

# Have your say on revised water use licence regulations

The Department of Water and Sanitation (DWS) has published the revised Regulations regarding the Procedural Requirements for Water Use Licence applications for public comment.



Image source: Süleyman Sahan from [Pexels](#)

The amendments aim to effect reforms in relation to equitable allocation of water use, as well as to amend the procedural requirements related to applications of new water use licences, including reviewing of timeframes and fees linked to licence application processes.

The review also seeks to address regulatory uncertainties in key aspects of water use licensing, including public participation and the provision of financial security for post licence rehabilitation.

The department said the regulations were last published by the department on 24 March 2017.

During the State of the Nation Address in 2020 and 2021, President Cyril Ramaphosa announced the reduction of the 300 days turnaround time of processing licence applications to 90 days.

The department said the announcement prompted the need to review the 2017 regulations to reflect the 90 days process.

The amendments also include other aspects that were previously left out in the regulation.

## Allocations

The department said approximately 98% of South Africa's water resources were already allocated by 2004 (National Water Resource Strategy), of which the majority of allocations are through the recognition of old water use entitlements, what is termed Existing Lawful Water Use (ELU).

According to the department, comparative statistics drawn from issued water use licences to Historically Advantaged Individuals (HAIs) and Historically Disadvantaged Individuals (HDIs) since 1998 indicates that a total of 412 million cubic metres (m<sup>3</sup>) of water has been allocated amongst the two groups, with 313 million m<sup>3</sup> (75.93 %) allocated to HAIs, whilst a modest 99 million m<sup>3</sup> (24.07%) was allocated to HDIs.



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The same analysis for water allocated by means of Existing Lawful Water Use shows that a total of 5.83 billion m<sup>3</sup> of water is allocated, where 5.74 billion m<sup>3</sup> (98.54%) is allocated to HAIs and only 90 million (1.46%) to HDIs.

"These statistics indicate that water allocations remain highly skewed towards the HAI group, hence the department should make efforts to improve this situation. The revised regulations have introduced proposed thresholds of abstraction volumes of water against the level of black ownership in applications submitted for new water use allocations.

"This is done to ensure that there is transformation of water use allocations to address the disparities in access to water use from apartheid. Interested and affected stakeholders are encouraged to make constructive proposals on this critical mandate of the department," the department said.

## Fees

The draft regulations also include amendments to water use licensing fees.

The department explained that the proposed fees for different licences take into account the complexities associated with the administrative processing of these licences, resources required and the accelerated approach, in line with the reduced processing period.

The revised regulations further introduce minimum information requirements for unconventional gas licence applications.

"As the country is starting to explore other sources of energy/fuel and the department anticipates receiving applications from this sector, the minimum information requirements will enable applicants to be well-versed prior to submitting applications to the department," the department said.

The [revised regulations](#) were published on 19 May 2023. The public is invited to submit written comments on the proposed regulations within a period of 60 days.

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