms and conditions as the Authority may establish by Regulations made under section 99.

Variation of
terms and
conditions of
permit,
suspension,
etc.

69. (1) A permit under this Part may be varied in any of its terms and conditions at the request of the permit holder, or by the Authority, but the Authority shall not be liable to pay compensation to the permit holder if in the opinion of the Authority the variation is required as a result of a change of circumstances which has occurred since the date of granting of the permit, and which could not reasonably have been foreseen on that date.

(2) Subject to subsection (3) below, a permit under this Part may be suspended or revoked at the request of the permit holder or by the Authority for a breach by the permit holder of any provisions of this Act or Regulations made thereunder or of any of the terms and conditions of the permit.

(3) Before suspending or revoking a permit under this section, the Authority shall give the permit holder not less than one month's notice of its intention to suspend and revoke the permit and shall give the permit holder an opportunity to exonerate himself or to remedy the default.

70. The Authority shall maintain a Register of Permits issued for discharge of waste and of action taken pursuant to section 69.

Register of permits for waste disposal.

71. A permit granted under this Part shall not have the effect of dispensing with the necessity of obtaining planning permission where such permission is required under the Housing and Town Planning Act.

Obligations under the Housing and Planning Act.
CAP. 182.

72. (1) The Authority may grant or refuse to grant a permit under section 66.

Grant of permit.

(2) The Authority shall not refuse to grant a permit under section 66, unless the applicant fails to comply with the requirement of that section.

PART X

CONTROL OF POLLUTION

73. Where it appears to the Authority that any poisonous, noxious or polluting matter has entered or is likely to enter in any waters, the Authority may carry out such operations as it considers appropriate to prevent the

Power of Authority to prevent or control pollution.

matter from entering the water, or to remove or dispose of the matter and to remedy or mitigate any pollution caused by its presence in the water.

**Notice of
Prohibition or
Prevention.**

74. (1) Where it appears to the Authority that any water have been or are likely to be polluted as a result of an act or omission which is deemed to be consistent with good agricultural practice in accordance with section 66 (3), the Authority may, in consultation with the Minister responsible for Agriculture, serve on the occupier of the land where that act or omission took place, a notice requesting him to stop or prevent acts or omissions of that kind.

(2) A person who fails to comply with a notice issued under this section commits an offence and is liable on summary conviction to a fine of not less than ten thousand dollars or more than one hundred thousand dollars or to imprisonment of not less than one year or more than five years or to both.

**Bylaws for the
control of
pollution.**

75. (1) Where it appears to the Authority to be necessary for the purpose of protecting against pollution any water, whether on the surface or underground, the Authority may, with the approval of the Minister make by-laws which shall be applicable to such area as may be specified therein prohibiting or regulating the doing within such area of any act that may cause pollution.

(2) Where an area has been specified in any by-laws made under this section, the Authority may by notice in writing require the owner or occupier of any premises within that area to execute and keep in good repair within such time as may be stipulated in the notice such works as are considered necessary for preventing pollution of any water on such premises and, if such person fails to comply with any such requirement, he commits an offence under this Act.

(3) Where the owner or occupier of a land fails to comply with the requirements of the notice under subsection (2), the Authority may enter the land, execute and keep in good repair the works specified or required, upon the expiration of the time specified in the notice.

(4) Any expenses incurred by the Authority in connection with the measures under this section shall be reimbursed by the owner or occupier and may be recovered by the Authority as a civil debt.

(5) The minister may, for a fit and proper cause and under the recommendation of the Authority, waive repayment of expenses incurred under subsection (3).

76. (1) No person shall pollute any spring, well or other source of water used for human consumption, or domestic purposes, or for manufacturing food or drink.

Offence of
pollution of
water used for
human
consumption.

(2) Nothing in this section shall be construed as prohibiting or restricting

(a) any method of cultivation of land which is in accordance with the principles of good husbandry; or

(b) the reasonable use of oil or tar on any highway maintainable at the public expense, so long as the authority responsible for highways takes all reasonable steps for preventing the oil or tar, or any liquid or matter resulting from the use thereof, from polluting any such spring, well or other source of water.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than ten thousand dollars or more

than one hundred thousand dollars or to imprisonment of not less than one year or more than five years or to both.

Execution of works for protection of water.

77. (1) A licensee may on any land belonging to him or over or in which he has acquired the necessary easements or rights, construct and maintain drains, sewers, watercourses, catchpits and other works for intercepting, treating or disposing of any foul water arising or flowing upon that land, or for otherwise preventing water which belongs to it or which it is for the time being authorised to take, from being polluted.

(2) Where a licensee is proposing to construct any drain, sewer or watercourse for any of the purposes mentioned in subsection (1) above, it may carry the drain, sewer or watercourse under, across or along any street and such statutory provisions with respect to the breaking open of streets as are applicable to the licensee shall, apply accordingly.

Authority to consult with Department of the Environment.

78. Prior to taking any action under this Part, the Authority may consult with the Department of the Environment.

PART XI

CONTROL OF WATER QUALITY AND RESERVATION

Water Quality Control Areas.

79. If the Minister, on the recommendation of the Authority is satisfied that a plan of coordinated measures for the protection of the quality of water resources in any area is necessary in the public interest, he may make an order defining the area in question, and declaring the area to be a Water Quality Control Area.

Water Quality Control Plan.

80. (1) In respect of each area declared a Water Quality Control Area, the Authority shall prepare and submit to the Minister for approval a draft Water Quality Control Plan.

(2) for the purpose of preparing a draft Water Quality Control Plan in pursuance of subsection (1), the Authority shall –

- (a) conduct such studies and investigations and consult with such persons, as it deems necessary, and any body or authority exercising functions in relation to water quality.
- (b) cause to be published in the *Gazette* and at least once in each of two successive weeks in a newspaper widely circulating in Belize, a notice indicating the proposals and specifying the time and place at which, and subject to subsection (4), the period during which, representations may be made in respect of such proposals; and
- (c) hold such hearings or local inquiries as it considers appropriate.

(3) The period specified in a notice pursuant to paragraph (b) of subsection (2) shall not be less than thirty days commencing on the date on which the notice was first published in such newspaper as aforesaid.

(4) The Authority shall prepare the draft Water Quality Control Plan to conform to the Master Plan and shall:

- (a) prepare an inventory and identify present and anticipated waters in the area;
- (b) prepare an inventory and identify present and anticipated discharges of waste into any waters in the area, on the ground or into the ground;
- (c) prepare an inventory controlled land uses;
- (d) identify environmental and scenic values to be protected;

- (e) fix such ambient water quality standards as will satisfy the needs identified in pursuance of paragraphs (a) and (d);
- (f) establish critical locations where the standards fixed in pursuance of paragraph (e) are required to be met.
- (g) include any other information that the Authority deems fit.

(5) In addition to the matters listed in subsection (4), a draft Water Quality Control Plan shall make provision for -

- (a) the achievement of the ambient water quality standards fixed in pursuance of paragraph (e) of subsection (4) including, if appropriate and desirable, a time-table for the scheduled achievement of those standards, if the waters in respect of which ambient water quality standards are in effect fail to meet those standards at such critical locations as are established in pursuance of paragraph (f) of subsection (4); and
- (b) the maintenance of such ambient water quality standards as have been fixed in pursuance of paragraph (e) of subsection (4), if the waters in respect to which those standards have been fixed meet the standards at such critical locations as are established in pursuance of paragraph (f) of subsection (4).

(6) If he is satisfied with a draft Water Quality Control Plan, the Minister -

- (a) shall, by notice published in the *Gazette* and in one national newspaper declare the Plan to be an approved Water Quality

Control Plan and shall specify in such notice the date on which the Water Quality Control Plan shall take effect;

- (b) shall cause such Plan to be made available to all departments and agencies of Government responsible for administering controlled land uses, to any local authority for the area affected by the Plan, having responsibility for administering controlled land use in that area, and to any other body which the Minister thinks may be affected by the Plan in view of the nature of the activities in which that body is engaged.

(7) The Authority may adopt a standard established by the Department of the Environment, which is relevant to subsection (4)(e).

(8) In this section “controlled land use” means any use of land and the natural resources therein which is regulated under any of the following statutes, that is to say the

- | | | |
|-----|---|-----------|
| (a) | Land Utilization Act; | CAP. 176. |
| (b) | The Forest Act; | CAP. 226. |
| (c) | Mines and Minerals Act; | CAP. 225. |
| (d) | Petroleum Act; | CAP. 188. |
| (e) | Any other enactment in force for the time being, which regulates the development, conservation and use of land and the natural resources therein. | |

Reservation of
Water.

81.(1) Subject to subsection (2), the Minister may, on the recommendation of the Authority, by Order published in the *Gazette*, reserve any water from being taken or used.

(2) For the purpose of subsection (1), water may be reserved for any of the following purposes;

- (a) to enable investigation on the suitability of water for a specified purpose;
- (b) to provide for water supply for a waterworks;
- (c) irrigation;
- (d) power system;
- (e) project;
- (f) use of the Government;
- (g) any other purpose which the Authority may determine.

(3) Unless the Order specifies otherwise, it shall not be unlawful to use any reserved water for domestic use.

PART XII

FINANCIAL PROVISIONS, ACCOUNTS AND REPORTS

Funds of the
Authority.

82. The funds of the Authority shall consist of:

- (a) such sums as may from time to time be appropriated by the National Assembly for the purposes of the Authority; and

- (b) such sums as may in any manner become payable to or vested in the Authority from any lawful source whatsoever.

83. The expenses of the Authority, including the remuneration of members and staff thereof, shall be paid out of its annual approved budget.

Expenses of
the Authority

84. (1) The Authority may, in such form and by such dates as may be prescribed by the Financial Secretary, prepare and submit to the Minister of Finance, through the Minister, estimates of revenue and expenditure (including any supplementary estimates) for each financial year, and the Minister of Finance shall present the said estimates to the National Assembly with such amendments, if any, as he may consider necessary

Submission of
Budget
Estimates.

(2) Except with the approval of the Minister of Finance, no further sum shall be expended in any financial year other than that provided in the budget relating to such financial year.

85. (1) The Authority shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in accordance with generally accepted accounting principles.

Accounts and
Audit.

(2) The Authority shall, with the approval of the Minister of Finance, open and maintain, at such bank or banks as it may from time to time determine, accounts for the funds of the Authority.

(3) All accounts of the Authority shall be audited annually by the Auditor-General.

86. (1) Within three months after the end of each financial year, the Authority shall cause to be made and shall submit to the Minister:

Annual
Report.

- (a) a statement of its accounts audited in accordance with section 85 (3) above;
- (b) a report dealing generally with the proceedings, policies, activities, and performances of the Authority during that financial year and in particular with:
 - (i) all applications and complaints to the Authority under this Act, and summaries of the findings of the Authority thereon;
 - (ii) summaries of the findings of the Authority in regard to any matter in respect of which the Authority has acted of its own motion;
 - (iii) such other matters as appear to the Authority to be of public interest in connection with the public utilities subject to this Act; and
 - (iv) such other matters as the Minister directs.

(2) Every report made under subsection (1) (b) above shall include a general survey of developments during that financial year, in respect of any other matters falling within the scope of the Authority's functions.

(3) The Minister shall cause a copy of such report, within three months of receiving it, together with the annual statement of accounts and the auditor's report thereon, to be tabled in the National Assembly.

PART XIII

VESTING OF THE HYDROLOGY UNIT

87. The Minister if satisfied that all necessary arrangements are completed, may by Order, for the purposes of this Act (in this Act referred to as the “vesting day”), vest in the Authority, free of any trust, express or implied, but subject to the functions assigned to the Authority by this Act –

Hydrology
Unit Property,
etc. vested in
the Authority.

- (a) the whole of the undertaking of the Hydrology Unit together with all, staff, materials, appliances, equipment and apparatus used for, by or in connection with the said undertaking and being owned by the Hydrology Unit;
- (b) all interests rights, assets, liabilities, which immediately before the vesting day were enjoyed or borne by the Hydrology Unit, or on its behalf, by its agent, in connection with or in relation to the said undertaking or operation thereof.

PART XIV

LEGAL AND GENERAL

88. (1) If it appears to the Authority that –

- (a) any water has been or is being abstracted and used, or any works instrumental thereto have been or are being constructed, or altered, without a valid licence under this Act; or

Enforcement
of regulatory
controls.

- (b) any borings have been or are being carried out for the purpose of searching for ground water, without a written consent under this Act; or
- (c) any condition subject to which a licence or consent to carry out any of the activities referred to in paragraph (a) or (b) (hereinafter referred to as “water-related activities”) have not been or are not being complied with,

the Authority may, pursuant to this section, serve on a person described in subsection (2) a notice (hereinafter referred to as an “enforcement notice”).

(2) The person referred to in subsection (1) is a person -

- (a) who appears to have carried out or is carrying out an activity in respect of which a licence or consent is required under this Act, without a valid licence or consent; or
- (b) who appears to have failed to comply with any of the conditions subject to which the licence or consent had been granted,

which ever is appropriate in any particular case.

(3) The Authority shall specify in a notice reserved under subsection (1) –

- (a) the water-related activity which is alleged to have been carried out without a valid licence or consent as aforesaid or, as the case may be, the matter in respect of which it is alleged that any such conditions as foreshaid have not been complied with; and

- (b) the period within which an appeal against its decision may be made pursuant to subsection (6),

and subject to subsection (4), may require such steps as may be specified in the notice to be taken within such period as may be so specified for restoring the land and the waters to their condition before the water-related activity took place, or for securing compliance with the conditions, as the case may be, and in particular may, for the purpose aforesaid, require the demolition or alteration of any works, the discontinuance of any use of the waters or the carrying out on land of any operations.

(4) The Authority may, in the notice, order the immediate cessation of the offending action if it is of the opinion that the circumstances giving rise to the notice are such as to warrant an order to that effect.

(5) If any person on whom an enforcement notice is served under this section is aggrieved by the notice, he may at any time within the period specified in the notice appeal against the notice to the Magistrate's Court for the district in which the water-related activity to which the notice relates takes or took place; and on any such appeal the Court in a summary manner –

- (a) if satisfied that permission was granted under this Act for the water-related activity to which the notice relates, or that no such permission was required in respect thereof or that the conditions subject to which such permission was granted have been complied with, shall quash the notice to which the appeal relates;
- (b) if not so satisfied, but satisfied that the requirements of the notice exceed what

is necessary for restoring the land and the waters to their condition before the water-related activity took place, or for securing compliance with the conditions, as the case may be, shall vary the notice accordingly;

(c) in any other case, shall dismiss the appeal;

Provided that where the enforcement notice is varied or the appeal is dismissed the Court may, if it thinks fit, direct that the enforcement notice shall not take effect until such date (not being later than twenty-one days from the determination of the appeal) as the Court may think fit.

(6) Where an appeal is made against an enforcement notice in which the cessation of the offending activity is ordered, the notice shall remain in effect pending the final determination or withdrawal of the appeal.

(7) Any person aggrieved by a decision of a Magistrate under subsection (5) may appeal against that decision to the Supreme Court.

Supplementary provision as to enforcement notice.

89. (1) Where an enforcement notice takes effect and within the period specified therein or within such extended period as the Authority may allow, any steps required by the notice to be taken and have not been taken, the Authority may enter on the land on which the water related activity to which the notice relates is or was carried on and take those steps.

(2) Any amount reasonably incurred by the Authority pursuant to subsection (1) may, without limit of amount, be recovered as a simple contract debt in the Magistrate's Court of the District in which the steps aforesaid were taken, from the person who -

- (a) being the holder of a licence or consent under this Act, has failed to comply with a condition of the licence or consent affecting water-related activities; or
- (b) has carried out a water-related activity in respect of which a licence or consent is required under this Act, without a valid licence or written consent.

(3) A person who, having been entitled to appeal to the Court under section 88(5), fails to make such an appeal shall not be entitled in proceedings under subsection (2) to dispute the validity of the action taken by the Authority upon any ground which could have been raised in such appeal.

(4) Any person who uses water or causes or permits water to be used or carries out or causes or permits to be carried out any operations in contravention of enforcement notice commits an offence under this Act.

90. (1) Offences under this Act shall be investigated by officers duly designated by the Authority (in this Part referred to as “designated officers”).

**Investigation
of Offences.**

(2) A designated officer shall have the power to inspect, at any reasonable time, the site or sites where an offence is suspected to have been committed, to take samples of water and effluents and to request the alleged offender to submit any relevant documents, data and information.

(3) In exercising his powers under sub-section (2) a designated officer shall show appropriate evidence of his authority.

Obstruction or pollution of watercourse or water resource.

91. (1) No person shall, without authority under this Act –

- (a) willfully obstruct, interfere with, divert or abstract water from any watercourse or any water resource, or negligently allow any such obstruction, interference, diversion or abstraction; or
- (b) throw or convey, or cause or permit to be thrown or conveyed, any rubbish, dirt, refuse, effluent, trade waste or other offensive or unwholesome matter or thing into or near to any water resource in such manner as to cause, to be likely to cause, pollution of the water resource.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars, or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment.

Obstruction of designated officers.

92. Any Person who willfully obstructs, resists or in any way interferes with a designated officer in the performance of his functions under this Act or regulations or by-laws made thereunder commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars, or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment.

Unlicenced drilling.

93. (1) Any person who drills a well, or causes a well to be drilled without a licence commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment.

(2) Whoever carries out drilling activities on a professional basis without having obtained a drillers' licence in pursuance of the provisions of section 41 commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars, or to imprisonment for a term not exceeding two years or to both.

94. Any person who refuses to provide the information requested by the Authority commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars.

Refusal to provide information.

95. (1) Whoever –

(a) in giving any information which he is required to give under this Act or regulations made thereunder, knowingly or recklessly makes a statement which is false in a material particular; or

False information and falsification of measuring devices.

(b) for the purpose of obtaining a licence under this Act, knowingly makes a statement which is false in a material particular,

commits an offence.

(2) Where the conditions attached to a licence under this Act require the use of a meter or other measuring device, and such meter or device is installed and used, any person who willfully alters or interferes with that meter or device so as to prevent it from measuring correctly commits an offence.

(3) Any person who contravenes this section is liable on summary conviction to a fine not exceeding ten thousand dollars, or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

Offences by corporations.

96. Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect or default on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who is purporting to act in any such capacity, he, as well as the body corporate, commits an offence.

General Penalty.

97. A person who commits an offence against this Act for which no penalty is expressly provided, is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for one year.

Protection of officers.

98. An Action may not be brought against any member or officer of the Authority, or any designated officer for anything done or left undone by the person in good faith in the performance or intended performance of an authority conferred or duty imposed under this Act or the regulations.

Regulations.

99. (1) The Authority with the approval of the Minister may make regulations generally for the better carrying out of the objects and purposes of this Act and, without prejudice to the generality of the foregoing, may make regulations in relation to -

- (a) the form and manner of making an application for any licence modified licence or consent required under this Act, the maps, documents or information which shall accompany such application and the matters to be taking into account by the Authority in considering such applications;
- (b) the provisions relating to any licence or consent which may be granted under this Act, including the form thereof, particulars which shall be specified therein and the

terms and conditions subject to which such licence or consent may be granted;

- (c) the grant, suspension, variation, renewal and revocation of a licence or consent granted under this Act;
- (d) the establishment and maintenance of a register or registers in respect of licences granted under this Act;
- (e) the registration and recording of easements constituted under the provisions of this Act;
- (f) provisions for the registration and control of well-drilling and decommissioning of wells;
- (g) the control of water quality;
- (h) the time within which and the manner in which an appeal to the Authority may be made under this Act;
- (i) the fees and charges payable in respect of any licence or consent granted under this Act or the rendering of any service or the doing of anything required to be rendered or done under this Act and the manner of payment thereof;
- (j) the protection and management of gathering grounds and controlled areas;
- (k) prescribe standards of performance for.
 - (i) the abstraction of water,
 - (ii) informing a person of his rights under the Act.

- (iii) the settlement of disputes;
 - (l) prescribe procedures in connection with disputes, and the Authority's determination on such dispute to be enforceable;
 - (m) prescribe fees and charges for failure to meet standards established and for compensation to persons affected by any such failure;
 - (n) prescribe circumstances where a licensee may be exempted from requirements of the regulations;
 - (o) any other matter required by this Act to be prescribed.
- (2) Regulations made under this Act may provide in respect a breach of any of the provisions thereof that the offender is liable to a fine of five thousand dollars or to imprisonment for one year, or to both such fine and period of imprisonment.
- (3) The Authority may with the approval of the Minister and subject to public consultation, publish the schedule of fees and charges pursuant to subsection (1)(m) in a newspaper of general circulation in Belize.
- (4) Regulation made pursuant to this section may be subject to negative resolution by the National Assembly.

100.(1) This Act shall not affect the provisions of international agreements on the use and protection of transboundary water resources that are in force or may be concluded, to which Belize is a party.

(2) In dealing with transboundary waters, and in the absence of international agreements, Belize shall abide by the accepted principles of international customary law on the subject.

101. Without prejudice to the provisions of the Water Industry Act, as it relates to the provision of water and sewer services directly or indirectly to or for the public, where there is any conflict between the provisions of this Act and those of the Water Industry Act the provisions of this Act shall prevail.

**Resolution of
conflicts with
Water
Industry Act.**

CAP. 222 .

102. This Act shall come into force on a day to be appointed by the Minister by Order published in the *Gazette* and one other national newspaper.

Commencement.