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REASSESSMENT OF THE ISLAND'S WATER RESOURCES AND DEMAND

Objective 2 – Output 2.1

WATER LEGISLATION AND INSTITUTIONS IN CYPRUS

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S U M M A R Y

This report is part of the WDD-FAO project “Reassessment of the Island’s water resources and demand” and particularly of Objective 2, Output 2.1 which is intended to deal with “summary review of laws and institutions relevant to water sector in the context of harmonization with EU common policy and the possible application of new policies to cope with water scarcity”.

That the existing water legislation and the resulting institutional arrangements are inadequate and cannot cope with the present and probably the future advances in technology, water development and standard of living is an old story going back at the first steps of the Republic of Cyprus. Their weaknesses were more profound during the last decade with the prevailing droughts and scarcity of supply. However a lot of action in this field is now taking place and this is what led to the decision to include the reassessment of the water legislation and institutions in the project along with the reassessment of water resources.

It is a fact that most of the laws pertaining to water either directly or indirectly are quite old and were enacted during the colonial era. Therefore they can not provide for a situation which reached the ultimate recourse to desalinating sea water to reinforce the water reserves or to be more accurate to enable the population of the island to survive after the repeated during the last years droughts.

This was manifested by the various reports on the water legislation by law and water development experts during the 42 years of the Republic’s life. Some of the existing shortcomings of the legislation or of the lack of legislation, at the three levels of the water sector that is policy, executive and users levels, resulting to gaps, overlaps, vaguenesses and consequently to inefficient management of water are given the report. Depending of course on the angle one looks at water management, those mentioned shortcomings are just a mere sample.

During the stormy life of the Republic efforts were periodically made to correct the situation, mostly by revisions on the existing legislation. However, due to the great fragmentation of the legislation, especially that which indirectly affected the water management and the fragmentation of authority of the various institutions dealing with water, these efforts proved to be spasmodic and inefficient.

A landmark in these efforts could be the study of the British Consultant at the beginning of last decade, which examined in depth the existing water management situation and came up with a suggestion for the establishment of a semi-autonomous organization and a rather unified water code. Their proposals were for a long time critically examined by the Government but no action could be taken due to their rather radical suggestions, which affected certain authorities and powers of some Governmental bodies.

However, certain facts which earmarked the whole of last decade forced the Government to take decisions. The drought which prevailed during almost the whole of the decade, the grown up environmental sensitivity of the people, the increased use of non-conventional water resources such as recycled and desalinated water but above all the requirement to harmonize the water legislation with the EU common

policy, played particular role in making the Government take action in the field of water management.

The decision reached, however, for the reform of the water legislation and the corresponding institutional arrangements, was the simplest one, as the proposed established Water Entity, which will substitute the WDD, will be retained within the Ministry of Agriculture, Natural Resources and Environment. This means that the responsibility for water policy, including decisions on water allocation especially during dry periods and on the undertaking of water works will still be in the hands of the Council of Ministers and the associated Minister. In fact the new proposed Water Entity Law, which is at present in the form of a Bill, which was submitted to the Parliament, incorporates changes only at executive level, by transferring certain authorities of the Ministry of Interior to the Water Entity and it legally regulates certain authorities of WDD which are now exercised without legal framework, leaving the legal and institutional set up at consumers level unchanged. It should be noted that out of about 28 laws directly or indirectly pertaining to water only 5 are repealed by the new law.

With regard to the harmonization of the existing water legislation with the EU common policy and particularly with the new Directive 2000/60/EC which sets a framework for Community action in the field of water policy, all efforts were made in drafting the Water Entity Law, to provide for its compatibility with the Directive's requirements. The degree this target was achieved will be examined since some other legislation on environmental issues, already enacted, are also aiming at the same purpose.

The first step to judge the success of the new Water Entity is its approval by the Parliament, as it will face the resistance of those who prefer a more radical change in the legislation and establish a semi-Government authority. The second is to prove how effective will be in enforcing its provisions, especially those referring to groundwater control. In spite of the limited alterations the new law is expected to bring about, it is considered to be a first step towards the correct direction. The new Water Entity undertakes to play a significant role in rectifying a lot of existing drawbacks, provided that along with the burden of new responsibilities, it is equally reinforced both financially and with adequate personnel.

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Introduction

As a result of the existing water legislation the water institutional arrangement is quite complicated at almost all levels of water management. The reasons behind this unpleasant situation, have been examined thoroughly by a lot of experts at different occasions since independence, but one could summarize them in few words as follows:

- a) Most of the existing legislation is quite old, referring to the colonial era of Cyprus, which by provision of the Constitution was adopted by the newly established Republic. The shortcomings of this situation were detected even during the first decade of independence but any effort to remedy the situation was done in a haphazard way, by variations or additions which added to the existing confusion.
- b) Under the colonial administration all main administrative power was entrusted in the hands of the District Commissioners and by the above mentioned provision of the Constitution it was inherited by the District Officers of the Ministry of Interior. Therefore the established Ministry of Agriculture and Natural Resources and particularly the Water Development Department (W.D.D), which undertook the difficult task of developing and management of the water resources, found themselves with a lot of burdens, requiring unnecessary huge effort to “break through” and achieve the set development targets.

Although the above mentioned reasons may constitute the root of the problems, other individual matters of the whole legal and institutional process such as financial arrangements, fragmentations of authority and sometimes the lack of legal background, contributed to the confusion.

The problematic situation in the administration and management of water resources was detected and recognized even at the first steps of the Republic. But whereas the subject was extensively and repeatedly examined and scrutinized by a lot of law experts, such as Dr. Caponera and Mr. Krausj, Mr. R.I. Nunez and the former Directors of the W.D.D Messrs P. de Gruyter and C. A. C. Konteatis, no action was taken to remedy the situation.

It was rather easier to concentrate on the technical field of the systematic assessment of water resources and the planning of their development and utilization, through the Cyprus Water Planning Project in 1967, a U.N.D.P-FAO aided development programme. But whereas the unified water development on a regional and even national basis, including transportation of water from one region to others was accepted and adopted, no effort was made towards the establishment of a Cyprus Water Authority, with all legal and administrative powers entrusted to it, which was the proposal of a study within this project.

After the invasion in 1974 and the need to cope with the arisen immediate problems of supply of water to the misplaced people, the need for legal and administrative transformation was forgotten as of less urgency. Instead the effort was concentrated on the implementation of the major water development projects, which were substantially completed by the end of 1990. During this period, any

shortcomings, especially of financial nature, emanated from the existing legislation, were tried to be overpassed, by provisions in the loan agreements with the international financiers of the projects such as the World Bank, the Kuwait Fund, the European Investment Bank etc.

In 1987 however the most serious effort was made by hiring the consultancy services of Rofe, Kennard and Lapworth Consulting Engineers in association with the Southern Water Authority from Great Britain to prepare a detailed institutional study for the establishment of new Entity, or improvement of the existing arrangements for the development, management and allocation of water resources in Cyprus.

Of course it was not the first time, when the need for a water entity with all powers vested in it, was realized versus a mere systematic revision of the existing legislation, but it was the first time when the study produced, covered in depth the up to then existing legislation and institutional arrangements and which examined the various possible options of action and recommended the establishment of a new semi-independent National Water Entity. The study included full description of the Entity's powers at three different levels i.e. policy, executive and user level and details of its organization, financial support and the mode of operation.

The study was for several years examined and reexamined by government committees at various levels but no decisions could be reached, as it constituted a real break-through in the whole process. The implied lack of immediate government control, the taking away of substantial administrative power from some Ministries, especially that of Interior, its financial adequacy in close relation to the existing system of cost and price subsidization by the Government, were some of the factors which brought about skepticism as to its successful operation.

During however the last decade of the century a lot of new elements were added to the whole issue.

The drought period which prevailed during most of the decade made the task of allocating the scarce water resources much more difficult, and the pressure by interested groups especially the farmers' unions as well as the parliamentary committee on agriculture, for an independent water entity was intensified.

The introduction in the whole water cycle of non conventional water resources such as sea water desalination and the massive reutilization of treated sewage effluent, which have substantially added to the reliability of water supply, called for some new arrangements in the legal and institutional set-up.

The evergrowing sensitivity of Cypriots with the environmental issues and the gradually increased emphasis on water quality versus the up to then overriding target of water quantities, demonstrated the lack of existing legislation to deal with the new presented problems.

All these factors forced the Government to reexamine the situation through a Ministerial Committee and the decision reached provided for a Water Entity within the Ministry of Agriculture, Natural Resources and Environment and the transfer to it some of legal powers from other Ministries. The drafting of the new law for the establishment of the Water Entity, was undertaken by a local Law Office and the new

Bill was substantially completed in February 2001. After its approval by the Council of Ministers in July 2001 it was proceeded to the Parliament for further consideration.

At the same time within the efforts for harmonization of the Cyprus water legislation with the EU common policy, certain other legislation was prepared mostly of environmental nature with particular emphasis on water quality and prevention of water pollution.

In drafting this report, the writers taking in consideration their terms of reference but also the fact that the institutional arrangements emanate from the legislation, have decided to set out the report as follows:

The existing water legislation is first described, including all recent laws which were enacted and also some laws with indirect relation to water.

Then a summary of the provisions of the new Water Entity Bill is presented, part by part.

The existing institutional arrangement follows then, with some emphasis on the setting up of the Water Development Department with its interrelations with other Ministries, Departments and Offices. An effort was made to include the non governmental organizations which directly or indirectly influence water management decisions.

The new institutional set up which will accrue, when and if the Water Entity Bill as proposed is enacted, follows with the identification of the major changes from the existing situation.

Finally a chapter is devoted to the compatibility of the provisions of the Water Entity Bill with the requirements of the relatively new EU Directive 2000/60/EC which sets a framework for Community action in the field of water policy.

1 EXISTING LEGAL FRAMEWORK

1.1 The Government Waterworks Law (cap 341 as amended)

- (a) Subject to the qualifications relating to private rights referred to in section 1.1 (b) below, this Law vests underground water and all surface water running to waste from any river, spring or watercourse, all water that comes from governmental plants for the processing of water or of domestic/industrial waste or desalination plants and all other waste water in the Government. The written permission of the District Officer is required before any such water is taken or used. Permits can impose conditions and restrictions as necessary or desirable. Permits can be cancelled in the public interest if circumstances have changed so as to justify this. (Note: permits for taking water from any well or line of wells are issued under the Wells Law or the Water Supply (Special Measures) Law).

This Law also gives wide powers to the Government to construct works “for the purpose of taking or utilizing water, or replenishing an aquifer or land drainage, or protecting land from floods, pollution or erosion”, using if necessary compulsory purchase powers. Determination of the waterworks to be undertaken is for the Council of Ministers, who can appoint Water Commissioners to ascertain and record in a Register details of any existing water rights that will or may be injuriously affected by the proposed waterworks. After various rights of appeal the Director of Lands and Surveys maintain the Register which is binding and conclusive of the rights specified therein. The Law also empowers the Water Development Department to enter and survey lands to determine the existence nature and extent of any water right and there are similar provisions for Water Commissioners to hold public inquiries and hear objections against the findings made. Any Government waterworks affecting private rights give an entitlement to compensation in accordance with the details in the Register.

The District Officer is empowered to agree compensation with the claimant or in the absence of agreement, reference can be made to the Court.

Rates and charges leviable in this Law are revised from time to time by the Council of Ministers by Regulations which are subject to annulment by the House of Representative. They are collected by the WDD or by the District Officer and Warrants may be issued by the Director of Inland Revenue where the District Officer certifies any rate or charge is unpaid.

- (b) It is worth looking at this law closely to ascertain the details of how its provisions work out for both surface water, underground water and the water rights of individuals.

Surface Water which is defined as consisting of “water running to waster from any river, spring or watercourse and all other waste water” shall be deemed to be the absolute property of the Government.

This definition is subject to certain important qualifications. The private individual is given the right of ownership of a certain amount of water for a specific period of time and taken from a specific spot on condition, either:

- i) that this right has been exercised without interruption for the full period of 30 years before 1 September 1946, i.e. the date of the coming into force of the Immoveable Property (Tenure Registration and Valuation) Law (cap 224;) or,
- ii) that this right has been conferred by a Firman or other valid document of title made before 4 June 1878, i.e. the date of the session of Cyprus by the Turks to the British, which has been acted upon from the time when it was made; or,
- iii) that the right is exercised under the provisions of any law for the time being in force.

These private rights of ownership can be acquired in the same way as land, i.e. by gift, sale or inheritance.

Surface water flows, because of climatic conditions, tend to be confined in most cases to a few months a year. It can therefore be concluded that whilst private rights to surface water can undoubtedly cause problems, the extent or value of such rights is less than may at first be imagined. They can be an obstacle to efficient management of resources, e.g. when flows in excess of an owner's needs may go to waste, but would appear to be readily capable of being compensated for in modest sums, or more likely, by the provision of alternative supply arrangements when a new irrigation scheme is contemplated.

The above private rights to surface water are often referred to as "ab antiquo" rights, their origins frequently being somewhat blurred by the mists of time. The entitlement may be to a particular quantity of water from a particular location at a certain time of the day or night. As mentioned, the right must have been exercised without interruption for the requisite period.

The Immoveable Property (Tenure, Registration and Valuation) Law, (cap 224), defines immoveable property as including "springs, wells, water and water rights whether held together with, or independently of, any land". The Constitution of Cyprus provides that "just compensation shall be promptly paid for any restrictions or limitations which materially decrease the economic value of moveable or immoveable property". Compensation is therefore payable to owners of ab antiquo rights where control needs to be exercised to free surface waters from those rights.

Compensation payments have already been paid by the Water Development Department (WDD), the preferred practice being to compensate on a "once-and-for-all" basis, so that water then made

available under an irrigation scheme is paid for at the full rate. Amounts have not proved to be excessive because of the short seasonal nature of the right claimed and the once-and-for-all approach is preferred to giving free supplies during the same periods of the year as the rights were previously enjoyed.

In Mr Nunez's report, it was estimated that some 10-15%, of the country's total water was outside of licensing control due to the exercise of ab antiquo rights. The figure today is uncertain as new claims can arise when attempts are made to implement new schemes. For example, a new reservoir can severely restrict or dry up a channel, the subject of a claim for a private right. However, the benefits of a reliable year round source of water for irrigating crops are coming to be appreciated. With the completion of the Southern Conveyor Project, the number of potential claimants has diminished and commonly held view is that the size of the problem has in the past been overstated.

Underground Water is defined as consisting of all underground water (including second water) for which no measures have hitherto been taken enabling such water to be brought or raised to the surface or to run on the surface. Such water vests in the Government by virtue of this Government Waterworks Law, (cap 341). Before anyone can make use of underground water, a permit has to be obtained from the District Officer of the District within which the property is situated. The exception to this rule is where water is taken from a well or chain of wells lawfully sunk prior to 19 May 1928, the date of application of the Law. Whether a well was lawfully sunk depends either upon its location or the availability of what may be called an "old" permit. If located in what is termed "mulk" property, i.e. land closely adjoining a hereditament, the Ottoman Law Mejelle permitted a well or borehole to be sunk without a permit. If land was in a different category, e.g. mirie or mevaf, then a permit was required respectively from the Land Registry Office or from the Soultan. These rights to underground water have to be taken into account when an application is today being considered for the sinking of a new well or borehole.

It is believed the scope of these old rights is not extensive, as many old wells were shallow and ceased to yield worthwhile quantities of water when the water table became lower. Entitlement to compensation for lost rights would not appear to arise where enjoyment originally arose by permit.

A right to abstract underground water by permit is protected because the well owner's requirements are taken into consideration before a new permit will be issued in the same area. Section 7 of the Wells Law, (cap 351), notwithstanding that a permit may have been issued by a District Officer, gives an existing well owner a right of action against the person who has constructed a new well if the amount of water in the existing well is or is likely to be substantially diminished thereby. For this right of action to arise, the well must be sunk within a distance of 600 feet, of any point of any chain or system of wells whereby underground water which flows,

to the surface or to any spring or source of water which flows naturally to the surface, or within 80 feet of any other well from which water is raised to the surface by any means whatsoever. The affected owner has a right to claim damages and a filling-in order from the Court.

Other water Sewage water is defined as all domestic liquid waste and/or industrial waste which is disposed off at governmental processing plants. Such water as well as water coming from governmental desalination plants and governmental water processing plants, vests in the Government by virtue of this Law since 1999.

Surface, Underground and other water therefore constitutes property of the Government subject to the private rights above referred to. The individual's rights to use such water arise by virtue of permits issued under the Government Waterworks Law and Wells Law respectively. In each-case the District Officer is presently charged with the issue of permits which can incorporate conditions and restrictions as to user, area and quantity and the type of pumps and meters to be installed.

1.2 The Wells Law (Cap 351 as amended)

This law provides that a permit is needed from the District Officer before a well, including a chain-of wells, or borehole is sunk or constructed. The applicant must be the landowner or produce evidence that the permission of the landowner has been obtained. The Schedule to the Law sets out the form and particulars for applications. The District Officer may impose such conditions and restrictions as seem "necessary or desirable regarding the sinking or construction of the well or borehole, the manner in which water shall be taken therefrom and generally regarding the use of the water of such well or borehole". The permit holder may apply to the District Officer to vary or modify any conditions or restrictions from time to time. When a permit is granted construction of the works must be completed within twelve months, although extensions are possible on payment of additional fees.

Where the Council of Ministers is satisfied that special measures for the conservation of water in any area are necessary in the public interest, whether for the protection of public water supplies or for the protection of water supplies used for industrial, domestic or other purposes, an Order may be made defining the area and thereupon no permit shall be issued by the District Officer or any variation or modification made, except with the concurrence of the Chief Officer of the Water Development Department. The Chief Officer in giving or withholding his concurrence shall have regard to the extent to which the general water situation in the area (including its further development) or the requirements of prior users of water may be affected by the proposed well or borehole.

Drillers of wells require annual drilling licenses from the Chief Water Development Officer. The Law provides that not less than 7 days notice shall be given in writing of an intention to drill sink or construct a well or borehole, or to deepen, enlarge, repair or clear an existing one.

As mentioned in section 1.1 (b) this Law gives certain rights of protection to owners of existing wells within certain limits. The powers of a Court to order the filling in of a newly constructed well are limited by §9 of the Law. An existing well owner may only be entitled to compensation if the new well has been constructed by a Local Authority or any Department for the supply of water to the residents of any farm or village if the construction of the well was absolutely necessary for the supply of drinking water or water for domestic use of the residents or for any other public purpose, there was no other reasonably accessible means of supply, and the construction does not substantially diminish the supply of water required by the residents of any other town or village.

A permission granted by an owner of land to another to sink a well or borehole on his land is binding on his successors in title unless there is non-compliance with the terms of conditions of the permission. There are various miscellaneous provisions relating to e.g. safety of wells and power for the District Officer to enter, inspect and take measurements of water pumped.

1.3 Water (Development & Distribution) Law (cap 348)

This Law enables the President to appoint a Committee to take over all water rights and works within an area. The Committee becomes a permanent body to promote the conservation and develop the use of water resources and coordinate the distribution of water supplies within its area. The committee can also act as a bulk supplier to any water undertaker. The Law was passed in 1955 to facilitate development of resources by catchment areas.

1.4 The Irrigation Divisions (Villages) Law (Cap 342 as amended)

This Law empowers the District Officer at his own instance or on the application of not less than 10 proprietors of land in any village or group of villages to call a public meeting to determine whether an Irrigation Division should be formed for all or any of the following purposes: the construction, improvement maintenance or repair of any irrigation works lying wholly or in part within the village(s); the protection of common waters or watercourses or for the regulation of the use thereof; the maintenance or protection of the water rights of the proprietors; the acquisition by purchase, lease or otherwise of water of the Republic from any waterworks and the regulation of the use, distribution and disposal thereof; and the amalgamation of two or more Irrigation Divisions. There is a lengthy procedure for establishing a Division which acts through a Committee of not less than 3 or more than 7 proprietors with the District Officer as chairman. The Committee supervises and controls irrigation works and contracts loans for purposes approved by the District Officer. Such works used to receive a 2/3 grant (now it has reached 90% to 100%) from the Government with the balance financed by a cheap rate loan over a long term. The Water Development Department gives technical advice and as indicated earlier, this role is seen as passing to the Entity. The Irrigation Division Committee has wide powers compulsorily to acquire land and enter property. Committee Rules prescribe rates and charges payable for irrigation water with penalties for delay in payment. The Director of Inland Revenue issues proceedings for unpaid charges as certified by the District

Officer although these are very seldom applied. Actions or proceedings against a Division are brought against the Treasurer of the Committee.

1.5 The Irrigation Association Law (Cap 115)

This Law affords an opportunity for at least 7 owners of water rights to form an Association for the construction, improvement, maintenance or repair of any irrigation works in connection with their common water. The provisions for the establishment of an Association are similar to those that apply in the case of Divisions, with the District Officer acting as chairman of the Association and the Water Development Department being involved in planning design and construction of the works. Association members retain their private rights of ownership to water and the Committee regulates matters so that each member of the Association receives his correct share. Rates of financial assistance for Associations are less than for Divisions and the trend is now to annul them.

1.6 The Water Supply (Municipal & Other Areas) Law (Cap 350)

This law provides for the establishment of Water Boards for the control and management of water supplies in municipal and other areas. Boards are established in Nicosia, Larnaca and Limassol. Paphos Water undertaking is run by the Municipality. Their powers are typical of those required for distribution purposes, e.g. breaking open streets, entry onto land, laying of pipes etc. Boards have power to impose water rates or charges for the supply of water but only after the approval of the Council of Ministers and the Parliament. All domestic supplies are metered. Recovery of unpaid charges is similar to other charges for water in that the District Officer, as Chairman of the Board advises the Director of Inland Revenue who issues warrants for recovery proceedings or the Director of the Water Board to stop the supply until payment is settled. Boards' sources of water may be developed by themselves or be bulk supplies from WDD.

1.7 The Nicosia Water Supply (Special Power) Law 1932 (Cap 346) & The Nicosia Water Supply (Special Provisions) Law (18/1959)

Confer powers for relief of water shortage in Nicosia and for prevention of contamination of the domestic water supply. These laws do not apply anymore.

1.8 Factories Law (Cap 134)

This law is administered by the Ministry of Commerce and Industry, the Minister of Labour and the District Officer. The Department of Water Development may be consulted on matters relating to water supply and waste water disposal.

1.9 Public Rivers Protection Law (Cap 82)

Certain offences may under this Law be prescribed in relation to rivers declared to be "public rivers" by the President by Order in Council. The

offences include breaking down or damaging any bank or wall of a river. Similarly by notice in the Gazette the District Officer may prohibit the doing of certain acts e.g. removal of materials from the bed, bank or wall of a river, the dumping of rubble or refuse in a river.

1.10 Mines and Quarries Law (Cap 270)

As the title suggests, whilst primarily concerned with mining and quarrying, this law contains two sections which provide that no mining lease shall be construed as authorising the lessee to divert the waters of any public river, stream, spring well or watercourse without the consent in writing of the Inspector of Mines, or to divert any water privately owned without the consent of the owner. It is also an offence to pollute or permit to become polluted, any water or in any way to render such water unfit for the purpose for which is it being used. Water used for mining operations etc. must not leave the mining area in which it has been used if it contains injurious substances in quantities likely to prove detrimental to human, animal or vegetable life.

1.11 Foreshore Protection Law (Cap.59)

This Law enables the District Officer from time to time by notice published in the Gazette, to prohibit or impose restrictions or conditions upon, inter alia, "the dumping of any rubble, rubbish, sweepings, litter, night soil or other refuse, on that part or the foreshore specified in such notice or into the sea within such distance from low watermark as may be specified in such notice". Foreshore includes any land within a distance from high mark not exceeding 50 yards.

Contravention of the terms of a notice is a criminal offence, and in addition to a fine, the offender can be made to remove the offending material.

Section 6 of this Law contains a provision whereby the District Officer may by notice require any person or Municipal Council to cover within the time specified in the notice, any drain which crosses the foreshore and to extend such drain into the sea to such distance as the District Officer directs. If there is a failure to comply with a notice, the District Officer can execute the works himself, the costs being payable by the person or Municipal Council concerned. There is no criminal penalty.

1.12 The Water Supply (Special Measures) Law 1964

This Law empowers the Council of Ministers, if satisfied that by reason of exceptional circumstances a serious shortage or deficiency of water exists or is likely to exist within a certain area and that special measures for the conservation of the water resources and maintenance of water supplies in such areas are necessary in the public interest to declare an area to be a controlled area. The important effect of this Law is in relation to issue of permits to construct wells and boreholes. The District Officer must obtain the concurrence of the Director of the WDD before issuing a permit.

1.13 Sewage and Drainage Law 1970

The Council of Ministers are empowered by Order to declare any area where no proper or adequate sewage works exist or are being satisfactory operated, to be an area for the purpose of this law with regard to the establishment, maintenance and operation of a proper system of sewage works and the treatment or disposal of sewage and to establish a Board to perform the duties and exercise the powers relating to sewerage, and sewage disposal. Where the proposed area includes any Municipality an order shall only be made after consultation with the Council of the Municipality. This provision relates to foul sewage and similar provisions apply for the provision of drainage works, that is, facilities for the collection, conveyance and discharge of storm and surface water.

The Board, which shall be a body corporate, where its area is wholly or partly within the limits of a municipality shall comprise the Council of that municipality with the Mayor acting as Chairman. Additional members may be appointed by the Council of Ministers to represent interests of those outside of the limits of a municipality.

Where a Board is established outside a Municipality it shall comprise a Chairman and four members appointed by the Council of Ministers.

A Board shall have vested in it all movable and immovable property relating to sewerage and drainage and the debts and liabilities of any predecessor shall pass to the Board.

The Board has a duty to construct, acquire, provide, maintain, improve, extend, alter and operate a proper and adequate system of sewage works for the collection, conveyance, treatment and disposal of sewage and/or drainage works for the collection, conveyance, treatment and disposal of storm, surface and other waters or both, or combination of both, and for this purpose to purchase or construct the necessary works, including the organization of all easements and rights of way required therefore.

Byelaws may be made to secure that every building has available means for disposal of sewage and surface water to the public sewerage and drainage systems.

The law contains general powers to lay sewers and drains and construct sewage and drainage works and powers to do necessary subsidiary works.

The Board are empowered to appoint officers, servants and consultants who may exercise powers of entry onto land and carry out other functions associated with the powers and duties of the Board.

The law contains financial provisions for raising funds, borrowing, etc and provides for the imposition of charges. These may be: connections charges, rates based on property values to reflect the benefit of sewerage or drainage works; an additional rate in respect of the use of sewage works; and an additional rate based charge, based on the extent of surface area of the property drained.

Where the Board so prescribes, there is an obligation on property owners to provide building drains and private building sewers and to meet the costs of construction of the public building sewer and its connection with the private building sewer and public sewer, i.e. the costs of all pipework from the property to the public sewer. Where public sewer is not available the Board may issue permits for the construction of private sewage disposal systems and there is power to require subsequent connection to the public system when constructed.

There are provisions for drainage of storm and surface waters to storm drains or combined sewers. The Board is empowered to loan money for construction of private building sewers and the cost of connections with public building sewers, repayment to be by installments.

It is an offence to discharge substances, materials, water or wastes that may harm either sewers or the sewage treatment process or equipment or have an adverse effect on the receiving stream, or endanger life, limb, public property or constitute a nuisance. There is an extensive list of prohibited substances.

The law contains many incidental provisions and a power to make byelaws to regulate a wide range of matters relevant to the construction, operation and control of the sewerage system.

1.14 Municipal Corporations Law (Cap 240)

Together with the Municipal Public Health Law (64/64) these laws give some public health requirements to the Municipality.

1.15 Streets and Buildings Regulations Law (Cap 96)

This Law deals with the sub-division of land for building purposes and is administered by the District Officer. He consults the WDD on water supply matters, but not apparently on drainage.

1.16 Soil Conservation Law (Cap 94)

This is administered by the Ministry of Agriculture but the WDD is consulted if the works are required for irrigation projects or may interfere with water resources.

1.17 Public Health (Marsh Areas) Law (Cap 258)

This law was originally designed for the WDD to draw up necessary land drainage measures. It no longer seems necessary.

1.18 Citrus Law (Cap 131)

The Director of the WDD was a member of the committee set up under this law for the control of Citrus plantations.

1.19 Land Consolidation Law (24/1969)

The Director of the WDD is a member of the Land Consolidation Committees, which are set up to reallocate small parcels of land to make larger areas suitable for irrigation. The law is administered to the Director of Land Consolidation Department.

1.20 Fisheries Law (Inland) (Cap 135)

The Ministry of Agriculture and Natural Resources issues permits for fishing in reservoir and rivers and the WDD is consulted concerning reservoirs.

1.21 Immoveable Property Laws (Cap 223, 224)

This Law is administered by the Director of Lands and Surveys and deals with the determination, valuation and registration of water rights. This was discussed in Section 1.1 (b) above.

1.22 The Communities Law (L.86(I)/99)

This Law governs generally the management of communities, i.e. villages or groups of villages and areas in cities, which is carried out by Community Councils (or Boards).

The Community Councils must perform certain duties within their communities to the extent that they are able within their financial limits, including:

- (a) Provide suitable and sufficient water for domestic purposes, keep clean all the drainage systems, build, operate and protect the irrigation system of the community. All owners of water are allowed to use such water for their own purposes.
- (b) Build, operate and protect a drainage system for the waste of the community according to the Sewage and Drainage Law.

Further the Council has the power to: (a) take water from the owner of such water in the community, under agreement with the owner, (b) execute any waterwork in the community, (c) sell water for domestic or other purposes of any excess water outside the community, (d) to install pipes for the provision of potable water in land owned by other parties.

By this law the Water (Domestic Purposes) Villages Supplies Law (Cap 349), the Villages (Administration and Improvement) Law (Cap 346) and the Public Health Villages Law (Cap 259) were repealed.

1.23 The Control of Pollution of Waters Law (L.69/91)

This Law seeks to prevent and incriminate the pollution of the waters of Cyprus which includes all waters of Cyprus except waters in private sewage or drainage or process of city sewage units as well as waters in private tanks etc.

The Law expressly prohibits the following:

- (a) the dropping, deposition of anything that may pollute the water in any stream, beach water, lake or dam or placing any such thing to a place where it might be transferred to such stream etc or uprooting any plant near a stream so that something may fall in the stream.
- (b) the deposition of any liquid, semi-liquid or solid sewage to the ground or underground of any areas specified in any order of the Minister of Agriculture, Natural Resources and Environment.
- (c) the performance of any act without permit in any area specified by the Council of Ministers for the protection of sources or possible sources of distribution of water for domestic use.

In case such pollution is found the Court may order that the polluter takes all measures necessary to clean the pollution caused by him and if he refuses, the Minister of Agriculture may take such steps and charge the polluter with the costs.

The Law contains specific provisions regarding industrial units. It provides that for any industrial unit to obtain a building permit, the obtaining of a disposal license from the Minister of Labour and Social Security is necessary, and it is an offence to drop any liquid or solid sewage from any industrial unit or process of city sewage unit without such license. Such disposal license may contain terms as to place, frequency, quantity, temperature, technical specifications of such sewage and may be used for specific periods only.

The Law provides also that the Council of Ministers may specify steps of prevention that people who have in their care or control any poisonous or dangerous or polluting substance must take as regards the dropping of such substances in places where they might be led into the waters of Cyprus. The Minister of Agriculture, Natural Resources and Environment and the Minister of Labour and Social Security have the power to appoint inspectors with very wide powers as to entering and inspecting, taking samples and requesting information for the purposes of this Law.

1.24 The Quality of Water for Human Consumption (Inspection and Control) Law (L.87(I)/01)

This Law applies to the supply of water for human consumption to any premises where it is to be used as potable, for cooking, bodily cleaning, production of food, to the supply through its sale or distribution in tanks or bottles, and it does not apply to natural mineral water, to water for pharmaceuticals or water not intended for human consumption for which other legislation applies.

The Law prohibits the provision of water for human consumption which is not healthy and clean, i.e. which contains microorganisms, parasites and other substances at numbers and concentration which is dangerous to human health and does not satisfy specific tables of substances contained therein. With the leave of the Minister of Health, which is given with or without

conditions, provision of such water is permitted in cases of force majeure, unusual meteorological conditions and where the water is to be used exclusively for the production of food and is not dangerous to health.

The authority specified to inspect and control such water and advise the Minister of Health is the Director of Medical Services and Services of Public Health.

Furthermore the Minister of Health has the power to appoint Inspectors with wide powers of entering, inspecting and obtaining samples for the purposes of this Law. Tests of such samples are carried out at the government's General Laboratory according to certain specifications. In cases of a non-conformance to the quality of the water as specified in the Law that are discovered, but such non-conformance is due to the domestic system of distribution, the Inspectors must inform the owner of the premises and give advice for the solution of the problem. If however such non-conformance is discovered at schools, hospitals or restaurants, the Inspectors have further powers to stop the flow of water to those premises until the problem is fixed and inform the public of it. Nevertheless if the Inspectors discover any such non-conformance which is not dangerous to health, the flow of water may continue, but the Inspector must continue to carry out tests at various times as to observe the development of the problem.

1.25 The Evaluation of the Consequences to the Environment from Specific Projects Law (L.57(I)/01)

This Law provides for the creation of a system whereby, when the town planning authority or the Council of Ministers examines an application for the approval of a public project, it must take into account the opinion of the environmental authority (which is the Director of the Environment Service of the Ministry of Agriculture, Natural Resources and Environment) and must obtain a report from the Committee for the Evaluation of the Consequences to the Environment which is established for the specific purposes of this Law. The type of public project which must go through this system include, amongst others, projects that involve water eg. commercial ports, sewage plans, dams, tanks etc.

1.26 Summary

The division of responsibility that currently rests between the Minister of Agriculture, Natural Resources and Environment, the Ministry of the Interior, the Ministry of Health and the Ministry of Labour and Social Security is reflected lower down where the WDD and District Officers exercise overlapping jurisdictions. This can lead to decisions on different water matters to be taken by different bodies which are not always aware of matters dealt with by the other bodies, which may lead to conflicting resolution of matters and to non- satisfactory and efficient solution of problems.

2 THE UNIFIED WATER ENTITY BILL

A draft legislation bearing the above name (or just Water Entity Law) has been proposed by the Attorney-General of the Republic on 21/9/2001, and the consent of the members of the Parliament is now sought to turn it into law.

The purpose of this bill, as stated in its reasoning is

- a) to introduce a unified water code,
- b) to establish a new Entity responsible for water,
- c) to abolish the Public Rivers (Protection) Law, Cap. 82, the Government Water Works Law, the Water (Development and Distribution) Law, the Wells Law and the Water Supply (Special Measures) Law, and embody them in a new water code, and
- d) to harmonise Cyprus Legislation with Directive 2000/60/EC of the EU.

The proposed bill is divided into eleven parts, which are being dealt with separately below:-

Part I FOUNDING AND COMPETENCIES OF THE ENTITY

This part starts with establishing the Water Development Department of the Ministry of Agriculture, Natural Resources and Environment as the new Unified Water Entity (hereinafter "the Entity") which will continue to exist and function with the new name.

The purpose of the Entity is the development and management of water resources within the framework of the Government water policy, and more specifically

- a) the fulfilment of needs for domestic, agricultural, industrial and other uses,
- b) the dealing with the difference between water demand and supply,
- c) the use of water in a manner consistent with the protection of water resources and
- d) the research, development, management and protection of the water resources.

For the attainment of the above purposes, the Director of the Entity has the following authorities: to raise suggestions to the Minister of Agriculture, Natural Resources and Environment for the formation of the Government water policy, to distribute water of apt quality, to protect rivers from developments that may affect them, to check the security of dams, to manage and develop the water resources, to check the abstraction of surface and underground water, to plan and manage water works, to plan and construct sewage and irrigation works, to advise on water reserves, and to advise the Minister on management of water. The Council of Ministers has the power to form the general water policy of the Government and to decide on the undertaking of water plans.

An Advisory Committee of Water Management (therein “the Committee”) which is appointed by the Council of Ministers is established as an advisory body to advise the Minister on issues relating to the formation of the water policy, the undertaking of water works by the Government and any other matter requested by the Minister. The advice of the Committee is necessary before the Minister is able to exercise his authority.

Part II GENERAL MANAGEMENT AND CONTROL OF WATER RESOURCES

All the water resources shall be managed and protected according to this Law for the satisfaction of the needs of all the population of the country. Furthermore, with the reservation of existing water rights, all underground water, lakes, rivers, water from natural sources, water from Governmental water treatment plants, Governmental desalination and sewage plants and unused surface water are the absolute property of the Government.

In order for anyone to use, receive or develop water which belongs to the Government a special written permission of the Director of the Entity is required which anyway can be amended or cancelled at any time. Permits usually concern water abstraction plants, water receipt, water storage, hatcheries and entertainment. The Minister prepares a programme of measures, which the Director must apply to protect, and develop underground water as to achieve a balance between water abstraction and replenishment of underground water, and to protect surface water and reduce pollution.

The Director further must locate all water systems that are used to receive water for human consumption and secure that the water satisfies the provisions of the Law. Systems located in this manner can be declared as protected areas by the Minister and must be entered in a Registry kept by the Minister for that purpose. Furthermore the Director must proceed with the characterization of the types of surface water systems, i.e. artificial or natural systems, and of underground water systems as to evaluate their uses and involved risks and for those considered dangerous further studies are carried out.

The Director of the Entity is also responsible for the quantity and quality observation of surface and underground water whenever he considers necessary, for maintaining the water works of the Government in good condition and to undertake the economic analysis of water use.

The Minister prepares an Integrated Management Plan for the whole country and such Plan is published.

Part III POTABLE WATER SUPPLY

Part III deals with water for domestic purposes and provides that the Director must secure the availability of enough water of suitable quality directly to consumers or through authorized water suppliers who then distribute it to consumers, but such availability may be limited in periods of drought or reduction of water reserves or for the protection of water resources. As regards water for non-domestic purposes the Director must make all reasonable effort to distribute enough water directly to consumers or to authorized water suppliers.

The Director of the Entity is responsible to control the quality of the systems of surface and underground water which are destined for the production of water for human consumption as well as the quality of such water which is provided to authorized water suppliers and some consumers. Such control can be carried out at any part of the system.

Furthermore, the Director if so requested, by any Community, design and construct or improve any water works in the Community or act as technical advisor for them.

Part IV IRRIGATION AND OTHER PURPOSES

The Director of the Entity is also responsible for the provision of water for irrigation to the Irrigation Divisions or any other person in need under terms, and then the Irrigation Division distributes such water to its members. The Director checks the quality of such water and publishes the results to the Irrigation Divisions, but bears no responsibility for use of such water in an unsuitable way.

The Director designs and constructs at the request of the Irrigation Divisions suitable irrigation works and acts as technical advisor for such plans.

Part V SEWAGE

The Director of the Entity is responsible for establishing sewage networks and treatment plants in areas where such systems do not exist or where they are not part of a Sewage Board and declares such areas as coming under the provisions of the Sewage Systems Law and in case such declaration is not justified, he informs the Council of Ministers. In such a case he has the power to design and construct an isolated sewage systems to deal with the local problem, which is then handed over to the local Community which also bears the costs for such construction.

The Director acts as technical advisor of Communities or Sewage Boards after an agreement regarding the functioning of such Sewage Systems and prepares the necessary studies. Protected areas or areas containing important water works may be declared by the Minister as water sensitive area. Building permits for such areas and areas where no sewage systems exist are conditional on the approval of a proposed private waste water treatment plant.

The Director is also responsible for the design and construction of sewage or waste water treatment plant at industrial and stock-breeding areas, military camps, hospitals, refugee camps and all other immovable property belonging to the Government.

Recycled water coming from plants belonging to Sewage Boards may be received after an agreement by the Director and distributed by him for the purposes of this Law.

Part VI GOVERNMENTAL WATER WORKS

The Director of the Entity has the power to store, control or handle in any way any water belonging to the Republic and undertake water works for that purpose in order to receive or use water, protect water from pollution and floods and generally to

achieve the purposes of the Law. The Council of Ministers decides on the undertaking of a water works and in such cases the Director is responsible to design and construct the works.

Water works that are considered Governmental Water Works under the Law are:

- a) water works under the abolished Government Water Works Law,
- b) water works constructed or undertaken by the Government but not declared under the above law as such,
- c) water works constructed by the Republic other than those of Irrigation Divisions or Associations, Sewage Boards or any other local authority.

The Council of Ministers can define or modify the area to be benefited by such governmental water works. Where existing water rights will be adversely affected by the construction of the Governmental water works, the Council of Ministers appoints three persons as Water Commissioners to investigate and verify the water rights and insert their entries in a Registry. Each person affected has the right to object and be heard on the matter. No water work proceeds unless all matters arising from existing water rights are settled either by agreement or compulsory acquisition of the land and/or water or the construction of any other required facilities.

The Director of the Entity is responsible for the management of each Governmental Water Works or to delegate such management to any person or committee with Regulations to be passed.

All fees and levies for the use of the Governmental water works are paid to the Director when he is the manager of the works or to the committee or person when they are the managers of the works. Any person who destroys or in any way interferes with Governmental Water Works is guilty of a criminal offence and liable to be imprisoned or fined or ordered to fix damage caused or pay for the value of the water etc.

Part VII SAFETY OF DAM RESERVOIRS

Part VII of the Law deals with the safety of reservoirs i.e. dams for the storage of water, and deals with many technical issues regarding their safety.

Part VIII CONTROL OF WATER ABSTRACTION AND RETAINING WORKS

The Law provides for three types of licenses to be issued to persons in dealing with water:

a) Licence for water abstraction works

It is prohibited for any person to construct a well or other water abstraction plant, or to deepen any such well without a specific permit, excluding receipt of sea-water except for desalination plants. Such permits are granted only to the owner of the land on which such well is to be constructed or amended or to the person who fulfills the criteria for desalination plants. Such license may regulate the person to whom it is

issued, the kind of plant to be constructed and any other matters as judged by the Director, and is valid for 12 months. The license holder has to notify the Director within 21 days from the construction of the plant of its construction, and if the Director is satisfied that such has been constructed properly, he issues a certificate of approval. The certificate is transferable to each new owner of the well.

The owner of a license is obliged to keep the well covered and permanently protected as not form a cause of public danger, as well as to install a water meter according to the Law. In case the issuance of a certificate is denied or the license has been cancelled or the well is dangerous, the owner of the license is obliged to close the well in a manner that satisfies the Director.

b) License for water retaining works

It is prohibited for any person to construct or modify any water retaining works at any point of flow of surface water without a specific license and to the amount permitted by the license. Such license is issued only to the owner of the land on which retaining plant is to be made and only if a license for water receipt would be issued in the first place. Such license may regulate the person to whom it will be issued, the construction or modification of the plant and any other matter as judged by the Director and is valid for 12 months. The owner of the license must notify the Director within 21 days from the construction of the plant as to its construction and if the Director is satisfied that such has been constructed properly, he issues a certificate of approval.

c) License for water abstraction

It is prohibited for any person to take water from any water source without a specific license, except when such taking is very little or it is used for fire extinction or emergency or it is under a water right or it regards sea water except for desalination purposes. Application for such license may be made only by the holder of a license for water abstraction work or a retaining work if such water is to be taken from a well or from a water retaining plant, or by the owner of the land if such water is to be taken from surface water. Such license may regulate such matters as the person to whom it is issued, the quantity of water to be taken, the way in which it will be taken and the land on which such water is to be used. The license is personal and is terminated with the death of its holder or the cancellation of the abstraction license holder, but it can be assigned to such holder of the other license or the new owner of the land. No such license is issued if it will have adverse effects on existing water rights or the natural flow of water.

General other provisions of Part VIII

Applications for above three licenses are made to the Director of the Entity who must decide on it within 3 months. In considering the issue of the license the Director takes in account the Governmental water policy, the public interest, the needs of the applicant, the type of the water, the flow of water necessary for the protection of

public health and the effect on underground water reserves. Licenses for water abstraction works are issued only if application was made in the first place or for any well for which no certificate of approval is in force. Licenses may be issued under terms and conditions and may be modified or cancelled on the application of the license holder. Such license can also be cancelled or amended by the Director if it is necessary for the public interest or if it has been breached repeatedly or if the Law has been breached by its holder or the fees and levies not been paid or no use of it has been made for 5 years. The license holder has the right to oppose such action by the Director but if the Director continues to believe that such cancellation or amendment is necessary, he proceeds with such action. In case of such cancellation or amendment the Director must compensate the holder of the license for any expenses made or any losses or damages suffered because of the cancellation or amendment of the license, unless he has violated certain set conditions or it became necessary because of an emergency situation.

It is illegal for any person to open, construct, deepen, fix or clean any well with the use of a drilling machine unless he is a holder of a "drillers license". Such license is valid for 12 months and each holder of such license must keep record of any works carried out by him as well as samples of materials drilled, which should be submitted to the Director. Seven days before any drilling work is made, the holder of the license must give notice to the Director. Breach by the driller of any of the above conditions is a criminal offence punishable with imprisonment and fine.

Breach of any of the above provisions of the law is a criminal offence punishable with imprisonment and fine. The court also has the right to order the offender to close or destroy any illegal well, and to fix or modify any water works. The possessor of the land on which such offence took place is presumed to be guilty and not the owner unless proved otherwise.

Part IX MANAGEMENT OF NATURAL STREAMS

The Director of the Entity has the general control of all matters regarding draining of land through natural streams and therefore has the power to clean and keep in good condition all the works on streams and the streams themselves, including deepening, widening, straightening and constructing new works or installing any plant on them.

It is prohibited for any person to excavate or cause any damage on the bed or banks or retaining walls of a stream, and the permit of the Director is required in order to remove any gravels from a stream's bed, to dump any materials or waste in it, to place any object or vehicle in it or to construct anything in or above the stream. Such permits are given provided that such acts will not be detrimental to the stream or the environment or any neighboring property. Breach of the above is a criminal offence punishable with fines and imprisonment or orders of the court to fix any damages caused or demolish any illegal construction.

Part X MISCELLANEOUS PROVISIONS

The Council of Ministers has the power to proceed with compulsory acquisition of any land which is necessary for the purposes of this Law.

The Council of Ministers may also make compulsory acquisition of any water right where necessary or enter into a private agreement with the owner for the cancellation

or restriction of the water rights. The Director has the power to authorize persons to observe the obedience of the provisions of this Law. Such persons have wide powers to enter, under certain conditions, any immovable property and gather records and samples and to generally inspect and request information. Any person who obstructs such investigation is guilty of a criminal offence punishable with fines and imprisonment.

In the exercise of their powers, the Director and persons authorized by him have wide powers to perform any works on any land, to cut trees to dig pavements and roads, to install any pipes etc, however a court warrant is required in order to enter any house or a written notice in order to enter any garden or land.

The Director may require any person who receives water or is the holder of a license to provide any information and any person who fails to co-operate or who provides false information is guilty of a criminal offence.

Fees and levies are payable under the Law and are fixed either on the basis of the water supplied or of the quantity of wastewater discharged in case of a Governmental sewage treatment plant or on any other appropriate basis. In the case of bulk water supply such fees and levies must be uniform and are calculated to be adequate to cover.

- a) The cost of operation and maintenance of the works.
- b) The requirement for repayment of loans for their construction
- c) The need of the Entity for working capital and
- d) Any other cost or expenditure fixed by the provisions of this law and the pertaining regulations.

Such levies and fees are collected in the same way as taxes.

Regarding the method of calculation of fees and levies for both bulk water supplies for irrigation and domestic uses, it was realized later that the law has entered into details, which could be set later by Regulations.

The Council of Ministers is entitled to issue Regulations for the better application of the provisions of this Law.

3 EXISTING WATER INSTITUTIONAL ARRANGEMENT

3.1 Policy

The policy control of the water management in Cyprus is at present divided between the Ministry of the Interior, the Ministry of Agriculture, Natural Resources and Environment, the Ministry of Finance and the Planning Bureau.

3.2 Executive Level

At executive level the management of water is mainly in the hands of the Water Development Department of the Ministry of Agriculture, Natural Resources and Environment but in a lot of cases only in an advisory capacity. Legal power as a result of the existing legislation lies mainly with the District Officers of the Ministry of the Interior. The Department of Agriculture is closely concerned with irrigation matters, the Geological Survey Department with the development of boreholes, the Department of Environment is dealing with environmental issues of water and sewage works and the Land Surveys Department with the registration of water rights. The Accountant General of the Ministry of Finance deals with loans and tenders and the Planning Bureau with budgets.

3.3 User Level

Domestic water supplies are managed by the Town Water Boards in the major metropolitan areas of Nicosia, Larnaca and Limassol, by Municipal Authorities in other municipalities and by Community Boards for village water supplies.

Irrigation water supplies are managed by local Irrigation Divisions formed of landowners and at a lesser extent by Irrigation Associations formed of water-rights owners, both chaired by the District Officers. Government irrigation schemes supply water to the farmers and are managed directly by the Water Development Department.

3.4 Local Government

The Government-controlled area of the Island is divided into five districts, Nicosia, Limassol, Larnaca, Famagusta (for the area remaining south of the green line) and Paphos, each controlled by a District Administration under the District Officer.

The large towns form metropolitan areas which consist of a central Municipality together with several suburban Municipalities based on village centers that were originally close to the big towns but are now largely absorbed.

The Municipality of Nicosia has surrounding it the Municipalities of Strovolos, Engomi, Ayios Dhometios, Aglandjia, Lakatamia, Latsia and the distant Municipality of Dhali.

The Municipality of Limassol has around it the Municipalities of Ayios Athanasios, Mesa Yitonia, Kato Polemidhia and Yermasoyia.

The Municipality of Larnaca has the Municipality of Aradhippou nearby and the distant Municipalities of Lefkara and Athienou.

The Municipality of Paphos has next to it the Municipality of Yeroskipos and the distant Municipality of Peyia.

In addition there are the Municipalities of Polis Chrysochous, Paralimni, Ayia Napa and Dherinia..

The original town Municipalities of Famagusta, Kyrenia and Morphou and another six Municipalities are now in the part of the island occupied by Turkey.

There are then several hundred villages or complexes of villages in each District which have Community Boards as the local government arm of the District Administration.

3.5 The Government

The ultimate responsibility for all policy lies with the Council of Ministers. The eleven Ministries are joined by various Independent Services, those pertaining to water being the Office of the Attorney General, the Audit Office and the Planning Bureau.

The Planning Bureau is the economic coordination and administration arm of the Central Planning Commission whose chairman is the President of the Republic. In practice it operates closely with the Minister of Finance and is the controlling authority for the use of Government development funds. It has a close interest in Water Development as the supply of water is a limiting factor on economic development and expenditure on capital works is a large portion of the budget.

Three Ministries are involved quite closely in the Water Management.

The Ministry of Agriculture, Natural Resources and Environment into which the Water Development Department, the Geological Survey Department, the Department of Agriculture and the Environment Services are incorporated, is the main Ministry for water policy. The close relationship between water supply and agricultural irrigation is obviously dealt with in this Ministry but the Ministry also advises on all aspects of water development.

The Ministry of the Interior, however, has the legal responsibility for local government through its District Officers. It has an interest in water supplies for new areas of building development and tourist areas and factories but also in irrigation schemes. It has the legal control over ground water resources and issues all required licences and permits.

The Ministry of Finance is responsible for budgeting and financial issues and the Minister is the chairman of the Planning Bureau. All expenditure is dealt with by the Accountant General and the Budgeting Officer whereas all main contracts by the Central Tender Board chaired by the Accountant General. The Personnel Services which controls all personnel and employment and the Government Stores, the Department of Statistics and the Printing Office are all in this Ministry.

In addition to these Ministries the following are also related in the Water Management.

The Ministry of Commerce, Industry and Tourism is concerned with tourist aspects and industrial estates.

The Ministry of Labour is involved in the process for licensing and control of sewage and emissions from the industry.

The Ministry of Health is responsible for checking the quality of drinking water.

3.6 Resources

Water has always been of great importance to Cyprus and the search for sources of water has evidently been continuing for several thousand years. When the Island was transferred from Turkish to British sovereignty in 1878 there were already many laws concerning water and permits issued for the multitude of wells, channels, barriers and chambers used to collect divert and store water.

These have been mostly superseded by the more modern methods of resource development. Cyprus now has 50 reservoirs of considerable size for surface water storage, whereas the total number of storage and recharge dams of any size reached 102. Thousands of boreholes have been drilled to tap the aquifers. For Cyprus has very few rivers that run for more than a few months, weeks, or even days per year.

The introduction of sewage schemes in all main towns, some tourist municipalities and large villages has given rise to the utilization of treated effluent for irrigation in an effort to usefully dispose sewage.

Finally the drought which prevailed during the last decade led to the construction of two desalination plants for potable water, whereas some more are planned in the future.

3.7 Water Development Department

The Department of Water Development (WDD) of the Ministry of Agriculture, Natural Resources and Environment is responsible for formulating and executing the Government's overall policy on water resources planning, design and construction on the Island. It co-operates in the management of water resources and water development projects with other Departments, Ministries and distribution organizations. Since 1982 the Department also undertakes the design and construction of sewerage and sewage disposal works for Town Sewage Boards and Sewage Schemes for Villages.

Water resources are developed as far as possible by the Water Development Department but a multitude of boreholes, licensed by the Ministry of the Interior through its District Officers, usually after consultation with the WDD, and unlicensed illegal boreholes, are pumped with a minimum of control or supervision to supply private irrigation areas. Private rights exist to some surface waters but due to the drought their actual importance is gradually reduced although in some cases hinder the equitable distribution of resources. The WDD does not therefore have complete

control of the whole of the water cycle and has a multitude of other Departments encroaching on its freedom of action to use its technical know how to develop water resources to the maximum benefit of Cyprus.

In Construction Works and for financial matters the Water Development Department has to consult the Ministry of Agriculture, Natural Resources and Environment, the Planning Bureau for the authorization of funds and expenditure, the Ministry of Finance and the Accountant General for finance and tenders and the Loan Commissioners for loans for subsidized projects. It is also subject to the close checking of the Audits Office and has to justify any deviation from the original contracts for water development works.

For Irrigation Projects the Department of Agriculture is consulted along with the Agricultural Research Institute and the District Officer who is the authority in law. To drill a borehole involves also the Geological Survey Department.

For hydrological evaluations the Geological Survey Department are involved as well as the Meteorological Service. The purchase of stores, machinery, stationery etc. takes place through standard procedures set down for all Government Departments and offices.

For personnel the Water Development Department has to justify its requests for appointments to the Ministry of Agriculture and through them to the Ministry of Finance. The Public Service Commission is concerned in permanent staff appointments and the Department of Personnel in the appointment of permanent and temporary staff and the movement of clerical staff. At times of dispute the Ministry of Labour and the Ministry of Finance are involved in wages control along with the Public Service Union.

The Water Development Departmental Organisation is made of eleven Divisions.

The Division of Water Resources which groups together all services required for the collection and interpretation of hydrological and hydrogeological data both for ground and surface water and the control of groundwater extraction.

The Division of Hydrology which is responsible for the evaluation of the surface and groundwater resources and their present and future management.

The Division of Planning which deals with the preparation of reconnaissance and feasibility studies prior to the detailed design of major projects, field investigations for hydraulic structures, laboratory testing for these structures, water use studies, hydrological evaluations, evaluation of benefits, technoeconomic studies as well as engineering geology problems.

The Division of Design, which deals with the preparation of detailed designs and contract documents and specifications required for major projects after feasibility stages.

The Division of Rural Projects Planning which used to deal with the planning and designing of rural irrigation and domestic water supply projects which are of a routine nature and do not need such elaborate planning or design procedures. After the

establishment of all four regional offices, which undertook this work, its role is to coordinate and proceed the implementation of such projects.

The Division of Construction, which is responsible for all construction work whether carried out by direct labour or by contract and for tenders for routine works.

The Division of Operation and Maintenance (Water Supply) which controls the administration, operation and maintenance of Water Supply from Major Government Projects.

The Division of Operation and Maintenance (Irrigation) which deals with the management, operation and maintenance of Government Irrigation Projects.

The Division of Sewage Projects which deals with the preparation of designs and tenders for village sewage works as well as the management of sewage effluent utilisation projects.

The Office Management Division is responsible for the office services, accounts, labour, personnel and stores.

The Electrical-Mechanical Workshop which deals with the design and procurement of new equipment and maintenance of all pertinent works.

The WDD also has Regional or District Offices which after the 1974 Turkish invasion were reorganized as Larnaca-Famagusta, Limassol, Paphos and recently Nicosia. These Regional Offices collect hydrological and engineering data (except for Nicosia), and are responsible for the operation and maintenance of projects, investigations and planning for small projects and direct execution or control of construction work.

The Department is headed by a Director, the management of the above Divisions is subdivided between three Principal Water Engineers (at present one post is vacant) and the Divisions as well as the Regional Offices are headed by Senior Water Engineers or Hydrologists. The above rather complex form of organization developed gradually in order to meet the growing work. However having in mind that further irrigation works will be limited and the main emphasis will be concentrated on a harsh programme of sewage works as well as on further desalination projects, which are heavily electro-mechanised and on water resources management, some further reorganization of the Department deems necessary. Such reorganisation is always hindered by the need to move staff especially to the Regional Offices and the need not to disturb hierarchy of posts.

The WDD uses extensively the services of the Geological Survey Department, which include hydrogeology and engineering geology together with well drilling and testing. Administrative staff are seconded from the Government. The Department has no financial staff as all financial matters are theoretically dealt with in the Ministry of Finance, but a considerable burden of financial work falls on the technical staff of the Department.

The WDD budgets are prepared by the Department, forwarded to the Ministry of Finance, are then subject to the scrutiny of the Bureau of Planning who require detailed justifications. When budgets are finally approved, some items are marked

with a dagger indicating that further detailed information and justification will be required by the Planning Bureau before the related funds can be released. The process of obtaining the release of these funds, known as dedagging, is a somewhat tedious process but fortunately the number of daggered items is gradually reduced.

Forward planning is not helped by the fact that budgets are sometimes not approved by the House of Representatives until February or March of the year concerned. (The financial year runs from January to December). Even after all approvals have been obtained, the Planning Bureau require their approval for any changes in the original design which involve changes in costs or technology. Much time and effort is wasted in these processes which can militate against efficiency and are frequently a disincentive to making sensible changes to suit altered circumstances.

Being a Department of a Ministry, the WDD has to rely on the Government machinery for all its services, plant and equipment and is tied to Governmental procedures for all its supplies and purchases. This does not always allow overall economy and efficiency in time and money to be the prime considerations.

Being a technical Department of the Government the WDD is dealing with a lot of procurement and construction contracts. Any deviation from any contract, no matter how small, has to be brought and justified at the Central Committee for Variations and Claims which is chaired by the Accountant General. Any disputes with the contractors for breaching of contracts and any other legal matter is referred to the Office of the Attorney General.

In spite of all other lateral organizations on which the Department has to rely or has to respond, the Department managed to enter the electronic era quite successfully, since all its work is progressively computerized and the technical control of all major water projects is achieved through telemetry.

3.8 Town Water Boards

In the Nicosia, Larnaca and Limassol metropolitan areas water is distributed to the domestic and industrial consumer by a Town Water Board set up for the purpose under the Water Supply (Municipal and Other Areas) Law, Cap 350, 1951. These derive their bulk supplies partly from boreholes (mainly in the case of Limassol) and partly from the bulk supplies of treated and desalinated water delivered to storage reservoirs by the WDD's trunk main system (almost entirely in the case of Nicosia and Larnaca). The town of Paphos is presently claiming that it is too small to cope with the cost of maintaining a Water Board.

The governing Boards of these Town Water Boards are made up of three members nominated by the Government, usually the District Officer, the Accountant General and the Director of the WDD (or their representatives) and up to three members from each of the municipal areas supplied by the Board. The District Officer is nominated as chairman. In Nicosia where five neighbouring municipalities (except for Lakatamia and Latsia), are fully served, in Limassol where three municipalities and in Larnaca where three villages are partly served by the Boards, their representation is more open. These Boards are responsible for their own finances and produce a balance sheet at the end of each year and fix their charges and future budgets accordingly. Both are subject to ratification by the Council of Ministers and by the House of

Representatives. Delay in approving by the House of proposed higher charges has caused difficulty for the Town Water Boards, which operate as an industry supplying a service for which charges are made to cover costs and to pay the value of water they buy from the WDD, resulting to a severe debt to the Government. At present the selling rate of water by WDD needs approval only by the Council of Ministers.

All domestic water supplies are metered.

The Town Water Boards appear to act efficiently and economically as distribution organisations and their problems lie chiefly in the field of policy; in the approval of increased charges as outlined above, in the determination of the areas of supply, and in the strategy of obtaining bulk supplies.

The towns of Cyprus have expanded rapidly since 1974, well beyond the Municipal boundaries and the Town Water Board supply boundaries. As housing development is dependent on water supplies, and potentially increases vastly the value of land, there is continuous pressure to widen the supply area boundary, but by doing so the Boards take over many ramshackle private water supply arrangements that have existed previously on the fringes of the Town or Village supply areas. The decision to enlarge a supply area is therefore tantamount to a planning decision on development rather than a commercial or supply strategy.

The steady expansion of the towns to areas of higher ground around them has tended to pollute the borehole and spring sources on these foothills that originally supplied the town. This is particularly so in Limassol where as in Nicosia the aquifer has been largely abandoned for domestic water supply and its use for private irrigation of house gardens encouraged.

The WDD used to give a great deal of advice to the Town Water Boards and carried out design, construction and maintenance work on their behalf but no longer as Water Boards have a clear idea of their duties and carry them out satisfactorily within a tight financial framework and have been technically reinforced. The situation during the last four years has been quite difficult for the Boards as on one hand they had to introduce cuts and rationing in distributing the water because of the limited quantities supplied by WDD and on the other to implement measures for reducing unaccounted for water, especially losses from a suffering distribution systems.

3.9 Town Sewage Boards

In spite of the existence of a law for the establishment of Sewage Boards and the construction of sewage systems since 1971, no other town or village except for Nicosia, did enforce the law until the beginning of last decade. At present all four towns have established Sewage Boards. In addition some Municipalities, such as Ayia Napa and Paralimni, Lefkara and Dhali have also functioning Sewage Boards.

The Sewage Boards are chaired by the Mayors of the Municipalities and the Board is consisting of the members of the Municipalities. In case the sewage project covers more than one Municipalities, as it is the case of the Nicosia Metropolitan area, the Board is enlarged, including the Mayors of all the Municipalities plus members of the Municipal Councils. However there is a different arrangement in the case of Paralimni and Ayia Napa, where each Municipality has its own Board, but for common project works and their financing the District Officer is chairing the Board.

The Boards are responsible to secure financing of the sewage works, both from local and international financing institutions usually under the guarantee of the Government, and execute the sewage works after hiring the services of Consulting Engineers and local or international Contractors. The sewage projects comprise in addition to the sewage networks, a centralized treatment plant at tertiary degree of purification. By Decision of the Council of Ministers the cost of tertiary treatment of the sewage effluent, which renders the water suitable for irrigation of almost all cultivations, except for green leaves vegetables, is undertaken by the Government, which has the right to direct such water to its systems for the irrigation of tree plantations or hotel gardens and any other use requiring non potable water. This has been the case for Limassol and Larnaca and is under way for Paralimni-Ayia Napa and Paphos. In almost all cases the coverage of the whole area of the Boards will be implemented by stages.

As far as Nicosia is concerned, where the sewage works started before 1974 and covered substantial parts of both the free and the occupied part of the city, the treatment works are located in the occupied area and the Government has no control on them. A study by Consulting Engineers is under way for a sewage project, which will cover all seven Municipalities of the greater Nicosia area. The treatment works are planned to be located at the same area, where a treatment plant was established by the Government in 1997 to deal with septage from certain localities of all the Municipalities of Nicosia and Larnaca which are not covered by the existing sewage systems and with industrial effluent. It is not however clear whether Nicosia Sewage Board will allow the government to finance the tertiary treatment and get the treated water free of charge or whether the Board will bare the cost of tertiary treatment and sell the treated effluent to the Government for reuse, as there is some vagueness in the existing legislations.

It should be noted however that in all cases of sewage systems, the Boards are operating efficiently although they have encountered problems of setting charges, especially in hotels and of slow rate of connections of the individuals to the network. It is worth mentioning here the substantial contribution of the treated effluent to the irrigation requirements of the Limassol area during the dry period of the last five years.

3.10 Municipal Authorities

Under the Municipal Corporation Laws (Cap 240 and 111/85 with numerous amendments since then) certain towns and large villages become Municipalities. There are 24 in the Government controlled part of the Island. Except for the Municipalities adjacent to Nicosia (Lakatamia and Latsia excluded) and those neighbouring Limassol (Yermasoyia excluded), all others operate their own water supply affairs through a committee made up from the Council. These water undertakings either have their own or leased sources of water from springs or boreholes or obtain a bulk supply from the WDD via their central distribution networks. All supplies are metered. If sewage has become a problem in the Municipal Areas and no Sewage Board exists then the problem is dealt with by the Municipal Authority.

Most advice, design and construction work for water or sewage works is carried out by the WDD or by the Town Planning and Housing Department of the Ministry of

Interior but not always directly charged to the Authority. The areas of supply and collection (not necessarily the same as that of the Authority) are determined usually by the Council of Ministers. The Municipality sets its own scale of charges for water supplied, without the approval of anyone and does its own billing.

The income from water supply can exceed the costs if desired as the supply of water is just one of the multitudes of services operated by the Municipalities and is not balanced financially as a separate account. In such cases the excess of income from water supply is used to cover the deficits of other services provided by the Municipalities and this is the main reason for some large Municipalities being reluctant to form a separate Water Board (i.e. Paphos) or to join in adjacent Water Board (i.e. Lakatamia).

3.11 Community Boards

Under the Community Administration Law of 1999, the Improvement Boards existed for large villages or areas of extensive development, the Village Water Committees and the Village Public Health Committees were abolished, as the related laws, which provided for their establishment, were repealed by the new law. All their powers and duties have been passed on to the Community Boards (or Councils). By this law the role of the District Officers, who used to be by ex-officio the presidents of the Boards and the Committees has been diminished since the presidents of the Boards are the presidents of the Community.

Under the new law, the members of the Board of a community or a complex of communities are elected for a period of five years, their number being proportional to the population of the community. The Board is headed by the president of the community who is also separately elected.

Among a long list of powers and duties of the Boards covering all the affairs of a community, those pertaining to water are of particular importance.

Regarding water supply the Board has to secure enough in quantity and good quality water for drinking purposes and to this extent it can construct, operate, maintain and control the water supply system of the community. Securing of water can be made by agreement with any owner of such water, for which however the consent of the District Officer is needed. The Board can sell any surpluses of water they own either within or outside the boundaries of the Community.

As for water supply the Board must provide for the construction, operation and maintenance of sewage and sewerage systems in the community in accordance with the Sewage and Drainage Law of 1971.

It would be noted that most of the provisions of the law pertaining to water are rather general and are dealt with within the provisions for other services of the community. For example securing of funds for the above mentioned works can be made by loans from financing institutions under certain set conditions, with the consent of the District Officer as is the case for any other purpose. The same apply for fixing of charges, billing and securing payment of charges.

Although not particularly spelled in this law, the Board can secure financing of water supply works from the Government through the Loan Commissioners. The cost of

these works are heavily subsidized by the Government at rates ranging from 70% to 100% in accordance with the Community's economic capacity. The design of the works is undertaken by the WDD, which in most cases undertakes the construction without or a small charge. The same or similar arrangements apply for the sewage works, whereas drainage works are undertaken by the District Officers.

3.12 Village Irrigation Divisions

Under the Irrigation Divisions (Villages) Law, Cap 342, any group of 10 or more landowners can form themselves into an Irrigation Division in order to share amongst themselves in an agreed fashion the resources and costs of a supply of water. This usually comes from a borehole or surface source and the headworks may be simple and cheap or elaborate and expensive. Some newer schemes consist of large artificial ponds constructed by the WDD with extensive pumping and pipework. The Irrigation Division has a governing committee chaired by the District Officer and the President of the community as an ex-officio member. There can be several Irrigation Divisions in a village area.

The committee is responsible for balancing its own finances and recovers its costs from the Division members. Supplies are not normally metered but divided by time rather than volume, or on the basis of the area actually irrigated. There is a broad correlation between crop area and amount of water required.

All new schemes are designed and carried out by the WDD, the boreholes usually being sunk after careful consultation with the Geological survey Department and the whole scheme is examined together with the District Agricultural Office.

Financing of the works is made by loans from the Government through the Loan Commissioners and the total cost is subsidized by the Government at rates, which by recent decision of the Council of Ministers range from 90% to 100%. Although maintenance of the works is supposed to be a task of the Divisions, it is usually undertaken by WDD with a small contribution in the cost by the Divisions.

3.13 Village Irrigation Associations

Under the Irrigation (Private Water) Association Law, Cap 115, seven or more proprietors of private sources of water held under a title or an ab antiquo right can form an Association to develop such sources for irrigation purposes. These Association draw up their own rules which are administered by a committee under the chairmanship of the District Officer. These rules can vary widely and proprietors do not have to be landowners. Hence, although the Law is set up for irrigation, owners of rights to water sources do not have to use the water for irrigation if the rules and the committee decide otherwise. Many proprietors sell or lease their share of water to other landowners for irrigation.

These water rights have been widely discussed in past reports and have figured prominently in all discussions on the future shape of the water industry. It has always seemed inequitable that certain persons, by an accident of geography, own land that includes an abundant source of water to which they have the sole right. To extinguish such rights peremptorily is also unfair and considered to contravene the Constitution of Cyprus.

It now seems that the effect of these ancient right is less serious than thought hitherto. Many Irrigation Associations and their water rights have fallen into desuetude because the yield of water has diminished drastically or dried up as a result of falling water tables and the reluctance of the Government to contribute in financing the rehabilitation and maintenance of the works. Most chains of wells or river bed schemes that form ancient rights are now dry. The Associations are then reformed into Divisions and provided wherever possible with a new supply. New supplies tend to be available all the year round whereas ancient-right supplies from rivers and channels are seasonal.

The compensation for taking over a seasonal source and replacing it with a year-round source is naturally low and the cost of buying out most ancient rights is small. The difficulty is in determining whether they exist and how much water they previously yielded. On the few rivers of Cyprus that flow all the year the ancient right situation is complicated and difficult. It has to be tackled, however, because the right to free water for irrigation unfortunately does not encourage its economic use and much water that could be used for irrigating new areas is lost by inefficient irrigation procedures by the proprietors of the water.

3.14 Government Irrigation Schemes

During the last two decades the Government has constructed many more elaborate irrigation schemes including the Major Water Projects through the Department of Water Development. There are now more than 13 schemes spread across the Island. In these schemes the WDD is responsible for collecting and storing the water and delivers it at pressure in pipelines direct to the farmer. The farmer is charged directly by the WDD without any intermediate distribution organisation. This direct system involves the WDD in problems of allocation when water is scarce first between the two major uses i.e. domestic water supply and irrigation and second between the farmers depending on their cultivation and method of farming. WDD faces also the problem of collecting tariffs, meter reading etc. and is almost the only example where the WDD deals directly with the customer. It is generally felt that to distribute water through an Irrigation Division formed of the local farmers using the water in an area is a better way of distributing irrigation water effectively. However, attempts by WDD to form Irrigation Divisions within the Government major projects met with the reluctance and indifference of the farmers, who prefer WDD to continue managing irrigation especially at times when because of drought, allocation of water is becoming a very difficult task.

3.15 Industrial Supplies

Most large industrial users of water (breweries etc.) have their own boreholes and their own effluent treatment system, although these are normally by no means perfect. Other industries use water distributed by the user organisations and pay the normal tariffs.

3.16 Housing Development Supplies

Some areas of housing development on the outskirts of town are supplied with water from a private borehole system put down or operated by the developer and charged by him to the house occupiers. These schemes have a habit of running into trouble

eventually because of a shortage of water or pollution of the supply and the Town Water Board then needs to take over the supply. There were several of these around Nicosia that have recently been included in the extended boundaries of the Water Board.

3.17 Individual Water Supplies

Under the Wells Law, Cap 351, anyone may apply for a permit to drill a borehole (or a well) on his or someone else's land (with his consent) and use the water for irrigation, domestic uses, animals or any other purpose that is approved when the licence is granted for abstraction. This system of licensing applies equally to boreholes used by Irrigation Divisions and Village water supplies.

There are thousands of these licensed boreholes on the Island and many more (especially in some areas) that are not licensed and illegal. Many borehole owners exceed the terms of the licence through overpumping.

Individual landowners also have individual ancient rights to water on their land, whether springs or an adjacent river, and may use these for irrigation or other purposes.

In theory, the authority to grant a well permit lies with the District Officer to whom the application is made in the first instance. Some 42 areas are designated 'conservation areas' under this law and in those the District Officer has to consult the Water Development Department before issuing a permit. This is now almost the standard procedure although it is a slow process and causes some friction between Departments. The delay and frustration so caused to the applicant is probably one of the reasons for many illegal acts because a field of crops cannot wait upon such bureaucracy when an existing well suddenly runs dry.

Since 1964 twelve areas where the aquifer is important or liable to over pumping have been declared 'Special Measures' areas under the terms of the Ground Water Control Special Measures Law, Law 32/64. In these areas set up by order of the Council of Ministers, all wells are both licensed and metered, but the permits are issued by the District Officer after consulting the Water Development Department.

Due to the drought which prevailed during the last decade a scheme to subsidize the drilling of boreholes in the yards of houses, first in the Water Boards boundaries and subsequently in all residential areas provided with water from Government water supply projects, for the irrigation of gardens and other uses not needing potable water, has gone on, in order to save drinking water.

3.18 Sovereign Base Area Water Supplies

Within the areas of the British Sovereign Bases set up under the 1960 Treaty of Independence the bases are responsible for their own domestic water supplies which are derived from boreholes, spring sources not necessarily within the base areas, and a dam in Evdhimou area. Due to shortage of water because of the drought, they now rely heavily on supplies bought from the Government water supply projects. The boreholes are licensed in the same way as those outside the base area.

Irrigation for farmers who farm the land within the base areas is dealt with in the same way as elsewhere. Individual boreholes are licensed and Irrigation Divisions set up to distribute resources.

The bases are also responsible for sewerage and sewage treatment within their own areas. The treated output from these works is chiefly used for irrigation of playing fields and gardens.

3.19 Water Supplies in Occupied Area of Cyprus

Before the 1974 invasion of the north of Cyprus by the Turkish army the Law governing water supply and its application was the same as outlined above. It is now difficult to ascertain whether the law has been altered and whether significant changes have been made in its administration. It seems likely that overpumping continues to be a problem in the Morphou and Famagusta aquifers and that many previously important springs at the foot of the Kyrenia range have dried up as a result of borehole drilling nearby.

At present water crosses the green line between the Government and Turkish-held areas of the island at several points but no financial reconciliation occurs. Water from boreholes in the north between Nicosia and Morphou is pumped into the Nicosia supply system which has ring mains that supply both sides of the green line. Water from the central distribution system of the WDD is used to supply Famagusta. These flows and demands do not change a great deal but are not at present under the control of the Water Development Department or the Nicosia Water and Sewage Boards.

3.20 Other Interested Institutions

In the previous sections the role of the public and semi-public institutions associated with water policy and administration was given, in some cases with details probably beyond the scope of this report.

However the picture would not be complete if the role of certain not governmental organizations with great interest in water was ignored. The most important such organizations are the four Farmers Unions but the Scientific Technical Chamber of Cyprus, various Environmental Organizations, the Commerce and Industry Chamber and the Consumers Association are also involved in water policies especially when the interests of the their members are affected.

There are four Farmers Unions in Cyprus namely the Panagrotikos, EKA, PEK and Agrotiki, each one associated with the four biggest political parties of Cyprus, something which sometimes affect their behaviour. However since water is a limiting factor in agricultural development, the Unions pressure and interference has played a significant role in water and consequently in agricultural development in Cyprus during the last forty years. The Unions had also their involvement in the allocation of the poor water reserves during the last dry years, in their effort to secure as much water as possible for irrigation versus the Government's policy to place water supplies for domestic and industrial uses as first priority.

The Scientific Technical Chamber of Cyprus, is a rather new establishment and therefore its role as the technical advisor of the Government in whatever concerns water is rather limited.

The environmental organizations and especially the Ecological and Environmental Movement, which has become a political party, have been seriously involved in water policy during the last ten years, when environmental sensitivity in Cyprus has grown up. Their opposition to the Government's programme for the establishment of sea water desalination plants was continuously expressed, along with their resistance to further agricultural development, before all measures for the reduction of losses and efficient use of water were taken. However the great need of water for both domestic uses and irrigation in a situation of continuous dry periods has diminished their influence in water policy.

The role of the Commerce and Industry Chamber of Cyprus is rather limited to securing adequate quantities of water to their members at the lowest possible rates and to safeguarding the interests of contractors involved in water works.

Finally the Consumers Association has placed particular importance on the quality of the water, which is provided to the consumers by the Government or by other sources.

By and large one could say that the Farmers Unions are by far more active in expressing their views on water management than the other involved organizations and to ask and be involved in water development through a systematic dialogue with the Ministry of Agriculture, Natural Resources and Environment.

4 THE NEW EVOLVING WATER INSTITUTIONAL ARRANGEMENTS

Two ongoing major undertakings by the Government have given rise to changes in the existing water legislation, which will affect the present water management institutional arrangements.

The first refers to the Government's decision to proceed with a significant overhaul of the water resources legislation and the second falls within the requirement to harmonize the legislation to the various European Union Directives since Cyprus is among the candidate countries to join EU in 2003.

The two undertakings are interrelated and interactive since any changes in the legislation will have to comply with the EU Directives and on the other hand the need for harmonization with the EU acquis will facilitate the acceptance of the proposed changes in the water legislation which are at present in a draft Bill form titled Unified Water Entity Law or just Water Entity Law.

4.1 The new Water Entity Law

4.1.1 Historical background

Problems with the water management institutional arrangements were detected by various experts dealing with water, both locals and foreigners, even at the very first steps of the Republic. Various reports were written until the beginning of the seventies, indicating the problems till then and recommending solutions mostly on legislation reform.

After the invasion in 1974 and until the end of the eighties the problem, although not forgotten was set aside, as more priority was given in dealing with the negative results of the invasion, such as securing water to the displaced people, but also in implementing the various large water projects, taking advantage of the offered financial opportunities by international institutions.

By 1987 the need for legislative and institutional reform was brought up again and the services of a British Consulting engineering firm were secured, within the framework of the Southern Conveyor Project, to examine the situation and propose solutions to the problem. A thorough report was then prepared by the consultants, describing in details the evolved conditions in water industry after about thirty years of operation, during which a great deal of water development had been observed but very little in legislative and institutional changes was achieved. In dealing with the institutional problems, the consultants examined all possible options, starting by leaving the situation as it was then, up to the establishment of a fully independent entity to administer water, giving in details the advantages and disadvantages of each option. Their final proposal for a semi-independent entity was finally elaborated by indicating the legislative changes required, the organizational set up of the new entity and its financial support.

The Consultants' report was examined and reexamined for several years by the Government and particularly by the three Ministries which were directly involved with the proposed changes, that is the Ministry of Interior and the Ministry of Finance,

which apparently could not agree with the proposed rather radical changes in the institutional and financial arrangements.

The need however for some kind of reforms became gradually more and more imperative as:

a) The continued severe dry period of the last decade made interested groups including parliamentary committees, who thought that the situation could be much more efficiently faced by an independent organization rather than by the Government, exerted more pressure on the Government to deal with the problem and

b) The decision by the Government for the accession of the country to the EU and the realization by the same, that changes in the water legislation were necessary within the harmonisation requirements with the EU Directives.

A preliminary decision by the Government prescribed the new water entity to be retained within the Government and specifically within the Ministry of Agriculture, Natural Resources and Environment. This in fact meant expansion of the authority of the Water Development Department by transferring to it several legislative powers of the Ministry of Interior. In order to set the basic principles and the extent of such transfer, a committee by the two parties, including representatives of the Planning Bureau, worked out a report in 1996 which was later approved by the Government and the final decision for the new entity was taken in September 1997

However actual work for drafting the new legislation encompassing the agreed changes, loose unsolicited responsibilities of WDD and harmonisation with the EU Directives, did not start until the end of July 1999, when the Office of the Attorney General hired the services of a local law office to undertake this job. This work which required a great deal of effort by all parties and departments involved, especially the WDD personnel, was substantially completed by February 2001, pending the drafting of the related regulations.

The new legislation has been approved by the Ministerial Committee in May 2001 and the Council of Ministers in July 2001 and was submitted to the House of Representatives for consideration and eventual approval.

4.1.2 The Problem – Gaps, Overlaps, Vaguenesses

Some problems have already pin-pointed in the description of the existing situation as far as the institutional arrangements are concerned.

The whole issue however depends on the angle one would see the water management institutional arrangements. That is whether one would prefer to see a thoroughly independent organisation encompassing all the activities related to water or whether he accepts that such organization could be part of the Government, with its intervention in all its management levels that is policy, executive and consumer level. Whereas the British Consultants have examined the problem from its wide angle and eventually suggesting the creation of a semi- government organization, here, taking in consideration the decision of the Government to retain the organisation within the Government, the problems will be viewed from a narrower angle.

Regarding first policy level, it is accepted that whilst suggestions are made by the responsible organization which is WDD, the final decision lies with the Ministry of Agricultural, Natural Resources and Environment or where such policy entails financial implications, the Ministry of Finance is involved in the decision, in spite of the fact that WDD which is much more aware of the issues may have a different opinion.

Regarding financial matters it is well accepted that the Government in order to help farmers, is heavily subsidizing both the water charges for irrigation and the capital cost of water works undertaken by the farmers. For potable water which is supplied by the Government through WDD to various distributing organisations a uniform charge, covering the whole cost of water, is fixed by decision of the Council of Ministers. However fixing of consumers charges of water differs vastly. Whereas municipalities and communities can fix such charges by just the consent of the District Officers, Town Water Boards charges must be approved by the Parliament. Taking in consideration that Water Boards' charges have not been revised for the last eight years (only recently in December 2001, were approved by the Parliament but as they were proposed in 1994), they claim that they are unable to pay the charge fixed by the Government and this results to a great debt to WDD. On the other hand, since some of the Water Boards have their own groundwater sources, which cost them much less than the charge by the Government, they can fix much lower charges than other Boards. As a result there is a great variability in the charges to consumers, which is contrary to the Government's policy for uniform water rates. It should be noted that consumers served by the Water Boards count for about 66% of the population.

A great issue which is at present covered by a great deal of vagueness is the real ownership of groundwater. In accordance with the Government Waterworks Law all groundwater belongs to the state. However a Water Board, a community for which a borehole is drilled by the Government, and any individual who is given a permit to drill a borehole is considering the water pumped as its own property. This belief was strengthened by the fact that during dry periods Government used to buy groundwater from individuals to reinforce its resources. The results of this situation, which is a very difficult issue to be resolved due to the established practice, are the inequalities in water charging both at the level of organisations (as already mentioned for Water Boards) and at the individual level, where the cost for buying water from the Government sources surface and ground water is different from that of direct use of groundwater.

At executive level, as already mentioned before, the legal power in most water matters rests with the Ministry of Interior and particularly with the District Officers instead of WDD which is the Department entitled to deal with water management.

Issuing of permits for borehole drilling is done through the District Officers, after the advice of WDD who are aware of the conditions of aquifers which advice, according to the existing laws is not always required. This was done because the District Offices had closer contacts with individuals than WDD, especially in all other districts except for Nicosia. But after the establishment of district offices by WDD, this excuse ceased to be valid and in fact, in addition to the added bureaucracy due to overlap of activities, people are not sure where they should apply for a borehole permit. As far as control of boreholes is concerned, District Offices, because of their loaded and variable duties could not check both the fulfilment of the conditions set by a permit

and whether a borehole was drilled after the issue of a permit or not. This resulted to numerous illegal boreholes and to a certain degree in the depletion of the aquifers.

Setting of village water supply boundaries was undertaken and decided by the District Offices and the Town Planning and Housing Department of the Ministry of Interior. The appropriate Department, which is WDD and which had to undertake all necessary works to comply with the new boundaries, were either ignored or when consulted their views were up to the District Officers to be taken in consideration.

Another issue covered by vagueness is the responsibility on rivers, where by law it was vested to the District Officers. However all technical matters are undertaken by WDD, the District Officers dealing only with administrative matters. As there is some vagueness between the two responsibilities, there are instances where there is duplication of efforts and others where no action is taken.

Finally the great issue of responsibility for sewage projects for municipalities, villages and other establishments, which are not covered by Town Sewage Boards is a disputable item, which brings about gaps, overlaps and inefficiency in facing it. At present, the Community Boards are responsible according to the law to deal with sewage works. However the carrying out of designs and construction of such works are haphazardly undertaken by or assigned to either the Department of Town Planning and Housing of the Ministry of Interior or to WDD. Since there are differences between the two Departments in standards and methods used, the degree and capability of producing the designs, the utilization of the treated effluent which can be dealt with only by WDD, the method of contracting the works (sometimes WDD undertakes the construction by direct labour) and finally differences in controlling and supervising the works, produce a complicated situation with inequalities in terms of cost and completeness of the works. The same and probably worse situation prevails during the maintenance and operation stage where the Electromechanical Services of the Ministry of Communications and Works is also involved in some cases.

At consumers level one can observe that whilst for domestic water supplies consumers are served generally through an intermediary distributing organisation, that is a Water Board or a Municipality or Community Council, for irrigation there is a variability of ways of supply. Consumers owning land covered by Government irrigation projects are served directly by WDD. Irrigators belonging to Irrigation Divisions or Associations get water from the Division's or Association's works through the relative committee. Landowners owning boreholes obtain water individually whereas those who do not belong to any of the above, purchase water from borehole owners.

There are mainly two major problems in this variability of water supply. The first refers to periods of drought where each of the above organisations or individuals set different rules and degrees of supply, depending on the severity of drought, the capacity and flexibility of the water works and the degree of depletion of the respective aquifers. The second refers to the economic terms of the supply which differ in each case, depending on the degree of subsidisation and other parameters. Usually those in the last category suffer most, as they are obliged to buy the water at multiple times its subsidised cost. Borehole owners owning land covered by Government irrigation projects may choose to buy water from the project or not, depending on the cost of water, as there is no law forcing them to do so. Irrigators

within Irrigation Divisions or Associations are more vulnerable in case of drought as their systems are less flexible than those in Governmental projects, and furthermore depend mainly on WDD for the works maintenance.

4.1.3 The new institutional arrangements

As stated in the explanatory report of the Attorney General of the Republic for the new Bill, quoted as translated from Greek, the purpose of the Bill is “the introduction of a unified water code for the intergrated and detailed control of development and management of the water resources of the Republic, which control will be undertaken by a single entity and to constitute the Water Development Department of the Ministry of Agriculture, Natural Resources and Environment as the Water Entity”.

Inspite of the impression given by the above statement that the new Bill touches all aspects of development and management of the water resources, it is obvious from the subsequent detailed enumeration of its provisions that the changes aim only to remedy most of the problems already mentioned above.

At first it should be noted that the new legislation does not change anything concerning the consumers level. Therefore all institutional arrangements related to consumers, such as Town Water Boards, Sewage Boards, Irrigation Divisions and Associations etc. will continue functioning as before. However, some changes in the whole process of water supply to them have been introduced.

On the other hand by retaining the WDD as the new water entity under the Ministry of Agriculture, Natural Resources and Environment, no major changes in the institutional set up as far as policy level is concerned, are envisaged. As it is further explained in the Attorney’s General report, the new water code will provide (quoting from Greek):

- a) To legally regulate certain authorities of WDD, which are now exercised without the existence of the required legal framework,
- b) authorities which refer to or are related with the management of water resources and which are now undertaken by the District Officers, the Town Planning and Housing and other Government Departments to be transferred to the Water Entity,
- c) to form the required legal framework which will secure the safety of the reservoirs, which is a sector not regulated at present by any existing legislation,
- d) to achieve the active involvement of all interested parties in the formation of Government water policy and, between other things, in the decisions for undertaking government water works, through their participation in an Advisory Committee of Water Management, which will advice the Minister of Agriculture, Natural Resources and Environment in related subjects,
- e) to control the abstraction of water, both from surface and groundwater systems, through the issue by the Water Entity of a single unified abstraction permit,
- f) to achieve the application of unified charges for the supply of water and at the same time to make it possible, to impose, in relation to the provision or abstraction of water, charges and levies which will cover all relevant costs and form an incentive for saving of water and productive use of it,

- g) to provide for serious and dissuasive penalties for any breach of the provisions of the proposed Bill.

As deduced from the above set targets of the new Bill almost all the envisaged charges refer to the executive level of water management.

The proposed Bill comprise eleven Parts, which are dealt with separately below:-

Part I Establishment and competences of the Entity

This Part begins with the replacement of the Water Development Department by the Water Entity.

The purpose of the Entity in general is the development and management of water resources within the framework of the Government water policy and provides specifically for:

- a) Securing to the extent possible full coverage of reasonable water demand for domestic, agricultural, industrial and other uses,
- b) Dealing with the present and future difference between supply and demand,
- c) Control of water consumption in a sustainable manner based on a longterm protection of available water resources and
- d) Activities related to research, utilization, development, management and protection of water resources.

It further proceeds with an enumeration of the authorities and responsibilities of the Director of the Entity, which are mostly the same as those of the Director of WDD, and in addition:

- a) Control of whatever developments may affect the banks, retaining walls or the beds of the rivers, which was the task of the District Officers.
- b) Control of the abstraction of surface and groundwater by issuing permits for water abstraction and related works, and the diversion and impounding of surface terrestrial waters by issuing respective permits and finally control of the application and respect of the terms envisaged by the permits. Most of these tasks were assigned by law to the District Officers.
- c) Planning, design and construction of sewerage systems and supervision of their operation in accordance with the provisions of Part V of the Bill.

This Part aims at clearing out the confused situation as to the responsibility for these works and prevents the involvement of other Government organizations.

Finally it legally regulates the authorities and responsibilities of the Entity with regard to the control of the safety of dams, ponds and reservoirs, purchasing of water and setting and collecting charges and other levies in accordance with this law and the respective regulations.

This Part prescribes also the authorities of the Council of Ministers pertaining to this law, which are:

- a) Definition of the general water policy of the Government including the policy for the distribution of water reserves to each use and territory and

- b) Decisions on the construction of water works for the purpose of abstraction, storage, conveyance and supply of water, recharge of aquifers and other water uses in order to materialize and attain the purposes of the law.

In accordance with this Part of the law the Minister of Agriculture, Natural Resources and Environment, has the following authorities:

- a) Formulates and recommends to the Council of Ministers the Governmental water policy, including the distribution of water reserves and the undertaking of Government water works.
- b) Prepares water management plans and programmes of measures in accordance with certain provisions of the law.
- c) Asks the Director of the Entity to prepare and submit to him, reports, information and to advise him on any aspect of his authority.
- d) Assign the Director with any other duties for the fulfillment of the provisions of the law.

In this Part there is also a provision for the establishment of an Advisory Committee of Water Management, which is appointed by the Council of Ministers and consists of 14 representatives from four Ministries, local authorities, non-governmental organizations and the agricultural unions. The purpose of the Committee is to advise the Minister on aspects related to the formation of the general water policy, including the distribution of water reserves and the undertaking of new water works. Such advice is deemed quite indispensable before the Minister finalizes his recommendation to the Council of Ministers on water policy.

Part II General management and control of water resources.

This Part provides that all water resources, surface or groundwater, except those under private water rights, belong to the Republic and any abstraction, use or development can only be made after a written permission of the Director of the Entity.

The Minister must prepare a Programme of Measures for the quantitative protection of groundwater which is a responsibility of the Director and for the control of pollution of all waters which is undertaken by the Minister through the Director of Environment in accordance with the Control of Water Pollution Law.

The Minister also must prepare an Integrated Management Plan for the whole country which will include information, detailed management programmes and plans and any other aspect related to water. Such Plan must be prepared and published as an interim report for the public to be informed and express opinion.

Part III Potable Water Supply

The responsibilities of the Director for the supply of adequate in quantity and suitable quality water, both for domestic and non domestic uses are set in this Part.

The Director must control the quality of the water systems and of the water itself in accordance with any other law, regulations or orders, before such water is supplied to any organisation or water dealer.

Furthermore the Entity can plan, design and construct water supply works for any Municipality or Community and act as their technical adviser if so requested.

Part IV Irrigation and other purposes

The Director can provide water to Irrigation Divisions or to individuals under terms and the Irrigation Division distributes the water to its members, in accordance with the respective law.

The Director has to inform the users of water as to its quality, but bears no responsibility in case of unsuitable use.

The Entity undertakes the planning and design of irrigation works for Irrigation Divisions and their construction if able or asks to be assigned to others.

The Director can act as a technical adviser to the Irrigation Divisions but he does not interfere with its operation.

Part V Sewage

The Director of the Entity is responsible for establishing sewage networks and treatment plants in areas where such systems do not exist or where they are not part of a Sewage Board, and for industrial and stock-breeding areas, military camps, hospitals, refugee camps and all other immovable property belonging to the state.

Although the Entity can plan, design and construct sewage works for local authorities and Sewage Boards and act as a technical adviser to them if requested, it does not interfere with their responsibilities as emanated from other related laws.

However for protected areas or areas with important water works, which are declared by the Minister as sensitive areas, building permits for development must be approved by the Director of the Entity as far as the treatment and disposal of sewage is concerned, who can also set appropriate terms and conditions.

The Director can accept and reuse any quantities of treated effluent from and after an agreement with the Sewage Boards.

It should be noted that whatever is referred to sewage and waste water is also valid for flood waters.

Part VI Government waterworks.

This Part deals mainly with the repealed Government Waterworks Law.

It starts with the definition of Government Waterworks, separating them from waterworks which belong to Irrigation Divisions or Associations, Sewage Boards and all those belonging to local authorities. It gives however the power to the Council of Ministers to include waterworks of Irrigation Divisions or Associations that were abandoned or which do not operate properly.

It also covers thoroughly the procedure for investigating and registering private water rights by appointing three Water Commissioners by the Council of Ministers.

The Council of Ministers can identify the benefited areas by the waterworks, declare them as Government Waterworks and decide on new waterworks.

The Director of the Entity is responsible for each Government Waterworks but he can also assign such management to others through regulations in accordance with this law.

Part VII Safety of dam reservoirs

This Part of the law deals with the requirements and procedures to be followed in securing the safety of reservoirs and other waterworks. Most of the provisions of the law were for many years followed by WDD but never were legally bound. By Article 72(2) the Minister is responsible to secure that the Director will follow the requirements of the law and the law sets some more safety valves to this end.

Part VIII Control of abstraction and impounding of water

This Part gives the exclusive power to the Director of the Entity to deal with:

- a) The abstraction of water both surface and groundwater.
- b) The construction of water impounding works on and the diversion of water from any point of the flow of terrestrial waters.

In order to construct, modify or abandon waterworks such as wells, boreholes, diversion structures, reservoirs and ponds, which are associated with water which belongs to the Republic, any person or organisation has to secure a permit from the Director of the Entity.

The law specifies in details all the required procedures for anyone to obtain such a permit, the terms and contents of the permits, modifications and invalidations, as well as punishments for breaching the provisions of the law.

This Part, which is related to the repealed Wells Law and the Water Supply (Special Measures) Law, vests all the powers, which by the repealed laws were in the hands of the District Officers, in the Director of the Entity.

Part IX Management of natural watercourses

The general control and supervision of watercourses, which was previously assigned to the District Officers, is by this Part vested in the Director of the Entity.

This control involves any required work to keep the watercourses in good operational condition. At the same time the law prohibits the abstraction from the watercourses of any useful material and the dumping of debris as well as the installation of any kind of machinery and the construction of any structure on them without an approval by the Director.

This Part of the law replaces the repealed Public River Protection Law.

Part X Various Provisions

Any land or private water rights which are deemed necessary for acquisition or requisition by the Council of Ministers, can be acquired in accordance with the provisions of the existing legislation, either compulsorily or by private agreement.

This Part specifies also the powers of the Director or his representatives related to his or their access into private property, installations or information, which is necessary in carrying out their duties.

It also deals with the offences and punishments of those who reject such legitimate powers and interfere with the Director's actions emanated from this law.

Various methods of calculating and determining levies and charges of water to be provided by the Entity for its different uses are also described in some details in Article 143 of the law. It seems, however, that the law has been very definitive in this aspects taking in consideration present conditions, whereas this matter can be settled by regulations. The same applies with the procedure of collecting these charges and levies which is also dealt with in the Part.

Other miscellaneous aspects related to the powers of the Director are also included in this Part.

Part XI Repeals and savings

Five of the existing laws are deemed to be covered and/or amended fully by the Water Entity Law and therefore they are repealed. These are:

- a) The Public Rivers (Protection) Law (cap 82)
- b) The Government Waterworks Law (cap 341)
- c) The Water (Development and Distribution) Law (cap 348)
- d) The Wells Law (cap 351)
- e) The Water Supply (Special Measures) Law (1964)

All savings refer mainly to the continuation of validity of whatever documents, permits, licenses etc. which were issued in accordance with the repealed laws and associated regulations. It should be noted that by the date of enforcement of this law the Director and the personnel of WDD become directly the Director and personnel of the Entity.

5 CONCLUSIONS

Having examined the existing legislation and the related institutional arrangements, it became evident that a lot of shortcomings, resulting to gaps, overlaps, vaguenesses and inherent inefficiencies had to be remedied. These problems were mainly due:-

- (a) To the existing old legislation, which did not undergo any major overhaul since the colonial era, and which cannot cope with the new developments in waterworks, the new water demands resulted by the new standards of living and also with the alleged changes in climatological conditions, and
- (b) The great fragmentation of authority in dealing with water as emanated from the fragmentation of the various related laws.

The institutional arrangement in water management as it prevailed right after the independence, is shown diagrammatically in **Figure 1**, where in addition to the two main Ministries involved in the water industry, that is the Ministry of Agriculture and Natural Resources and the Ministry of Interior, all other Ministries and Offices appear with their particular involvements.

Between then and the year 2000, when the new Bill on water management was drafted, certain changes were made but without direct effect on water management. Such changes refer to the movement of the Departments of Geological Surveys and Mines to the MANRE and the establishment in the same Ministry of the Environment Service and the Land Consolidation Authority, which later was transformed into a Department. The Sewage and Drainage Law was enacted in 1970, but except from Nicosia all other Town Sewage Boards started operating during the last two decades. Sewage works in other areas were undertaken by the Ministry of Interior and the WDD. Some changes were also observed at consumers level. WDD started distributing water directly to irrigators, instead through the District Water Boards (although in some cases those were not eliminated) and Municipal and Community Authorities undertook the management of the distribution of their water supplies. The evolved situation is shown in **Figure 2**.

Within the framework of harmonization with the EU Directives, during the last few years, some laws related to water were enacted, such as the Quality of Water for Human Consumption Law (L. 87(I)/01) and the Evaluation of the Consequences to the Environment from Specific Projects Law (L.57(I)/01), whereas at the beginning of the last decade the Control of Pollution of Waters Law (L.69/91) aimed to control disposal of house and industrial sewage.

The situation which will accrue with the introduction of the Water Entity Law is illustrated in **Figure 3**. As the new Water Entity will remain under the MANRE, and the new law does not alter anything regarding the water distributing organizations, no changes are observed at policy and consumers levels, except with the introduction of the Advisory Committee of Water Management. Even at executive level, where the major changes refer to the transfer of control of water and the enforcement of the related laws from the District Administration to the Water Entity, the diagram fails to clearly demonstrate the changes. Therefore one of the fields where such changes will take place, that is the control of groundwater abstraction was selected and is shown diagrammatically in **Figures 4 and 5**. It is evident that the new procedure to

obtain a drilling permit under the Water Entity law is much more simple than the previous one under the Wells Law (Cap. 351). What remains to be seen is whether the Water Entity will be in a position to enforce the law and effectively control the groundwater abstraction.

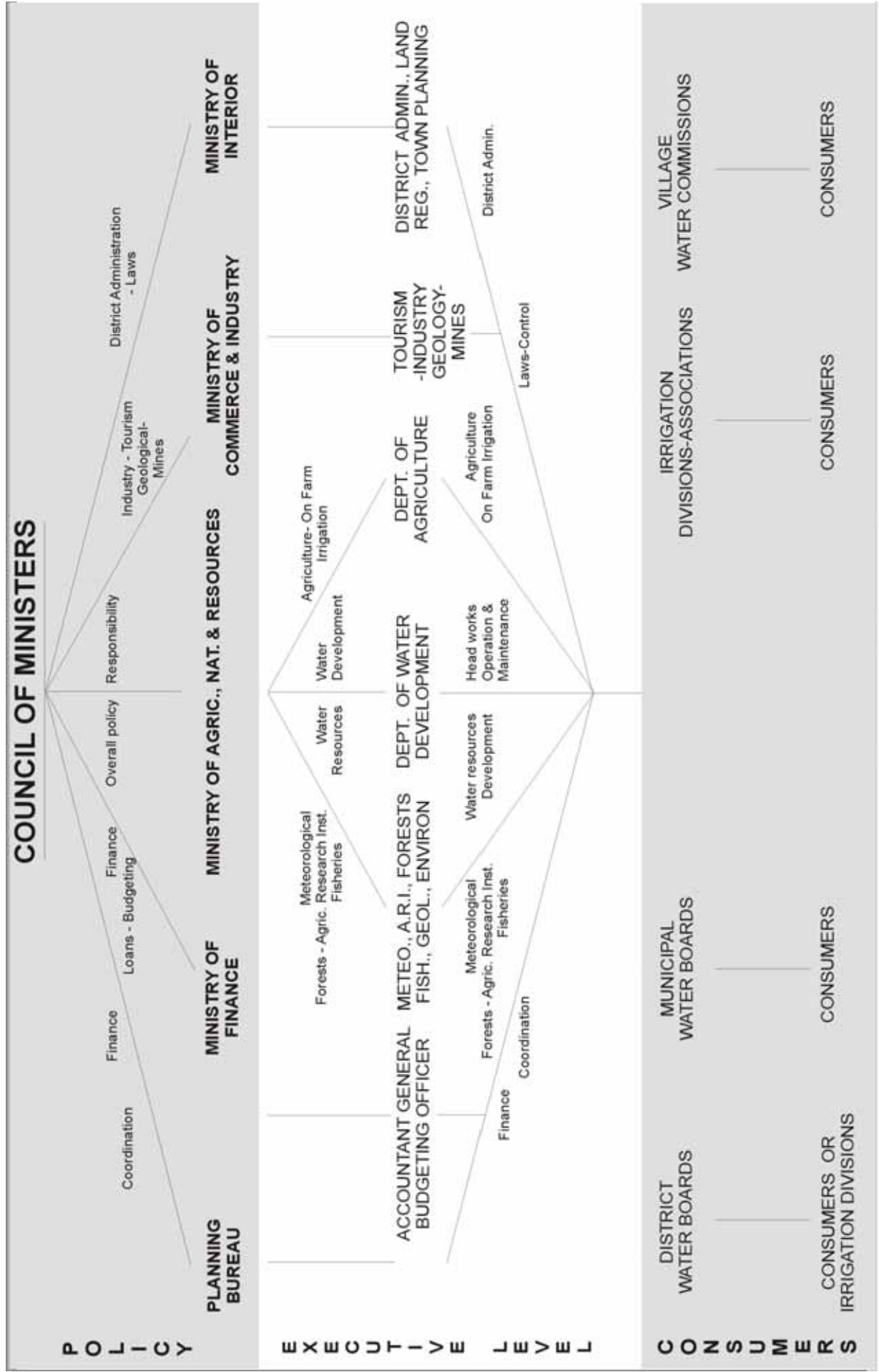


FIG. 1 THE WATER RESOURCES ORGANIZATION CHART AS IN 1967

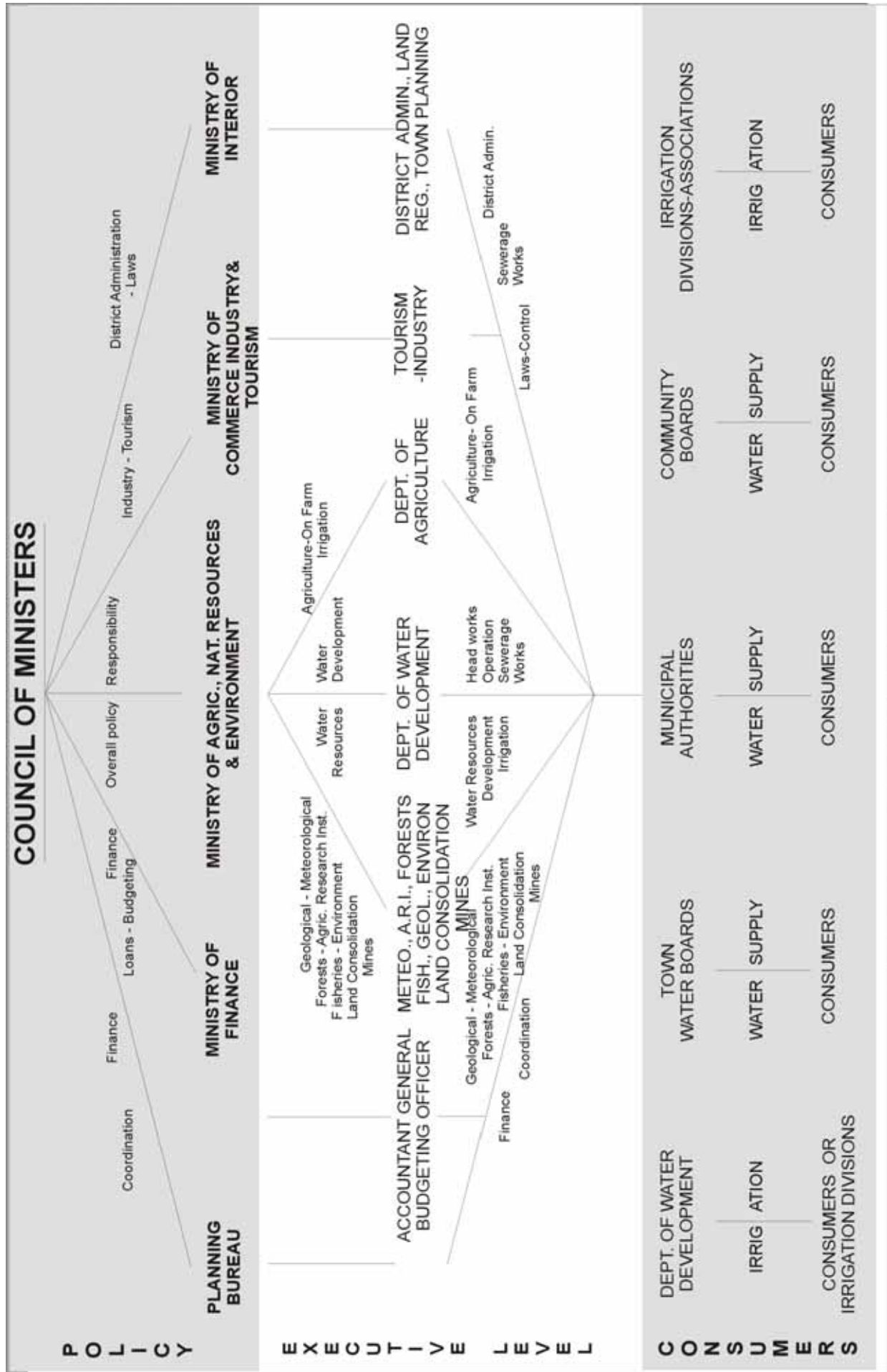


FIG.2 THE WATER RESOURCES ORGANIZATION CHART AS IN 2000

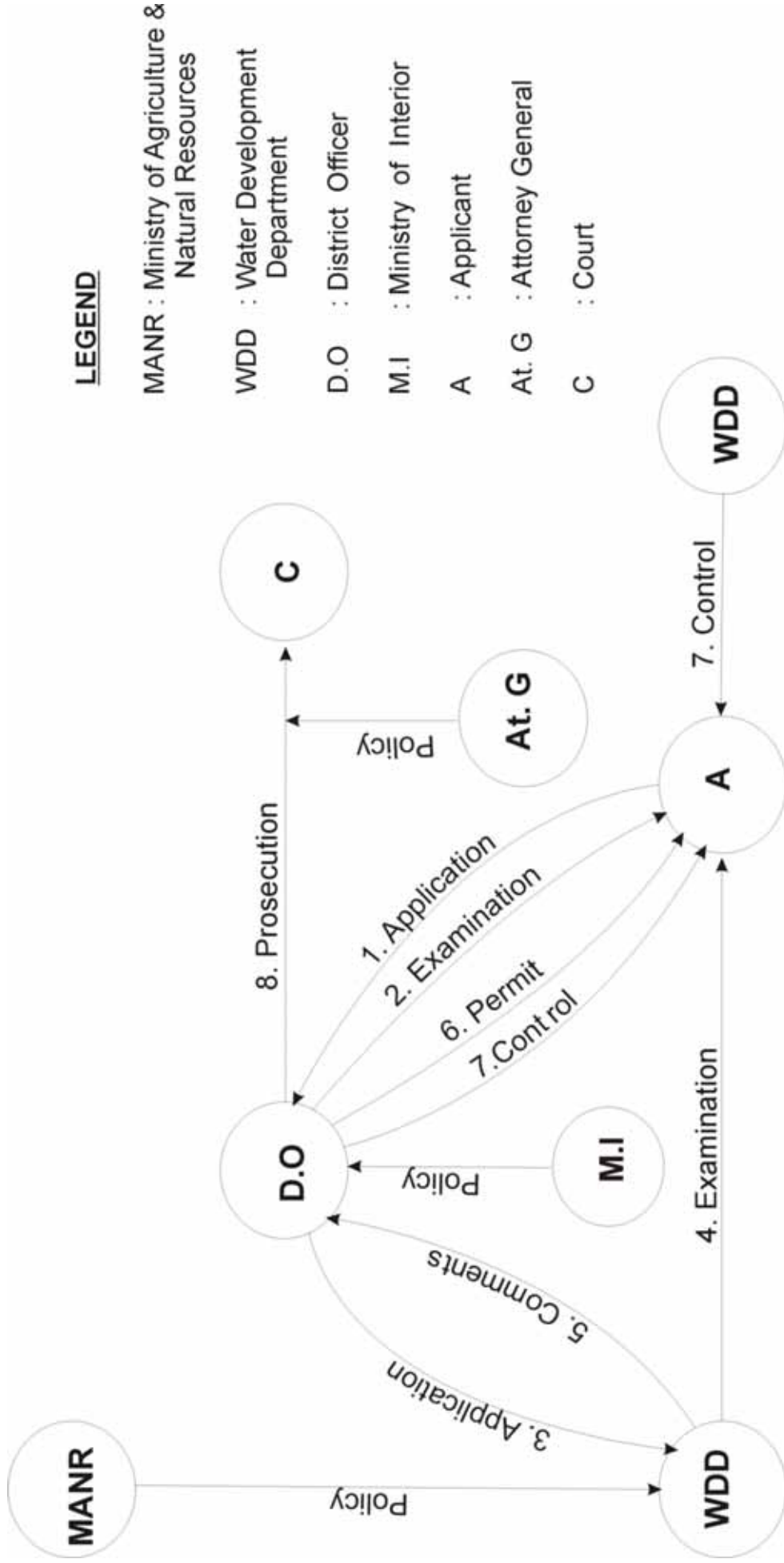


FIG 4 PROCEDURE FOR A WELL PERMIT UNDER WELLS LAW (Cap. 351)

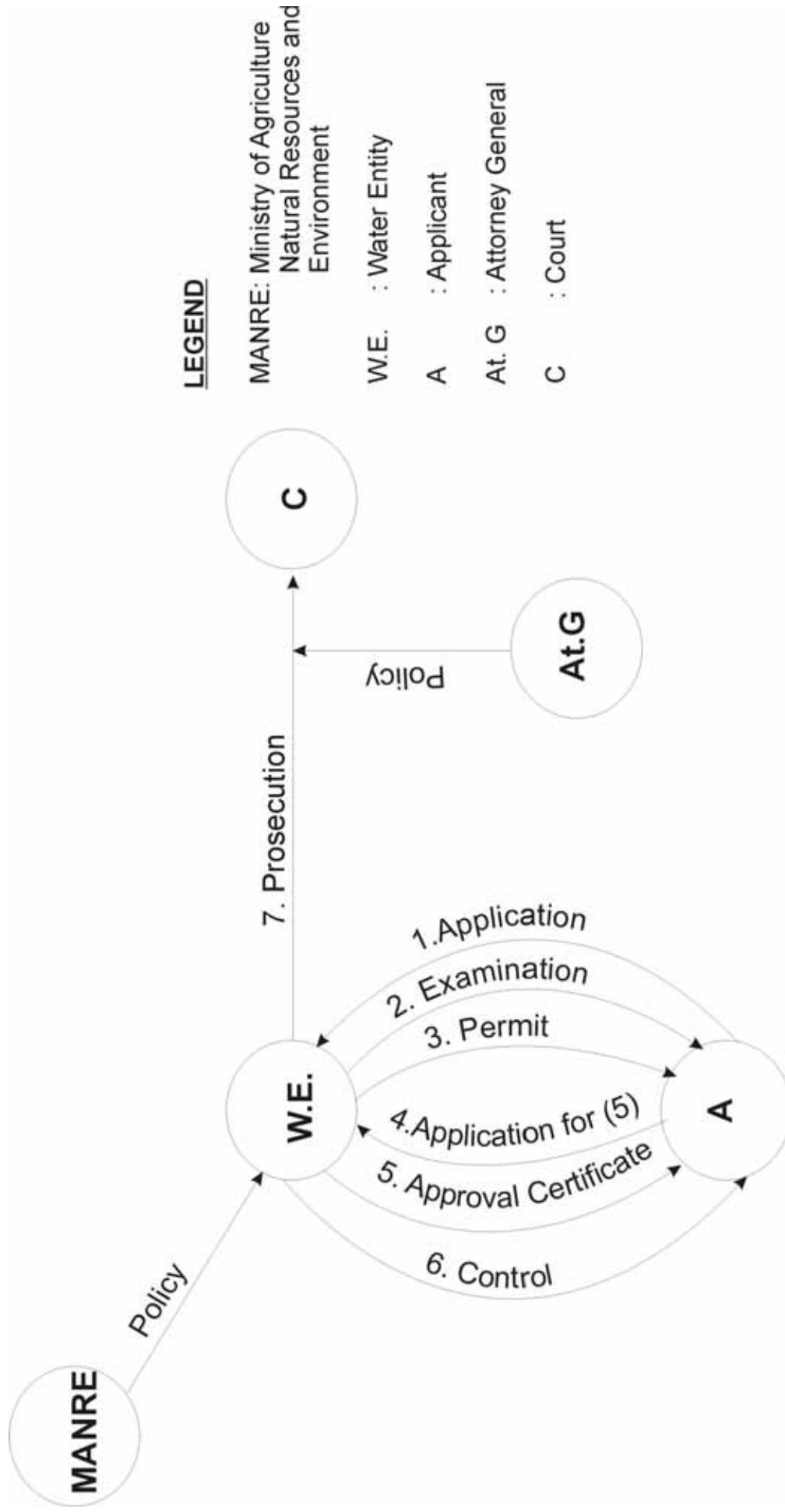


FIG 5 PROCEDURE FOR A WELL PERMIT AND CERTIFICATE UNDER WATER ENTITY LAW

6 THE COMPATIBILITY OF THE NEW WATER LEGISLATION AND INSTITUTIONAL ARRANGEMENTS WITH THE EUROPEAN UNION COMMON POLICY

In accordance with the terms of reference, the current legislation and institutional scheme governing water resources should also be discussed in the context of harmonization with the EU common policy.

It is evident from the previous sections of this report that we are at present at a transitional period when water legislation and associated institutional arrangements are changing. One of the main reasons for these changes is to harmonize them with the EU common policy. Therefore the word “current” for the purpose of this report is construed to include the new Water Entity Law although not yet enacted, as well as some other legislation related to water, which have already been discussed.

On the other hand the most recent Directive representing the EU common policy in water resources management is Directive 2000/60/EC which establishes a Framework for Community Action in the Field of Water Policy.

In drafting the Water Entity Law, in addition to the changes regarding institutional arrangements, which were decided by the Council of Ministers, special attention was paid to the need that its contents should fulfill and be compatible with the requirements of the above mentioned Directive. In fact this was explicitly provided in the terms of reference of the Law Office which undertook this job. However this effort proved to be very difficult since:

- (a) The Directive is quite complex, especially where it refers to the provisions of other Directives.
- (b) The weight given by the Directive on environmental issues, which are dealt with by other Governmental bodies and the harmonization of which was not completed at the time.
- (c) A lot of the detailed requirements of the Directive could only be provided for by regulations and governmental orders, which were not drafted concurrently with the law.

A common effort has recently been made by WDD and the Environment Service of the MANRE, which is still underway, to examine article by article the requirements of the Directive and determine which of them are covered by the Water Entity Law provisions or by other environmental legislation or which will need further coverage by regulations, ministerial or governmental orders. Until such a detailed study is completed, a more general similar assessment was made and is presented here as **Appendix**.

As far as institutional arrangements are concerned, the requirements of the Directive are concentrated in Article 3, where the identification of an appropriate competent authority for the application of the rules of the Directive within each River Basin District is needed.

Due to its small size and the more or less uniformity of its river basins, Cyprus can be declared as a single river basin district, something which has already been accepted by EU.

On the other hand all the requirements of the Directive will be covered either directly or through regulations or ministerial and governmental orders by legislation referring either to environmental issues or water resources management, which are handled either by the Environment Service or the Water Entity of the Ministry of Agriculture, Natural Resources and Environment. All this legislation vests the power in the Minister of Agriculture, Natural Resources and Environment, who can be identified as the competent authority for the purpose of this Directive. The Minister can exercise his authority either through the Water Entity or the Environment Service which both will belong in the same Ministry.

The validity of the above can be manifested by the following two main duties which the Minister as the competent authority should undertake.

The first refers to the preparation of operational Programmes of Measures to prevent deterioration of the quality of all types of waters as required by Article 4 of the Directive. This is covered by Article 7 and 15 of the Water Entity Law, which require the Minister to prepare such programmes either through this law or through the Water Pollution Control Law.

The second refers to the production for the River Basin District Management Plans, which will include all river basin characteristics and other information as well as programmes of measures, in accordance with Article 13, Annex VII of the Directive. This is also covered by Article 24 of the Water Entity Law, which requires the Minister to prepare an Integrated Management Plan for the whole territory, which may include more detailed programmes and management plans for particular areas.

As far as the active participation of the public in decision making is concerned, as required by Article 14 of the Directive, in addition to the establishment of the Advisory Committee of Water Management provided by Article 8 of the Water Entity Law, Article 24 requires the Minister to publish any preliminary Integrated Management Plan in time so as for the public to be informed and express opinion before it is finalized.

Having put forward all arguments which advocate the identification of the Minister as the competent authority in accordance with Article 3 of the Directive, it should be checked, however, whether the competent authority should be an organization instead of a person, something which can be deduced from the context of Annex I of the Directive. In such a case, either the Water Entity or the Environment Service can be identified as the competent authority but some parts of the legislation will have to be amended.

APPENDIX 1 Compatibility of Water Entity Law with Directive 2000/60/EC (D)

Directive 2000/60/EC (D)		Water Entity Law (WEL)			
Article Annex	Title	Related Article	Title	Provision for Regulations or Orders	Comments
1	Purpose	4	Purpose of the Entity		Partly covers the D. (See Note (S.N.))
2	Definitions	2	Interpretations		Partly covers the D. (S.N.)
3	Coordination of administrative arrangements within River Basin Districts (R.B.D.)	3 6 7	Establishment of Water Entity Authorities of the Director of W.E. Authorities of the Council of Ministers and of the Minister		Identification of the competent authority (It suits the Minister)
4	Environmental Objectives	15	Preparation of Programme of Measures	Regulations	Partly covers the D (S.N.)
5 Annex II Annex III	Characteristics of R.B.D., review of environmental impact of human activity, economic analysis of water use Economic analysis	19 20 23	Characteristics of surface water systems and collection of information The same but for groundwater Economic analysis of water use	Order Order Reg/tions	

Directive 2000/60/EC (D)		Water Entity Law (WEL)			
Article Annex	Title	Related Article	Title	Provision for Regulations or Orders	Comments
6 Annex IV	Register of protected areas Protected areas	18	Register of protected areas	Order	
7	Waters used for the abstraction of drinking water	17	Waters used for the production of drinking water, protected areas and special provisions for them.	Order	
8	Monitoring of surface water status groundwater status and protected areas	21 22	Quantitative control of waters Qualitative control of waters	Reg/tion	Need regulations (S.N.)
9	Recovery of costs for water services	143	Methods of calculation of water charges and levies.	Reg/tion	It needs revision
10	The combined approach for point and diffuse sources				No special coverage (S.N.)
11	Programme of measures	15	Preparation and operation of programme of measures	Order	

Directive 2000/60/EC (D)		Water Entity Law (WEL)			
Article Annex	Title	Related Article	Title	Provision for Regulations or Orders	Comments
Annex VI	Tables with the measures which will have to be included in the Programme				
12	Issues which cannot be dealt with at Member States level				no coverage needed
13 Annex VII	River Basin Management Plans --	24	Integrated Management Plans	Reg/tions	
14	Public information and consultation	8 24	Advisory Committee of Water Management Integrated Management Plans	Reg/tions	
15 to 26	Tasks of the Commission and other procedural information				no coverage needed

Note: These Articles of the Directive are also partly of fully covered by other legislation on environmental issues and water pollution prevention.

**MINISTRY OF AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENT
OF THE REPUBLIC OF CYPRUS
Water Development Department**

**FOOD AND AGRICULTURAL ORGANISATION OF THE UNITED NATIONS
Land and Water Development Division**

**TCP/CYP/8921
TCP/CYP/2801**

REASSESSMENT OF THE ISLAND'S WATER RESOURCES AND DEMAND

Objective 2 – Output 2.1

**WATER LEGISLATION
AND INSTITUTIONS
IN CYPRUS**

APPENDIX 2

**Translation of the Water Entity Bill
from Greek to English**

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MA (UNIVERSITY OF KENT)

Scope of the translation

Any reference in the report to Water Entity either in its context as a new law or its implications in the evolving new institutional arrangements, would not be complete if the reader would not have the opportunity to study in details the content of the Bill. However, since all legislation in Cyprus is now drafted in Greek, the need of translation into English was considered useful and indispensable. This translation can also be used by the Government after being confirmed by the Law Office of the Republic.

Notes on the translation

1. The term “Water Entity” is used throughout the translation instead of “Unified Water Entity” or “Integrated Water Entity” which is the exact translation from Greek.
2. In the interpretation of the key terms under section 2 of the Law, the alphabetical order of the Greek text was followed.
3. In translating Part VII of the Law on “Safety of Reservoirs” recourse was made to the original English document, which was used for drafting this Part.
4. Regarding Section 143 on “Method of estimating charges, fees or other monetary exchanges”, it should be noted that the translation was made on the new draft of this section which is more general than the original which was more detailed and which will be replaced by the WDD.

BILL WHICH IS TITLED

LAW WHICH UNIFIES, AMENDS, INTRODUCES NEW PROVISIONS, REPEALS AND REPLACES THE PUBLIC RIVERS (PROTECTION) LAW CAP. 82, THE GOVERNMENT WATERWORKS LAW CAP. 341, THE WATER (DEVELOPMENT AND DISTRIBUTION) LAW CAP. 348, THE WELLS LAW CAP. 351 AND THE WATER SUPPLY (SPECIAL MEASURES) LAWS OF 1964 TILL 1990 AND WHICH CONSTITUTES THE WATER DEVELOPMENT DEPARTMENT OF THE MINISTRY OF AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENT AS THE WATER ENTITY

Brief title: 1. This Law will be referred to as the Water Entity Law of 2001.

Interpretation: 2. In this Law, except if otherwise accrues from the text –

“driller licence” will have the meaning ascribed to this term by section 120;

“water abstraction work permit” will have the meaning ascribed to this term by paragraph (1) of section 94;

“water retaining work permit” will have the meaning ascribed to this term by section 95;

“water abstraction permit” will have the meaning ascribed to this term by section 96;

Cap. 224 “immovable property” will have the meaning ascribed to this term by section 2 of the Immovable Property (Tenure, Registration and Valuation) Law;

“other water abstraction work” means any work, other or well, which makes possible the abstraction of water from any water source and includes the widening, deepening or with any other means enlargement or alteration of any natural source;

“undertaking” and “undertake”, with reference to water works, includes, in addition, the acquisition of property or the right to the use of a water work by purchase, lease, compulsory expropriation, requisition or by any other method;

“recycled water” means water coming out from a treatment plant of domestic or/and industrial sewage;

“effluent” means all urban or/and industrial sewage which is disposed to a governmental treatment plant of domestic or/and industrial sewage;

“water reserves” means the water, which at any time is contained in any water source and includes the recycled water as well;

“land drainage” means the drainage of land and the execution of works for prevention of floods, ground water saturation or erosion or for the protection from them;

“irrigation works” includes all the water installations which are used in relation to irrigation and all works for or in relation to the

land drainage or the recharge of the groundwater horizon;

“irrigation water” means water which is provided in accordance with this law and which does not constitute potable water;

Cap. 342 “Irrigation Division” means an Irrigation Division which was established in accordance with the Irrigation Divisions (Villages) Law;

Cap. 115 “Irrigation Association” means an Irrigation Association which was established in accordance with the Irrigation Association (Private Water) Law;

“local administration authority” means any council or body, which is formed in accordance with any law in force at the time, to which the administration of any area of the Republic of Cyprus is assigned;

“urban sewage” or “sewage” means domestic sewage or the mixture of domestic and industrial sewage or/and rain waters;

“industrial sewage” means any sewage which is disposed from buildings and places which are used for any commercial or industrial activity and which do not constitute domestic sewage or rain waters;

“municipality” means a municipality which was established in accordance with any in force at any time law pertaining to municipalities; the term “municipal council” will be construed accordingly;

“Director of the Entity” means the Director of the Water Entity of the Ministry of Agriculture, Natural Resources and Environment and includes any employee of the Water Entity properly authorised by the Director for this purpose;

“sewage network” means the piping system which collects and discharges the urban sewage;

“supply network” means the piping system and the related water installations, which are used for the conveyance of water from the source to the consumer;

Cap. 350
111 of 1995 “authorised water supplier” means a water board which was established in accordance with the Water Supply (Municipal and Other Areas) Law, a municipal council which provides water in accordance with the Municipal Law and any other local administration authority which has the power to supply water in accordance with the provisions of any law in force at any time;

“approved consumer” is a person which is supplied with potable water in accordance with the provisions of section 30;

“surface waters” means terrestrial waters, excluding ground waters, transitional waters and coastal waters; with reference to its chemical consistency, however, it includes territorial waters;

“surface terrestrial waters” means terrestrial waters, excluding ground waters, and includes any river, stream, or any water course, lake, pond or reservoir or any part of them, natural or

artificial, freshwater, brackish or saline and any reference to surface terrestrial waters includes reference to canal or the bed of surface terrestrial waters which sometimes is dry;

“drainage works” includes works for the protection from water and prevention of floods and groundwater saturation;

“water retaining works” means –

- (a) any dam, regulating dam on the river, flow regulating gate, reservoir, pond or other works on surface terrestrial waters by which water can be retained or its flow prevented, or
- (b) any work for the diversion of the surface terrestrial waters in relation to the construction, modification or operation of any dam, regulatory dam on the river, flow regulating gate of a reservoir, pond or any other works by which water can be retained or its flow prevented;

“employ” with the grammatical variants of this term, also includes, for the purpose of Part VII, the employment in accordance with an agreement for the offer of services;

“prescribed” means prescribed with regulations that are issued by the Council of Ministers in accordance with the provisions of section 145 and “is prescribed” is interpreted accordingly;

“repealed Laws” means the laws that are repealed in accordance with section 158;

“surface water status” means the general expression of the status of a surface water system determined by the poorest values of ecological and chemical status;

“groundwater status” means the general expression of the status of a groundwater system determined by the poorest values of quantitative and chemical status;

“good quantitative status” is the status determined by Regulations issued in accordance with this Law;

“bed” means all the land between the most distant boundaries of water flow, which is formed by any natural watercourse, including any bank or small island within these boundaries, except those which constitute private property;

“abstraction of water” means any activity by which water in any source is taken away of it, either temporarily or permanently, including its removal for the purpose of delivery to other water source or to another place of the same water source;

“transitional waters” means the surface water systems at the vicinity of river mouths, which are partly saline, as a result of their proximity to coastal waters but which are at the same time substantially affected by freshwater flows;

“non domestic purposes” means in relation to the supply of water to any household or other immovable property, the supply of water for any other purposes except for household

purposes;

“sea water” means the transitional waters, the coastal waters, the territorial waters and the rest sea waters;

“Legislation” also includes secondary legislation;

“domestic sewage” means sewage from residential and office areas, which result mainly from the human metabolism and commercial activities;

“domestic purposes” means, in relation to the supply of water to any building, the supply of water for any purpose, which in accordance with the common standards of living, is adequate in any house and when the whole or part of the building is used or will be used as a residence, these purposes include:

- (a) the purposes for a profession which will be carried out within that residence, or when that residence and any other part of the building are used together and the residence constitutes the biggest part of the whole place which is used as above, the purposes of the profession which is carried out in the other part of the building, and
- (b) such other purposes outside the building, including washing of vehicles and irrigation of gardens, which are associated with the use of the building and they can be served with supply of water from a tap within the building and without the use of a rubber-hose or any other similar device,

but they do not include the use of a swimming pool, the purpose of a business laundry or the purpose of a business preparation of food or drinks for consumption outside the building;

“rain waters” have the meaning given to the term in section 2 of the Sewage Systems Law;

“bank or wall”, in relation to a natural watercourse, means the land on each side of the bed of a natural watercourse, to a distance of 1.80 m. from it;

“coastal waters” means surface waters on the landward side of an imaginary line, every point of which is at a distance of one nautical mile on the seaside from the nearest point of the baseline from which the breadth of the territorial waters is measured, extending where appropriate up to the outer limit of transitional waters;

“watershed area” means the area which contains all the water sources that feed the benefited area;

“water source” means any surface terrestrial waters or groundwater horizon, in which there exists or could possibly exist water at any time and, as far as the scope of Part VIII is concerned, it includes sea water;

“quantitative status” is an expression of the degree at which a groundwater system is affected by direct and indirect water

abstraction;

“protected area” means an area which has been declared protected in accordance with paragraph (3) of section 17;

“person” includes unions of persons, with or without legal status and any ecclesiastic or other religious institution;

“urban sewage treatment plant” means any mechanical installations and structures which are used for the treatment of urban sewage;

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“Sewage Board” means Sewage Board established in accordance with the Sewage Systems Law;

“sewage system” has the meaning given to this term by section 2 of the Sewage Systems Law;

“drainage of rain water system” has the meaning ascribed to this term by section 2 of the Sewage Systems Law;

“surface water system” means a defined and important element of surface waters, such as a lake, a reservoir, a stream, a river or a canal or part of a stream, river or canal, some transitional waters or an area of coastal waters;

“groundwater system” means a defined volume of groundwater in one or more aquifers;

“reservoir” “raised reservoir” and “large raised reservoir” have the meaning ascribed to them by paragraph (1) of section 70;

“water rights” means rights on any lake, river, stream or other natural watercourse which –

- (a) have been practised without interruption for a full period of thirty years prior to the date of enactment of the Immovable Property (Tenure, Registration and Valuation) Law or
- (b) have been awarded by firman or other valid written title that was issued prior to 4th June 1878 and was exercised since the time of its issue, or
- (c) are practised in accordance with the provisions of any valid at any time Law;

“water works” or “water installations” means wells, reservoirs, dams, ponds, river regulatory dams, water tanks, cisterns, tunnels, filters, filtration basins, pipings, water conduits, water treatment units, desalination plants, house or industrial sewage treatment plants, culverts, pipes, taps, flow regulating gates, valves, pumps, canals, engines, machinery and all other structures or apparatuses that are used or manufactured for abstracting, impounding, conveying, supplying, distributing, measuring or regulating or any other use of water or in relation with the recharge of an aquifer, land sewage, protection of water from pollution and protection of land from floods or erosions;

“water system” means a discreet and homogenous element of surface or groundwater, such as an aquifer, a lake, a reservoir,

a part of water-course, the mouth of a river or a part of coastal waters;

“potable water” means the water which is supplied in accordance with this Law and conveyed through the water installations of the Entity which are mainly used for the bulk supply of water to authorized water suppliers;

“groundwater horizon” means one or more underground strata of rocks or other geological strata with porosity and adequate permeability so as to allow either substantial flow of groundwater or the pumping of substantial quantities of groundwater;

“groundwaters” means the whole of waters which are found below the ground surface at the saturation zone and with direct contact with the ground or the underground;

“Minister” means the Minister of Agriculture, Natural Resources and Environment;

“Ministry” means the Ministry of Agriculture, Natural Resources and Environment;

“natural watercourses” means any river, stream or other ground corrugation through which water is flowing due to excess groundwater or surface water or resulting solely from rainfall, which belong to the Republic in accordance with section 7 of the Immovable Property (Tenure, Registration and Valuation) Law and includes the basin, bed or channel which are sometimes dry;

“Entity” means the Water Entity of the Ministry of Agriculture, Natural Resources and Environment;

“well” means any well or borehole which is drilled on any land for abstraction of groundwater and includes a chain or system of wells;

“inland waters” means all stagnant or flowing waters on ground surface and all the groundwaters which are found on the landward side of the baseline from which the breadth of territorial waters are measured;

“bulk supply of water” means supply of water for distribution from an authorised water supplier or from an Irrigation Division;

“benefited area” means the area that is benefited by the construction of a water work.

PART I

ESTABLISHMENT AND COMPETENCES OF THE ENTITY

Establishment of the Water Entity.

3. The Water Development Department of the Ministry of Agriculture, Natural Resources and Environment is constituted by this Law the Water Entity and will continue to

exist and function under the above name.

Purposes of the Entity.

4. The purpose of the Entity is the development and management of the water resources within the scope of the Government water policy at any time and more specifically, without prejudice to the generality of the above purpose -

- (a) the safeguarding of the fullest possible coverage of the reasonable needs in water for domestic, agricultural, industrial and other uses,
- (b) the facing of the present or future imbalances between supply and demand,
- (c) the promotion of the consumption of water in a sustainable way based on the long-term protection of the available water resources, and
- (d) the carrying out of activities such as research, utilisation, development, management and protection of the water resources.

Director of the Entity.

5.-(1). The Director of the Water Development Department of the Ministry is made by this Law, the Director of the Water Entity and is responsible for the constant and effective application of the provisions of this Law.

(2) The Director of the Entity is empowered to assign any of his competences to officials of the Entity.

Responsibilities and powers of the Director of the Entity.

6.-(1) Without prejudice to the generality of section 4, for the accomplishment of the purpose of the Entity and abiding by the provisions of this Law, the Director of the Entity is responsible to -

- (a) proceed to suggestions to the Minister regarding the formation of the Government water policy, including the policy on the distribution of the water reserves according to use and area and suggest to the Minister the undertaking of Government water works,
- (b) provide water of appropriate quality for domestic and non domestic purposes,
- (c) check whatever development may affect the banks, the walls or the river beds,
- (d) check the safety of the dams, ponds and their reservoirs,
- (e) manage and develop the water resources,
- (f) control the abstraction of surface and groundwaters, through the issuance of water abstraction works permits and water abstraction permits, control the diversion and the impounding of surface terrestrial waters through the issuance of water retaining permits and check the application and observance of the terms of the referred permits,
- (g) plan, design, construct, operate, maintain, repair,

improve and modify Government water works,

- (h) plan, design and construct sewage systems and monitor their function according to the provisions of Part V of this Law,
- (i) give advice, plan, design, construct, maintain, repair, improve or modify water or irrigation works or sewage systems, for any person or organizations, or on behalf of any person or organization either in Cyprus or abroad,
- (j) give advice and information in relation to the available water reserves,
- (k) advice the Minister on any issues within his competences or any issue relating to the management of water that the Minister forwards to him for advice,
- (l) maintain and operate hydrometric works,
- (m) keep records, conduct and publish surveys, proceed to recommendations and other actions and activities which are provided for explicitly in this Law or they are implicit in its provisions,
- (n) undertake such specific duties as the Minister at any time assigns to him.

(2) Saving the provisions of this Law, the Director of the Entity is empowered to proceed to any action or activity which he deems necessary or helpful in the exercise of his duties and competences by virtue of this Law, and more specifically he is empowered to:

secure the services or co-operate with any person, body or authority,

proceed, after the approval of the Minister, to the purchase of water or its acquisition or its securing in any other manner from any person, body or authority,

assign to another person, body or authority the exercise of any of his competences, only if he obtains the permission of the Minister,

impose and collect charges, fees and other monetary exchanges, according to the provisions of section 143 and any other relevant provisions of this Law and the Regulations made there under.

Competences of the Council of Ministers and the Minister.

7.-(1) The Council of Ministers has the following powers and competences for the purposes of this Law:

- (a) Defines the general water policy of the Government, including the policy for the distribution of the water reserves according to use and area.
- (b) Decides on the undertaking by the Republic of water works aiming at the abstraction, storing, conveyance,

supply, measurement, regulation, or other use of water, recharge of aquifers, land sewage, protection of water from pollution, protection of land against floods or erosions, or generally, for the realization or accomplishment of the purposes of this Law.

- (c) Exercises any other competences provided for explicitly or implicitly by this Law.

(2) The Minister has the following powers and competences for the purposes of this Law:

- (a) Forms and suggests to the Council of Ministers the Government water policy, including the policy for the distribution of the water reserves according to use and area and proposes the undertaking of Government water works.
- (b) Prepares management plans and programmes of measures according to the provisions of sections 15 and 24.
- (c) Requires the Director of the Entity to prepare and submit to him reports, to provide him with data and information and to advise him on any issues within his competences.
- (d) Assigns to the Director of the Entity any specific duties that he deems purposeful on issues that are related or concern his competences.
- (e) Exercises any other authorities and competences which are explicitly or implicitly provided by this Law.

Establishment of an Advisory Committee on Water Management.

8.-(1) An Advisory Committee on Water Management is established (herein A.C.W.M.), which will form a consultative body to advise the Minister on issues that are related to the formation of the general water policy of the Government.

(2) The A.C.W.M. consists of fourteen members, each of which represents one of the following fourteen governmental or non governmental entities or organizations:

- Agricultural Organizations
- Communities Union
- Municipalities Union
- Scientific Technical Chamber of Cyprus
- Water Boards
- Sewage Boards
- Environmental Organisations
- Consumers Association
- Cyprus Commerce and Industry Chamber
- Ministry of Interior
- Ministry of Finance
- Planning Bureau
- Ministry of Agriculture, Natural Resources and Environment
- Ministry of Commerce, Industry and Tourism

(3)(a) The A.C.W.M. members are appointed by the Council of Ministers after a relevant proposal by the Minister, which is formed in accordance with the procedure provided for in paragraph (b)

(b) The Minister asks from every represented entity or organisation to submit within fifteen days a list where one to ten persons will be nominated as its possible representatives to the A.C.W.M. The Minister selects one person from each list, which he proposes to be appointed to the A.C.W.M. In case that any of the represented entities or organisations do not submit the list within the above deadline, the Minister proposes for the appointment any person that he deems suitable to represent in the best way the interests of the particular entity or organisation.

(c) The first appointment of the members of the A.C.W.M. takes place within 3 months from the enactment of this Law.

(4) The term of the members of the A.C.W.M. is set at three years, the reappointment of a member being allowed after the end of his term, but not for more than three consecutive terms.

(5) The Council of Ministers can, if there is a justifiable reason, at any time before the end of the term of any member of the A.C.W.M., terminate his appointment.

(6) Each member of the A.C.W.M., except for those who represent the Ministries or the Governmental Services, may at any time submit his resignation to the Council of Ministers.

(7) After the appointment of all its members, the A.C.W.M. is set up to a body and elects one of its members to be the President and one to be the Vice-President. The Vice-President replaces the President in case of the latter's temporary absence or impediment, and in such a case he will hold all the powers and execute the duties of the President.

(8) The A.C.W.M. may operate regardless of any vacancies, as long as the total number of the rest of its members is not smaller than the one needed to have a quorum.

(9) During a temporary absence or a temporary impediment of a member of the A.C.W.M., the Minister may appoint another person to execute the duties of the absentee member, depending on the case, during such a temporary absence or impediment, and every person appointed in this way holds all the powers of the members, according to the case.

(10) The President and the members of the A.C.W.M. may be compensated, as decided by the Council of Ministers.

(11) Saving any other provisions of this section, the Council of Ministers is empowered to fill in any vacancies among the members of the A.C.W.M. by appointing a new member for the rest of the term of the member whose place has been vacant.

Meetings of the A.C.W.M.

9.-(1) The President of the A.C.W.M. presides the meetings. In case of absence of the President or the vice-President in any meeting, the present members elect one among them to preside the meeting.

(2) There is a quorum when the President and seven members are present.

(3) The A.C.W.M. decides by majority vote, and in case of equality in votes the presiding member has a second or a deciding vote.

(4) The Minister and the Director may be present at all the meetings of the A.C.W.M., take part in the discussions and presenting their opinion, but they do not have the right to vote.

(5) The Minister appoints one of the Ministry's officials as Secretary to the A.C.W.M. and another one as the substitute of the first. The Secretary or his substitute is present at the meetings of the A.C.W.M. to keep the minutes.

(6) The modus operandi of the A.C.W.M., including how the meetings are called and the notification required for their calling, may be regulated, to the extent that this is not explicitly provided for by the present section, by internal regulations approved by the A.C.W.M.

(7) The Ministry provides the necessary secretarial support to the A.C.W.M.

Competences of the A.C.W.M.

The A.C.W.M. has the duty and responsibility to study and proceed to suggestions to the Minister on the following issues:

- (a) The general water policy of the Government, including the policy on the distribution of the water reserves according to use and area.
- (b) The undertaking by the Republic of water works with which the A.C.W.M itself decides to deal with after a decision taken with the positive vote of at least seven members.

- (c) Any other issues which are referred by the Minister for study and suggestions.

Relegation by the Minister to the A.C.W.M.

11.-(1) Before the Minister exercises his responsibility to form the general water policy of the Government by virtue of paragraph (a) of subsection (2) of section (7), he refers to the whole issue for study and submission of suggestion by the A.C.W.M. and does not further exercise his responsibility until the suggestion of the A.C.W.M. is submitted to him or when the reasonably set, by virtue of subsection (2) deadline elapses without any result.

(2) The Minister when referring to the issue to the A.C.W.M. prescribes reasonable time-limits within which the suggestion of the A.C.W.M. has to be submitted to him.

PART II

GENERAL MANAGEMENT AND CONTROL OF WATER RESOURCES

Management of water resources according to this Law.

12. All the water resources within the territory of the Republic constitute natural wealth, which is managed and protected in accordance with the provisions of this Law, having as ultimate target the best possible and most effective satisfaction of the reasonable living and other socio-economic needs of the whole population of the country.

Waters belonging to the Republic.

13. Without prejudice to any existing water rights, the following waters constitute an absolute property of the Republic:-

- (a) all the groundwaters for which, until the date of enactment of the repealed Government Water Works Law, no measures had been taken to enable them to come or pump or flow on the surface,
- (b) all the lakes, rivers, streams and other natural watercourses, except for those which were under private ownership on the date of the enactment of the Immoveable Property (Tenure, Registration and Valuation) Law,
- (c) all the waters originating from natural sources belonging to the Republic,
- (d) all the waters coming from Government water treatment plants, Government desalination plants, Government domestic or/and industrial sewage treatment plants and from other Government water works,
- (e) all the unexploited inland surface terrestrial waters.

Prohibition of abstraction, use etc, of water which constitutes property of the Republic without a permit.

- 14.-(1) Subject to any existing water rights, no person shall abstract, use or develop waters which constitute property of the Republic or take any measures for their abstraction, use or development, unless he has a relevant written permit issued by the Director of the Entity by virtue of this Law or after his written consent.
- (2) Without prejudice to the generality of subsection (1), over and above the water abstraction works permits, water abstraction permits and water retaining permits which are issued by the Director of the Entity according to the provisions of Part VII, the Director of the Entity may consent to the use of the waters for pisciculture, may issue permits for the use of the waters for recreation purposes and in general, may issue permits or give his consent for the use or development of the waters for any other purpose under such conditions and restrictions as he deems necessary or desirable and which will be set in the aforesaid permit or consent.
- (3) The Director of the Entity may amend the conditions or restrictions imposed under subsection (2), including the addition of new ones, or he may revoke any permit or consent given under this present section, if the circumstances have been altered in such a way that their amendment or revocation would be justified by the public interest.

Preparation and running of the programme of measures.

- 15.-(1) The Minister is preparing, within the deadline set by an Order of the Council of Ministers which is published in the official Gazette of the Republic (hereinafter called "the Gazette"), a programme of measures which includes:
- (a) measures which will be drawn up and applied by virtue of this Law and any Regulations issued by virtue of this Law, which will protect, improve and restore all the groundwater systems and will ensure balance between abstraction and replenishment of the groundwaters, aiming at achieving a good quantitative status of the groundwaters, and
- (b) measures which will be drawn up and applied by virtue of the Control of Water Pollution Law, and any Regulations made thereunder, which –
- (i) will prevent the aggravation of the status of all surface water systems,
 - (ii) will protect, improve and restore all surface water systems, saving the provisions of subparagraph (iii) for artificial and heavily modified water systems, aiming at achieving a good surface waters status,
 - (iii) will protect and improve all artificial and heavily modified water systems aiming at achieving a good

ecologic potential and a good chemical status of the surface waters,

- (iv) will aim at the progressive reduction of pollution from priority substances which may be prescribed by virtue of the Control of Water Pollution Law, as well as at the elimination of emissions, discharges and threats from priority hazardous substances which may be prescribed under the aforesaid Law, and
- (v) will prevent or limit the intrusion of pollutants into the groundwaters and will also prevent the aggravation of the status of all the groundwater systems.

(2) The programme of measures will include basic and supplementary measures. The basic measures will be obligatory elements of the programme of measures, while the supplementary ones may be included in the programme of measures if they are deemed necessary. These measures will concern such fields, will be drawn up within such time limits and they will be revised afterwards within such time period, as it will be prescribed by the Council of Ministers Order, mentioned in subsection (1).

Measures for the protection etc. of water resources.

16.-(1) The duty of the Director of the Entity is to apply those measures included in the programme of measures prepared by the Minister under section 15, which fall into paragraph (a) of subsection (1) of that section, and furthermore, he should take such other measures, as he deems necessary or purposeful, aiming at protection, conservation, redistribution, recharge, restoration or augmentation of the water resources or at securing their rationalistic use or reuse.

(2) Without prejudice to the generality of subsection (1), the Director of the Entity may –

- (a) provide for the artificial recharge or augmentation of groundwaters either by using water originating from sewage or by using any surface or groundwater, as long as the use of the water system from which they derive, considering the use that the Director of the Entity intends for it, will not be harmful for the water system that is being used or as long as the use of water originating from sewage or other artificial recharge or augmentation will not be harmful for the groundwater system that is being recharged or augmented, taking into consideration its intended use,
- (b) provide for reserving a certain quantity of water aiming at the protection and conservation of water resources,

- (c) impose restrictions on the usage of water resources whenever this is deemed necessary for the conservation or restoration of the water resources within quantitative limits which will serve the public benefit or the anticipated needs.

(3) The Director of the Entity may also provide and take measures for saving water and augmentation of the water resources which can be used, including the management of the demand, the recycling and the desalination.

Water used for the production of drinking water, protected areas and special provisions for such areas.

17.-(1) The Director of the Entity locates the aggregate of the water systems used for water abstraction intended for human consumption, which provide more than ten cubic meters of water per day on the average or they serve more than fifty persons, as well as the water systems intended for such future use.

(2) For each surface water system defined under subsection (1), the Director of the Entity ensures that, under the applied regime of water treatment, the water that comes out should fulfil the requirements of the at any time in force Legislation regarding the quality of the water to be used for human consumption.

(3) The Minister may, by an Order published in the Gazette, define protection zones for the water systems, located, by virtue of subsection (1) and declare them as protected areas.

Register of protected areas.

18.-(1) The Minister keeps a register or registers of all the areas which have been prescribed as requiring special protection by virtue of any Legislation for the protection of their surface and groundwater or the conservation of the natural habitats and the animal and plant species. The above mentioned register or registers will be completed within a deadline which will be prescribed by an Order of the Council of Ministers published in the Gazette and they will be examined and updated constantly.

(2) The above mentioned register or registers include all the water systems located according to subsection (1) of section 17 and other areas as well which are determined by an Order of the Council of Ministers published in the Gazette.

Description of the surface water systems and collection of information.

19.-(1) The Director of the Entity proceeds, until the day prescribed by an Order of the Council of Ministers and published in the Gazette and thereafter every six years, to a description of the types of surface water systems. Within the frame of this description, he also defines the position and limits of the surface water systems and also conducts a first description according to the following methodology, while he may integrate various surface water systems:

(a) The surface water systems are either classified in one of

the following categories of surface waters – rivers, lakes, transitional waters or coastal water – or they are described as artificial surface water systems or as heavily modified surface water systems.

- (b) A surface water system may be characterized as artificial or heavily modified when the necessary alterations for the accomplishment of a good ecologic status of the hydromorphological features of this system, would bear serious negative consequences for –
 - (i) the broader environment,
 - (ii) the navigation, including port facilities or recreation,
 - (iii) the activities for which water is being stored, such as irrigation, electric power generation and the potable water supply,
 - (iv) the regulation of waters, the anti-flood protection or the drainage, or
 - (v) other equally important activities of human development.

- (c) For surface waters, each category at the corresponding surface water systems are distinguished into types according to the provisions of the aforesaid Order of the Council of Ministers mentioned above.

(2) Along with the actions provided for in subsection (1), the Director of the Entity collects and keeps information on pressures created by humans, which may be imposed on the surface water systems, as mentioned in paragraphs (a) and (b), as well as any other information which the Minister may require of him or may be prescribed by the Order of the Council of Ministers mentioned in subsection (1), and for this purpose, among others, he proceeds to the following actions:

- (a) he estimates and determines the essential water abstraction for urban, industrial, agricultural and other uses, including the seasonal fluctuations and the total annual demand, as well as the water losses in the distribution networks,
- (b) he values and determines the consequences of the important measures for the water flow regulation, including the conveyance and diversion of waters in the general characteristics of the water flow and balances,
- (c) he determines the important morphological alterations of the water systems.

Description of the groundwater systems and collection of information.

20.-(1) The Director of the Entity conducts, until the date prescribed by an Order of the Council of Ministers published in the Gazette and thereafter every six years, an initial description of all the groundwater systems in order to evaluate their usages and the risk that they may not meet the purposes determined for each groundwater system by virtue of subsection (1) of section 15. For this initial description various groundwater systems may be integrated. During this analysis, it is allowed to use already existing findings of hydrology, geology, pedology, land use, discharges, water abstractions and others, provided that the following are defined –

- (a) its position and boundaries or those of the groundwater systems,
- (b) the water abstraction from the groundwater systems,
- (c) the artificial replenishment of the above systems,
- (d) the general character of the upper layers of the hydrological basin from which the groundwater system is fed,
- (e) the groundwater systems, in the case of which there are immediately depended surface waters ecosystems or land habitats,
- (f) any other evidence which may be prescribed by the aforesaid order of the Council of Ministers.

(2) After this initial description further description is conducted of the systems or the groups of groundwater systems which were deemed to be endangered, so that the severity of the danger is estimated and any measures required to be taken under subsection (2) of section 15 may be defined. This description includes the proper information for the effects of human activities as well as other evidence and data on these systems as they may be prescribed by the Order of the Council of Ministers mentioned in subsection (1).

Quantitative monitoring of waters.

21. The Director of the Entity proceeds to quantitative observation of the capacity and the water level or the yield of surface waters and also a monitoring of the quantitative status of groundwater. This monitoring will cover the evidence which shall be prescribed be carried out according to the provisions of relevant Regulations.

Qualitative monitoring of waters.

22. The Director of the Entity may monitor the qualitative status of the surface and ground waters whenever he deems it is necessary or useful for purposes of exercising his competences by virtue of this Law. Moreover, he is obliged to proceed to such qualitative monitoring in the cases that this is required by the Minister, for the purposes of any at any time in force Legislation.

- Economic analysis of water usage.** 23. The Director of the Entity shall proceed with an economic analysis of the water use according to technical specifications and within time limits as they may be prescribed by Regulations.
- Integrated Management Plan.** 24.-(1) The Minister prepares an Integrated Management Plan for the whole territory of the Republic, which comprise the information that will be prescribed.
- (2) The Integrated Management Plan may be supplemented by the preparation of more detailed programmes and plans of management for specific regions, sectors, aspects or types of waters which concern specific fields of the water management.
- (3) The Integrated Management Plan is published and then revised and updated within time-limits which will be set.
- (4) Regulations issued for the purposes of the present section, provide for the timely publication of a draft of the Integrated Management Plan, as well as for any other measures and actions which make the active participation of all interested parties in the preparation of the Integrated Management Plan possible.
- Furnishing of information and data to the Minister.** 25. All the information and data collected according to the provisions of this Part shall be at the disposal of the Minister or any other person, body or authority which the Minister may indicate.
- Maintenance of the Republic's water installations, of authorized water suppliers, etc.** 26.-(1) The Director of the Entity takes care of maintaining the water installations of the Republic in good condition, so that to preclude or avoid to the highest possible degree any loss, and makes every possible effort for the fastest possible repair of damages, especially when these inflict water losses.
- (2) The authorized water suppliers, the Irrigation Divisions and the Irrigation Associations have a corresponding obligation to the one provided for in subsection (1), regardless of any other Legislation's provisions, as far as their water installations are concerned.
- PART III**
- POTABLE WATER SUPPLY**
- The Director's duties regarding water for domestic purposes.** 27. Regarding water intended for domestic purposes, the duty of the Director of the Entity is to –
- (a) ensure that there is adequate quantity of water available, of suitable quality, according to the requirements of any at any time in force Legislation, for distribution by the

authorized water suppliers and

- (b) ensure the adequate water supply of appropriate quality, according to the requirements of any at the time in force Legislation, directly to approved consumers.

The Director's duties regarding water for non-domestic purposes.

28. As far as water intended for non-domestic purposes, the duty of the Director of the Entity is to make every possible effort –

- (a) so that there is enough water supply of appropriate quality for distribution by the authorized water suppliers, and

- (b) for the adequate water supply directly to approved consumers,

after taking into consideration the need to ensure the rationalistic use of water reserves and more specifically his duties by virtue of section 27, which take precedence over his duties under this section.

Restrictions to the water supply for domestic purposes.

29. Notwithstanding the provisions of section 27, the Director of the Entity may, subject to any directions given by the Minister, restrict the water supply for domestic purposes to authorized water suppliers and to approved consumers, when this is made necessary due to drought or low water reserves or for protection of water resources.

Water supply to approved consumers in exceptional cases.

30. The Director of the Entity may agree to supply potable water directly to consumers only in exceptional cases, for the purposes of sections 27 and 28 and under such reasonable terms as he deems right.

Delivery and measurement of water.

31. In the cases that water is supplied by the Entity to an authorized water supplier, according to the provisions of sections 27 and 28, the water is delivered and measured at points and in such a manner as prescribed by the Director of the Entity, unless there is a relevant provision in any Regulations regarding the management of Government water works, which regulate the supply of the water in question.

Obligations of authorized water suppliers.

32. An authorized water supplier, to whom water is supplied by under this Law or who receives water by virtue of a water abstraction permit, is responsible for the supply of this water to the consumers.

Failure to fulfil obligations due to drought, frost etc.

33. The Director of the Entity is not responsible if his obligations under sections 27 and 28 above, are not fulfilled, when this is due to drought, frost, flood, an inevitable accident or damage or any other cause beyond his control or during the execution of necessary works.

Control and process of water designated for the production of potable water.

The Director of the Entity controls the quality of the surface terrestrial water and groundwater systems designated for the production of water for human consumption, ascertains the category where the water of each such system of surface terrestrial water and groundwater is classified according to the Control of Water Pollution Law or any other Regulations or Orders issued by virtue of the above Law and proceeds to treatment, depending on the case as provided for by the above Law, Regulations or Orders.

Monitoring of the quality of water for human consumption.

The Director of the Entity proceeds to a check of the quality of water for human consumption supplied to authorized water suppliers and to approved consumers under this Law, in order to ascertain that there is compliance with his obligations by virtue of any at any time in force Legislation for the production of water for human consumption. The monitoring can take place at the treatment or water production stations, at the very spot of the water's source, at any point of the supply network, within the authorized water suppliers' reservoirs, or at any other point which the Director of the Entity may decide.

Planning, design, construction, maintenance etc. of water works on behalf of Municipalities or Communities.

36. Saving the provisions of section 143, the Director of the Entity, if he is officially asked by any Municipality or Community –

- (a) proceeds to the planning and design of water supply works on behalf and to the benefit of any Municipality or Community,
- (b) undertakes on behalf and to the benefit of any Municipality or Community any required construction, alteration or improvement work, as well as any specialized maintenance or repair work on water supply works or, otherwise, he ensures that the execution of these works is assigned by the particular Municipality or Community to any other person, whom the Director deems appropriate under the circumstances, or
- (c) may, after a relevant agreement, act as a technical consultant of any Municipality or Community on issues which concern the operation of water supply works.

PART IV

IRRIGATION AND OTHER PURPOSES

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| Power to supply water for irrigation and other purposes. | <p>37.-(1) The Director of the Entity may take care of the supply of water for irrigation and other purposes to Irrigation Divisions or to any person who is in need of such water, subject to the provisions of Part VI of this Law, under such rational terms and conditions as he deems right, or in cases where the supply of such water is governed by regulations which concern the management of Government water works, according to the provisions of these regulations.</p> <p>(2)The irrigation water supplied for irrigation or other purposes to any Irrigation Divisions or other persons is delivered and measured at points and in the manner prescribed by the Director of the Entity, unless there is a relative provision in any of the Regulations regarding the management of water works, which govern the supply of this water.</p> |
| Obligations of Irrigation Divisions. | <p>38. An Irrigation Division to which water is supplied under this Law or which receives water by virtue of a water abstraction permit is responsible for the supply of water to its members according to the Irrigation Divisions (Villages) Law.</p> |
| Briefing of Irrigation Divisions and other persons on the quality of the water supplied for irrigation purposes. | <p>39. The Director of the Entity proceeds with the control of the quality of the irrigation water supplied for irrigation and other purposes under this Law and informs, via publication or by any other means he may decide, the Irrigation Divisions or other persons to which the water is supplied on its quality. Notwithstanding this obligation, the Director of the Entity bears no responsibility in case that this water is used for purposes for which it is inappropriate or for a purpose which is illegal given its quality .</p> |
| Planning, design, construction, maintenance etc. of irrigation works for Irrigation Divisions. | <p>40.-(1) The Director of the Entity proceeds with the planning and design of irrigation works for Irrigation Divisions in cooperation with the respective District Officer.</p> <p>(2) The Irrigation Divisions may assign any required construction, alteration or improvement work and any specialized maintenance or repair work of irrigation works to the Director of the Entity, who undertakes their execution or asks from the responsible Irrigation Division to assign them to another person, whom he considers appropriate under the circumstances.</p> |
| Advice on technical issues to Irrigation Divisions. | <p>41. The Director of the Entity may, after an agreement with an Irrigation Division, act as a technical advisor of the Irrigation Division in question on issues concerning the operation of its irrigation works.</p> |

PART V
SEWAGE

Suggestion for declaring areas as falling in the provisions of the Sewage Systems Law.

42.-(1) The Director of the Entity, based on the prescribed criteria and requirements, plans the establishment of sewage networks and urban sewage treatment plants at specific areas which do not have such a network or plant, nor do they fall within the boundaries of any Sewage Board by virtue of the provisions of the Sewage Systems Law. Moreover, in order to implement the above programme, he suggests, through the Minister, to the Council of Ministers the declaration of such areas as areas falling under the provisions of the Sewage Systems Law, as far as their establishment, maintenance and operation of the sewage systems are concerned.

(2) The Director of the Entity may carry out techno-economic studies, studies on collection, treatment and disposal of sewage and any other necessary studies, prepare designs, proceed to in_situ investigations, to consult with local administration authorities and in general, proceed to anything necessary or helpful for the exercise of his competences under subsection (1).

(3) When, within the scope of preparation of the planning provided for in subsection (1), appears to the Director of the Entity that regarding any area, the establishment of a network or a plant as mentioned in subsection (1) is not justified or may be excluded based on the provisions of the Sewage Systems Law, he proceeds with a relevant suggestion to the Council of Ministers.

Design and construction of isolated or other appropriate sewage systems.

43.-(1) When a problem appears concerning the disposal of urban sewage at any area which does not fall within the boundaries of a Sewage Board and the Director of the Entity reckons that there is no need for the establishment of a sewage network and a sewage treatment plant, he undertakes the design and construction of an isolated or other appropriate sewage system which resolves the problem, provided that undertakes –

- (a) it is not obligatory by virtue of the Sewage Systems Law to establish a sewage network and a sewage treatment plant in the area concerned, or
- (b) a decision has been taken according to the provisions of the Sewage Systems Law about not establishing such a network and plant in the aforesaid area.

The term “isolated or any other appropriate sewage system” does not include for the purposes of this Part, any private sewage disposal system or/and treatment.

(2) When the aforesaid in subsection (1) sewage system is constructed, it is turned over to the respective local administration authority, which is obliged to receive it and take over its operation.

(3) The costs for the design and construction of the mentioned system are borne by the respective local administration authority, without prejudice to its right to secure a subsidy by the Government of the Republic.

Establishment of a rain water drainage system.

44. In case the Director of the Entity is satisfied that in any area which has been declared or is about to be declared an area which falls under the provisions of the Sewage Systems Law, regarding the establishment, maintenance and operation of sewage systems, the establishment of a rain drainage water system is advisable too, then he suggests through the Minister, to the Council of Ministers the declaration of the area in question to an area falling under the provisions of the Sewage Systems Law, as far as the establishment, maintenance and operation of such a system is concerned or the inclusion of such an area within any Sewage Board area which has such a system, by extending or altering the boundaries of the Sewage Board.

Technical advisor of local administration authority.

45.-(1) The Director of the Entity may, after agreeing with any local administration authority, act as a technical advisor of this authority on issues regarding the operation of any sewage system for which it is responsible, to monitor the operation of the mentioned system and offer advice concerning the appropriate manner of operation of the system as well as any other required modification, improvement or maintenance.

(2) The responsible local administration authority may assign any required modification or improvement work and any specialized maintenance or repair work of the sewage system to the Director of the Entity, who undertakes their execution or asks the responsible local administration authority to assign them to another person whom he considers appropriate under the circumstances.

Technical advisor of Sewage Boards.

46. The Director of the Entity may, after agreeing with any Sewage Board, act as a technical advisor of the Sewage Board on issues regarding the establishment and operation of the Board's sewage system and the sewage of rain water drainage system, where it may exist, and more specifically, without prejudice to the generality of all above, to proceed, among others, with the following actions:

(a) take action for the preparation of studies on collection, treatment and disposal of sewage in areas where a new sewage system is going to be constructed,

- (b) take action for the preparation of studies on the extension or altering of existing sewage systems so that the altered or extended boundaries of the Sewage Board area are served.
- (c) take action for the implementation of studies prepared according to paragraphs (a) and (b), including the design and construction of new sewage systems or extensions or alterations of existing sewage systems,
- (d) take action for the design and construction of alterations, improvements or specialized maintenance works on existing sewage systems,
- (e) monitor the operation of the sewage system and offer advice regarding the appropriate manner of operation of the system and for any required alteration, improvement or maintenance.
- (f) proceed to all or any of the actions provided for in paragraphs from (a) to (e) regarding rain water drainage systems.

Water-sensitive areas and related powers of the Director.

47.-(1) Every protected area, or part of it, and any other area which contains an important water system, may be declared by an order of the Minister published in the Gazette, as a water-sensitive area for the purposes of subsection (2).

(2) Notwithstanding of the provisions of any other Legislation, all the applications for a building permit which concern development in a water-sensitive area and in a place where there is no sewage system, are submitted by the responsible authority to the Director of the Entity to obtain approval for the proposed private disposal or/and sewage treatment system.

(3) The grant of the approval of the Director of the Entity, which is mentioned in subsection (2), constitutes an essential condition for granting the building permit.

(4) The Director of the Entity studies every application sent to him according to subsection (2), in order to judge if the proposed private disposal or/and sewage treatment system is suitable and adequate for the disposal of sewage in such a way that it does not adversely affect any water system which was determined by under subsection (1) of section 17 or any other important water system, which is contained in the water-sensitive area. In case the Director of the Entity judges that any one of the proposed private disposal or sewage treatment system is unsuitable or inadequate for the above purpose, he may either deny to approve it or approve it under certain conditions, the observance of which shall make the system suitable and adequate.

- (5) The approval or rejection by the Director of the Entity is given in writing to the responsible authority within two months from the date the application was sent to him.
- Cap. 96. (6) The term “responsible authority”, for the purposes of this section has the meaning ascribed to this term in section 2 of the Streets and Buildings Regulations Law.
- Design, construction, etc. of works which constitute the Republic’s responsibility. 48. When the Republic is obliged as the owner or the occupier of an estate to proceed with any work or construction under the Sewage Systems Law, the Director of the Entity is responsible for the design, construction, improvement, alteration, maintenance and operation of each such work or construction.
- Design, construction, etc. of isolated sewage systems on state immovable property. 49. Without prejudice to the provisions of any other Legislation, the Director of the Entity is commissioned with the responsibility and the duty of designing and constructing any necessary isolated or other appropriate sewage system in industrial and livestock areas, refugee settlements, national guard camps, hospitals and other immovable property belonging to the Republic or in its occupation and which is not located where there is a sewage network, and is also responsible for the maintenance, alteration, improvement, repair and in general of the control of the operation of any such system.
- Receipt and distribution of recycled water from Sewage Boards. 50. The recycled water originating from sewage treatment plants belonging to Sewage Boards may, after an agreement with the responsible Sewage Board, be received by the Director of the Entity and be distributed as well by him within the framework of exercising his competences by virtue of this Law.

PART VI

GOVERNMENT WATER WORKS

- Power of the Director of the Entity in relation to storage etc. of water. 51. For the purpose of water abstraction or water use, aquifer recharge, land drainage, protection of water from pollution, protection of land from floods or erosions or generally for the materialization or accomplishment of the purposes of the Entity, the Director of the Entity may –
- (a) store, divert, control or in any other manner manage the waters that belong to the Republic as he deems appropriate,
 - (b) proceed to suggestions to the Minister regarding the undertaking of water works by the Government.

Duties of the Director of the Entity regarding the execution of a decision for undertaking a water work.

52. When the Council of Ministers decides the undertaking by the Republic of any water work by virtue of section 7, the Director of the Entity organizes the whole water work, and if the work is to be constructed by the Republic, he takes care of the preparation of the necessary studies and designs and takes action for to its execution. In case the work is to be acquired by purchase, lease, compulsory expropriation, requisition or any other way, he looks to the execution of the Council of Ministers' relevant decision.

Undertaking of existing water works.

53. The Council of Ministers may decide the undertaking by the Republic, under the provisions of this Law, of any irrigation work which is used or has been constructed under the provisions of the Irrigation Divisions (Villages) Law or the Irrigation Associations (Private Water) Law and has been abandoned or does not operate satisfactorily and in such a case any further management and maintenance of this work is undertaken by the Director of the Entity, and the Republic undertakes all the obligations, responsibilities and other burdens, as well as all the rights from this work and all kinds of benefits.

Definition of the Government water works.

54.-(1) The following water works constitute Government water works:

- (a) Water works declared as Government water works by virtue of the repealed Government Water Works Law.
- (b) Water works constructed by or on behalf of the Republic or which have been undertaken in another way by virtue of the above repealed Law or which are used as such by the Republic at the beginning of the enactment of this Law , without the water works having been declared Government water works.
- (c) Water works constructed by or on behalf of the Republic or which are being undertaken by other means by the Republic, under this Law, except for those which are constructed on behalf of an authorised water supplier, an Irrigation Division, an Irrigation Association, a Sewage Board, a local administration authority or other person, body or authority.

(2) Without prejudice to the provisions of subsection (1), the Council of Ministers may, if it deems purposeful, to notify by an Order published in the Gazette, the fact that a particular water work belongs to the Government.

Definition of water collection and benefited area.

55. The Council of Ministers may, if it deems it necessary or purposeful, by an Order published in the Gazette, define or modify an area of water collection or a benefited area for any Government water work.

Registration of water rights by Water Commissioners.

56. Whenever there are indications or information, or as accrues from any water rights register which may be kept by the Director of the Entity, that certain water rights will be affected or may be injuriously affected by the execution of the Government water works by virtue of this Law, the Council of Ministers appoints three persons as Water Commissioners in order to ascertain the existence and record the nature, extent and location of these rights, as well as their owners, in the manner hereinafter provided.

Conduct of an inquiry by the Water Commissioners.

57.-(1) The Water Commissioners are obliged to conduct an inquiry in order to ascertain the existence of water rights and other details which they have to record in accordance with the following section 58.

(2) The Water Commissioners cause at least one month before the holding of an inquiry, a notice to be published in at least two daily newspapers and a relevant announcement to be posted in a conspicuous place in each municipality or community that is likely affected by the inquiry, which will invite any interested person to appear at the inquiry in front of the Water Commissioners and present the evidence upon which he relies to support his claim regarding the existence of his water right, which will be affected by the construction of a Government water work under this Law.

(3) For the purposes of the above inquiry, the Water Commissioners may require by summons any person, the presence or evidence of which is considered essential for the search or settlement of any matter that is raised throughout the inquiry to attend, and any person who refuses to attend after such a summons or to reply to any question relevant to the purpose of the inquiry or to present any relevant document which may be required of him to present, is committing an offence and is liable to a fine not exceeding one hundred and fifty pounds.

(4) The Water Commissioners may, for the purposes of the above inquiry take evidence on oath or affirmation. Any person which wilfully gives false evidence upon such oath or affirmation is guilty of offence and is liable to the same sentences as if he had given false evidence in a judicial proceeding.

Preparation of the Register of Affected Water Rights.

58.-(1) On the completion of the above mentioned inquiry, the Water Commissioners ascertain and register in a book, which in this Law is referred to as the "Register of Affected Water Rights",-

(a) every conduit used at the date of the inquiry by any person in the exercise of a water right which, in the opinion of the Water Commissioners, is liable to be

- injuriously affected as aforesaid,
- (b) the average extent of the area which during the five years immediately preceding to the date of the inquiry, was lawfully irrigated by each conduit, such average being calculated based on the three years during which the most extensive area was irrigated.
 - (c) the average frequency with which this area was irrigated for each year during the said period, and whether the irrigations were used for winter or summer cultivation,
 - (d) every conduit the use of which has been abandoned at the date of inquiry and the average extent of the land lawfully irrigated by this conduit and whether the land was irrigated for winter or summer cultivation, if it is proved-
 - (i) that the conduit has, at any time during the ten years immediately preceding the date of the inquiry, been used in the exercise of a water right, or
 - (ii) that its abandonment was caused by the minority or the mental or physical incompetence, absence from Cyprus or lack of financial means on the part of the person who is entitled to use it, or
 - (iii) if the conduit is liable to be affected by the proposed Government water work.
 - (e) any other evidence necessary or supplementary for the calculation of the quantity of water taken or allowed to be taken by virtue of the said water right, as it may be defined,
 - (f) every right to take water for the service of any mill, machinery or for any other purpose, which according to the opinion of the Water Commissioners is liable to be injuriously affected as aforesaid and the nature and extent of the right, and
 - (g) any other evidence or data related to the nature, extent or exercise of a water right, as it may be defined.
- (2) The Water Commissioners cause a layout to be attached with the Register showing the position and the route of every conduit, the location and extent of the land, which is irrigated by each conduit as aforesaid.

Deposit of the Register of Affected Water Rights with the offices of the Entity.

59. The Water Commissioners, or the majority of them if they disagree, sign the Register of Affected Water Rights and deposit one copy with the offices of the Entity and another one with the offices of the local administration authority of every municipality or community, within which the existence of a water right, which has been recorded, has been confirmed, and cause to be posted in every such municipality or community and published in at least two daily newspapers and an announcement in the Gazette mentioning that copies

of the aforesaid Register have been so deposited and that all persons objecting to the rights, as therein recorded, can carry in their objections within two months from the date of publication of the announcement in the Gazette.

Power to object the Register.

60. The Director of the Lands and Survey Department on behalf of the Government, or any other persons the rights of which are affected by the record included in the aforesaid Register, may, within two months from the date of publication in the Gazette of its depositing with the offices of the Entity, object to the Register in the manner hereinafter provided:

Provided that with the consent of any interested party, the Director of the Lands and Survey Department may, in his discretion, amend the Register at any time.

Hearing of the objection.

61. Each such objection is brought by an application claiming the rectification of the Register of Affected Water Rights to be commenced in the District Court of the District where the Register is deposited, by the person objecting to the Register as Claimant against the Attorney General of the Republic as Respondent, and the decision, however, of every such Court on such an objection may be appealed from in the same manner and subject to the same restrictions as though it was a decision in an ordinary civil action:

Provided that the District Court shall have unlimited jurisdiction to hear and decide on all the applications under this section.

Register when binding.

62. On the expiration of two months from the deposit of the Register of Affected Water Rights as aforesaid, the Register, except to the extent that it was objected, and subject to the powers of amendment by the Director of the Lands and Survey Department by section 60, becomes binding and conclusive for all persons, and shall for the purposes of this Law be deemed to be final and uncontested evidence of all matters recorded therein.

Satisfaction of water rights.

63.-(1) Before the construction of a water work begins in relation to which a Register of Affected Water Rights has been prepared, the Director proceeds with the settlement of the abolition or limitation of the water rights recorded in the aforesaid Register.

(2) This settlement may be accomplished either after an agreement with the owners of the water rights recorded in the Register under section 133, or by compulsory expropriation of the aforesaid rights by virtue of subsection (1) of section 132.

Specification to be formed by the Water Commissioners.

64.-(1) As soon as possible after the definition of the benefited area of any Government water work, the Water Commissioners appointed under section 56 or appointed especially for the purposes of this section shall, from time to time as occasion may require, draw up a record, which in the Law is referred to as "the Specification", specifying –

(a) regarding the supply of irrigation water -

- (i) the lands, their extent and the names of their owners or possessors, and
- (ii) the names of the persons, including Irrigation Divisions or Irrigation Associations

which are benefited or can be benefited by the water work, and

(b) regarding the supply of potable water –

- (i) the names of the approved consumers, and
- (ii) the authorised water suppliers,

who are benefited or can be benefited from the water work.

(2) The Water Commissioners may, for the purposes of the drawing up of the Specification, receive evidence upon oath or affirmation, and any person who wilfully gives false evidence upon oath of affirmation is guilty of offence and liable to the same sentences as if he had given false evidence in a judicial procedure.

Provisions applied in the Specification.

65. Upon the completion of the aforesaid Specification, the Water Commissioners deposit a copy of the Specification with the offices of the Entity and thereupon, the provisions of sections 59, 60, 61 and 62, to the extent they can be made applicable thereto, are applied to the Specification.

Management of the Government water works.

66.-(1) The Director of the Entity may undertake himself the management of a Government water work according to the provisions of this Law or any Regulations made thereunder, or provide for the whole management of the Government water work or any duties and powers related to it to be assigned by Regulations to any person or Committee, which will be established for the purposes of any Government water work, will consist of such members and be charged with such duties and powers, as these Regulations shall prescribe.

(2) The Regulations through which, after the enactment of this Law, the management of any water work is assigned to a person or Committee, according to the provisions of subsection (1), must include, among others, provisions according to which –

(a) the Director of the Entity is entitled, after an approval by the Council of Ministers, at any time to decide the termination of the management by such a person or Committee and that the management is taken over by the

Director of the Entity and in such a case the fund of the water work will be abolished and any credit balance left will be transferred to the Consolidated Fund of the Republic and all the rights and obligations of the mentioned person or Committee will be undertaken by the Republic,

- (b) the budget for the management of the water and the Government water work is required, in addition to any other needed approval, to be approved by the Minister before it is submitted to the Minister of Finance for authorisation, and
 - (c) the approval of the Minister, in addition to any other required approval, is needed for the creation of posts, the preparation of the relevant terms of employment and the determination of the personnel's scales of salary.
- (3) The provisions of paragraphs (a) to (c) of subsection (2) are also applicable on the Regulations maintained in force under section 160 Regulations, by virtue of which the management of Government water works was assigned, before the enactment of this Law, to a person or a Committee and the aforesaid Regulations will be deemed as amended accordingly.

Facilitating Work.

67.-(1) Whenever the construction of Government water works causes the interruption of a right of passage or right of flow of water, the Council of Ministers may, if it is deemed appropriate under the circumstances, provide, instead of the expropriation of the right, for the construction and maintenance of passages, bridges, drains, water ways or other passages which are deemed indispensable for the purpose of retracting the interruption and render the possibility to exercise the right, as it was prior to the construction of Government water works, to the extent that it is possible.

(2) In order to render such a facility under subsection (1), the Council of Ministers is empowered to expropriate immovable property as if this property was required for the initial water works purposes.

Collection of fees and charges imposed in relation to Government water works.

68. The fees, charges or other monetary exchange leviable by virtue of this Law provisions in relation to Government water works, are paid as following:-

- (a) When the management of the Government water work is undertaken by the Director of the Entity, the charges, fees or other monetary exchanges concerning the aforesaid work are paid to him.
- (b) When the management of the Government water work has been assigned to a person or a Committee of the Government water work, the fees, charges or other

monetary exchanges concerning the aforesaid work are paid to that person or Committee.

Offences and penalties.

69.-(1) A person who deliberately causes damages or destroys any Government water works or part of them, or deliberately interferes with the flow or the distribution of water connected to Government water works or part of them, commits an offence and, in case of conviction, is liable to imprisonment for a period not exceeding twelve months or to a fine not exceeding one thousand pounds, or to both.

(2) A person who by a negligent act or omission of duty causes damage or destroys any Government water works or part of them or interferes or causes interference with the flow or distribution of water connected with Government water works commits an offence and, in case of conviction, is liable to imprisonment for a period not exceeding three months or to a fine not exceeding one hundred and fifty pounds, or to both.

(3) A person who illegally abstracts or takes or transfers or withdraws or diverts water for his own use from the Government water works or part of them, commits an offence and, in case of conviction, is liable to imprisonment for a period not exceeding twelve months or to a fine not exceeding five thousand pounds, or to both.

(4) The Court, trying an offence committed in contravention of this section may on conviction, in addition to any other penalty that is empowered to impose by virtue of this Law –

(a) order the removal, extinction, disappearance or destruction of any measures taken for the acquirement or use of water in contravention of the provisions of this Section, at the expense of the convicted within such period as may be prescribed by the Court Order, but in no case within a period exceeding three months, unless, in the meantime, the written consent of the Director of the Entity shall have been granted under such conditions as he deems necessary or desirable,

(b) order the confiscation of the machinery, tools or any other objects, which were used for or in relation to the offence that was committed,

(c) may order the payment to the Director of the Entity of the value of the water that is proven or is reasonably estimated that was taken or used illegally,

(d) order anything that the Court may deem as necessary or expedient under the circumstances.

(5) If the person against whom a court order was issued by virtue of subsection (4) fails to fully comply with such order within the period therein specified, the Court, without prejudice to its power to impose any penalty for contempt of the Court, may authorize the taking of the necessary measures for the execution of the order, and in such a case

any expenses incurred in this way, may be recovered as monetary penalty from the convicted.

PART VII

SAFETY OF RESERVOIRS

Application of Part VII and interpretation.

70.-(1) For the purposes of this Law, “reservoir” means water reservoir and –

- (a) a reservoir is a “raised reservoir” if it is designed or capable of holding water above the natural level of any part of the ground adjoining the reservoir, including the bed of any surface terrestrial waters,
- (b) a raised reservoir is a “large raised reservoir” if it is designed or capable of holding more than 25.000 cubic metres of water above the proposed in paragraph (a) level.

(2) The provisions of this Law in relation to reservoirs apply, unless otherwise provided, for any place where the water is artificially retained to form a lake, whether or not use is or is intended to be made of the water and any reference to reservoir shall be construed accordingly.

(3) The provisions of this Law in relation to large raised reservoir apply regardless of whether the reservoirs were constructed under the provisions of any Law or not.

(4) For the purposes of this Part, the term “manager” in relation to any reservoir, means –

- (a) in the cases where the direction and management of the reservoirs undertaken or will be undertaken when constructed by an authorised water supplier, that supplier of water and
- (b) in any other case -
 - (i) when the reservoir is used or intended to be used for the purposes of any activity, those persons who at any time are carrying out that activity, or
 - (ii) the owner or the lessee of the reservoir, in case subparagraph (i) does not apply.

(5) This Law shall not be taken as conferring on any person a right to claim damages in respect of a breach by the managers of their obligations under this Law.

Securing compliance of the managers.

71. The Director of the Entity is responsible to secure the compliance of the managers with the provisions of this Part.

Application of this Part on Government Reservoirs and securing compliance of the Director of the Entity.

72.-(1) The provisions of this Part contained in sections 76 to 93, which refer to the reservoirs of the managers, apply accordingly in relation to reservoirs that constitute Government waterworks, hereinafter will be called "Government Reservoirs" and, in case of such application, references to "managers" shall be construed as references to the Director of the Entity and references to the Director of the Entity shall be construed as references to the Minister, wherever the text so requires.

(2) The Minister is responsible to secure the compliance of the Director of the Entity with the provisions of this Part in relation to Government Reservoirs.

Register of Reservoirs.

73.-(1) The Director of the Entity maintains a register, hereinafter called "reservoirs register", in which he enters each large raised reservoir and which contains all prescribed information in relation to each one.

(2) The reservoirs register is kept at the offices of the Entity and is available for inspection by the public at all reasonable working hours which are determined by the Director of the Entity.

Reports to and supervisory powers of the Minister.

74. The Director of the Entity at such intervals as may be prescribed submits a report to the Minister giving such information as may be prescribed, in relation to the measures he has taken to secure the compliance by the managers with the provisions of this Law or in relation with the measures he has taken, for the purpose of his compliance with the aforesaid provisions pertaining to Government Reservoirs.

List of qualified civil engineers.

75.-(1) For the purposes of this Law, there shall be a list of civil engineers, which hereinafter will be called "the list", or such a number of different lists for different purposes of this Law or for different classes of reservoirs as the Minister may, at any time after consultation, determine, and whatever reference in this Law to qualified civil engineer constitutes reference to civil engineer who is registered in the list or if at any time there are more than one lists, in the relevant list.

(2) Any civil engineer can apply for registration in any list and, if the application is accompanied by the prescribed fee and the Minister is satisfied that the applicant possesses the prescribed qualifications, enters his name in the list.

(3) The registration in any list under subsection (2) above is valid for a term of five years, but any civil engineer whose registration has been expired, can re-register under subsection (2) for a further five year term.

(4) Any registration in a list is terminated on the abolition or alteration of that list, but –

(a) before abolishing or altering any list the Minister gives to the civil engineers, who are at that time registered in that list, such notice that he deems reasonable to allow them to apply for registration in any other list which was or will be constituted to serve wholly or partly the same purposes, and

(b) without prejudice to the provisions of subsection (5), a person who is appointed to act for any purpose of this Law, except as a supervising engineer, at a time when he is a qualified civil engineer for that purpose may, on ceasing under this subsection to be registered in the relative list, continue for a period not more than four years to act by virtue of that appointment and shall be for that purpose a qualified civil engineer.

(5) The Minister may remove a civil engineer from any list or direct that he shall no longer be qualified to act by virtue of paragraph (b) subject to subsection (4), if the Minister is satisfied that this engineer does not possess any longer the prescribed qualifications to remain registered in the list or to act by virtue of paragraph (b) subject to subsection (4).

(6) References in this section to consultation of the Minister are references to consultation with the Council of Ministers or if the Council of Ministers appoints a committee for the relevant purpose, with that committee.

Construction or enlargement of reservoirs.

76.-(1) No large raised reservoir shall be constructed, whether as a new reservoir or by the alteration of an existing reservoir that is not a large raised reservoir or shall be altered so as to increase its capacity, unless a qualified civil engineer, hereinafter called “the construction engineer” is employed to design and supervise the construction or the alteration. In the cases where the use of a reservoir has been abandoned and the reservoir is to be brought back into use after being altered so as to increase its capacity, that shall be treated for the purposes of this Law as the construction of a new reservoir.

(2) When a large raised reservoir is constructed as a new reservoir, it shall not be used for the storage of water, or be filled partially or wholly with water, otherwise than in accordance with the certificate of the construction engineer responsible for its construction, or in the event of any alteration of the reservoir, in accordance with the provisions of subsection (4).

(3) When a large raised reservoir is constructed by the alteration of an existing reservoir which is not a large raised reservoir, the addition to the reservoir shall not be used for

the storage of water, or be filled partially or wholly with water, otherwise than in accordance with the certificate of the construction engineer, responsible for its construction, or in the event of any alteration to it, in accordance with the provisions of subsection (4).

(4) When a large raised reservoir is altered so as to increase its capacity, then from the time when the construction engineer who is responsible for the alteration, issues any certificate for the reservoir, the reservoir shall not be used for the storage of water, or be filled partially or wholly with waters, otherwise than in accordance with the certificate of that construction engineer or in the event of any further alteration of the reservoir, in accordance with the present subsection as it applies to that further alteration.

(5) When the construction or alteration of a reservoir is by this section required to be supervised by a construction engineer, the reservoir shall be under the supervision of the construction engineer until he issues the final certificate for the reservoir.

(6) References in this Law to an addition to a reservoir refer to that part of the reservoir, which as a result of alterations to the reservoir, provides or will provide additional capacity.

**Certificates of
construction
engineers.**

77.-(1) As soon as the construction engineer responsible for any reservoir or addition to a reservoir considers that the construction of the reservoir or addition has reached a stage at which the reservoir or addition can properly be filled wholly or partially with water, he issues a certificate, hereinafter called "preliminary certificate", specifying the level up to which it may be filled and the conditions (if any) subject to which it may be so filled; and the construction engineer may from time to time supersede a preliminary certificate by the issue of a further preliminary certificate varying the previous certificate, whether as to water level or as to conditions.

(2) Where the construction engineer responsible for an addition to a large raised reservoir considers at any time during the carrying out of the alteration to the reservoir that the reservoir ought not to be filled with water up to the level or subject to the conditions that would be lawful apart from this subsection, he may issue a certificate, hereinafter called "the interim certificate", specifying the level up to which it may be filled until the issue of a preliminary certificate, and the conditions, if any, subject to which it may be so filled. The construction engineer may from time to time supersede an interim certificate by the issue of a further interim certificate varying the previous certificate, whether as to water level or as to conditions.

(3) When at the end of three years from the date of issue of the first preliminary certificate for a reservoir or addition to a reservoir or at any time thereafter, the construction engineer is satisfied that the reservoir or, as the case may be, the reservoir with the addition is sound and satisfactory and may safely be used for the storage of water, he issues a certificate, hereinafter called "the final certificate" to that effect, and the final certificate specifies the level up to which water may be stored and the conditions, if any, subject to which it may be so stored.

(4) When at the end of five years from the date of issue of the first preliminary certificate for a reservoir or an addition to a reservoir the construction engineer has not issued his final certificate, he gives to the managers a written explanation of his reasons for deferring the issue of the final certificate.

(5) The construction engineer giving a final certificate for a reservoir takes into account the matters, that may need to be watched by a supervising engineer during the period before there is an inspection of the reservoir under this Law, and includes in an annex to the certificate a note of any such matters.

(6) The construction engineer for any reservoir or addition to a reservoir also issues, as soon as practicable after the completion of the works and in any event not later than the issue of the final certificate, a certificate that the works have been efficiently executed in accordance with the drawings and descriptions annexed to the certificate, and annexes to the certificate detailed drawings and descriptions giving full information of the works actually constructed, including dimensions and levels and details of the geological strata or deposits encountered in trial holes or excavations made in connection with the works.

(7) References in this Law to a final certificate or to a certificate under subsection (6) above include the annex to the certificate, where there is one.

Powers of the Director of the Entity in event of non-compliance with requirements as to construction or enlargement of reservoirs.

78.-(1) Where it appears to the Director of the Entity either-

- (a) that a large raised reservoir is being constructed, whether as a new reservoir or by the alteration of an existing reservoir, that is not a large raised reservoir or is being altered so as to increase its capacity; or
- (b) that, a large raised reservoir having been so constructed or altered, as it is stated in paragraph (a) above, no final certificate has yet been issued for the reservoir on the construction or alteration of the reservoir,

and that no qualified civil engineer is responsible for the reservoir or addition as construction engineer, the Director of the Entity may by written notice served on the managers require them within twenty-eight days after the date when the notice is served to appoint a qualified civil engineer for the purposes of this section, unless an appointment has already been made, and in either case to notify the Director of the Entity of this appointment.

(2) An engineer appointed for the purposes of this section is appointed to inspect the reservoir and make a report on the construction or alteration, and to supervise the reservoir until he issues a final certificate for the reservoir under this section.

(3) An engineer acting under this section includes in his report any recommendations he sees fit to make as to measures to be taken in the interests of safety and, subject to any reference of the matter to a referee in accordance with this Law, the managers carry any such recommendation into effect.

(4) Except as provided by subsections (5) and (6) below, an engineer acting under this section has the same powers and duties in relation to the issuing of the preliminary certificates, interim certificates and final certificates as if he were the construction engineer responsible for the reservoir or, as the case may be, the addition to a reservoir and certificates that are issued under this subsection have effect for purposes of this Law as if they were certificates of a construction engineer.

(5) A final certificate under this section may be issued earlier than three years after the first issue of a preliminary certificate, or without the previous issue of a preliminary certificate, if the engineer is satisfied that the reservoir or addition to a reservoir has for a period of three years or more been filled with water up to the level that is specified in the preliminary certificate or, if no preliminary certificate has been issued, up to the level that is specified in the final certificate, and that the reservoir or, as the case may be, the reservoir with the addition is sound and satisfactory and may safely be used for the storage of water.

(6) A final certificate under this section, other than one issued by virtue of subsection (5) above, is not required to state that the engineer is satisfied that the reservoir or, as the case may be, the reservoir with the addition is sound and satisfactory; but, if it does not do so and the engineer's report includes any recommendations as to measures to be taken in the interests of safety, the certificate instead states that those recommendations have been carried into effect.

(7) In addition to certificates under subsection (4) above, an engineer acting under this section gives, as soon as practicable after the completion of the works and in any event not later than the issuing of the final certificate, a certificate that, so far as he has been able to ascertain, the works have been efficiently executed in accordance with the drawings and descriptions annexed to the certificate, and annexes to the certificate detailed drawings and descriptions giving such information as he can of the works actually constructed, including dimensions and levels and details of the geological strata or deposits encountered in trial holes or excavations made in connection with the works.

(8) References in this Law to a final certificate under this section or to a certificate under subsection (7) above include the annex to the certificate, where there is one.

**Re-use of
abandoned
reservoirs.**

79.-(1) Where the use of a large raised reservoir as a reservoir has been abandoned, whether before or after the enforcement of this Law, the reservoir is not to be used again as a reservoir unless a qualified civil engineer has been employed to inspect the reservoir and make a report on it, and to supervise the reservoir until he issues a final certificate for the reservoir under this section.

(2) Where a large raised reservoir is brought back into use as a reservoir after that use had been abandoned, it is not to be used for the storage of water, or be filled wholly or partially with water, otherwise than in agreement with the certificate of the engineer acting under this section unless, on a subsequent alteration to it, subsection (4) of section 76 above applies.

(3) An engineer acting under this section includes in his report any recommendations he sees fit to make as to measures to be taken in the interests of safety and, subject to any reference of the matter to a referee in accordance with this Law, the reservoir is not to be used as such if any such recommendation has not been carried into effect.

(4) Except as provided by subsection (5) below, an engineer acting under this section has the same powers and duties in relation to the issuing of preliminary certificates and final certificates as if he were the construction engineer responsible on the construction of the reservoir and certificates under this subsection have effect for purposes of this Law as if they were certificates of a construction engineer.

(5) A final certificate under this section is not required to state that the engineer is satisfied that the reservoir is

sound and satisfactory. But, if it does not do so and the engineer's report includes any recommendations as to measures to be taken in the interests of safety, the certificate states instead that those recommendations have been carried into effect.

(6) Nothing in this section applies in relation to a reservoir, if before it is brought back into use, either-

- (a) it is altered in such manner as is to be treated for purposes of this Law as the construction of a new reservoir; or
- (b) it is altered under the supervision of a qualified civil engineer so as not to be a large raised reservoir when brought back into use.

(7) Where it appears to the Director of the Entity-

- (a) that a large raised reservoir has been brought back into use as a reservoir after that use had been abandoned but that a report has not been obtained as required by this section; or
- (b) that a report obtained under this section on a reservoir includes a recommendation as to measures to be taken in the interests of safety that has not been carried into effect as required by this section;

the Director of the Entity may by written notice served on the managers require them within twenty-eight days after the date when the notice is served to appoint a qualified civil engineer for the purposes of this section, unless an appointment has already been made, and in either case to notify the Director of the Entity of the appointment or, as the case may be, require them to carry the recommendation into effect within a time specified in the notice.

(8) Where the Director of the Entity proposes to serve a notice under subsection (7) above requiring the managers to carry a recommendation into effect, the Director of the Entity consults as to the time to be specified in the notice a civil engineer, being a qualified civil engineer for the purpose of inspecting and supervising the reservoir under this section.

Periodical inspection of large raised reservoirs.

80.-(1) The managers have any large raised reservoir inspected from time to time by an independent qualified civil engineer, hereinafter called "the inspecting engineer", and obtain from him a report of the result of his inspection.

(2) Unless it is at the time under the supervision of a construction engineer or an engineer acting under section 8 or 9 above a large raised reservoir is inspected under this

section-

- (a) within two years at most from the date of any final certificate for the reservoir issued by the constructor engineer responsible for the construction of the reservoir or for any alteration to it;
 - (b) as soon as practicable after the carrying out of any alterations to the reservoir which do not increase its capacity but are such as might affect its safety and which have not been designed and supervised by a qualified civil engineer;
 - (c) at any time when the supervising engineer so recommends;
 - (d) within ten years at most from the last inspection or within any less interval that may have been recommended in the report of the inspecting engineer on the last inspection.
- (3) As soon as practicable after an inspection under this section, the inspecting engineer makes a report of the result of the inspection, including in it any recommendations he sees fit to make as to the time of the next inspection, or as to measures that should be taken in the interests of safety.
- (4) An inspecting engineer takes into consideration any matters, that need to be watched by the supervising engineer during the period before the next inspection of the reservoir under this section, and includes in his report a note of any such matters.
- (5) An inspecting engineer, when he prepares his report, also issues a certificate stating that the report does or does not include recommendations as to measures that need to be taken in the interests of safety and, if it includes a recommendation as to the time of next inspection, stating also the period within which he recommends the inspection should be made.
- (6) Where an inspecting engineer includes in his report any recommendation as to measures that need to be taken in the interests of safety, then subject to any reference of the matter to a referee in accordance with this Law the managers carry as soon as practicable the recommendation into effect under the supervision of a qualified civil engineer; and that engineer issues a certificate, as soon as he is satisfied it is so, that the recommendation has been carried into effect.
- (7) Where it appears to the Director of the Entity, in the case of any large raised reservoir,-
- (a) that an inspection and report thereon have not been

made as required by this section; or

- (b) that the latest report of the inspecting engineer includes a recommendation as to measures that need to be taken in the interests of safety that has not been carried into effect as so required under this section;

the Director of the Entity may by written notice served on the managers require them within twenty-eight days after the date when the notice is served to appoint an independent qualified civil engineer to carry out an inspection under this section, unless an appointment has already been made, and (in either case) to notify the Director of the Entity of the appointment or, as the case may be, require them to carry the recommendation into effect within a time specified in the notice.

(8) Where the Director of the Entity proposes to serve a notice under subsection (7) above requiring the managers to carry a recommendation into effect, consults as to the time to be specified in the notice a civil engineer, being a qualified civil engineer for the purpose of supervising under subsection (6) above the carrying into effect of the recommendation.

(9) For purposes of this Law “independent” when used of a civil engineer in relation to a reservoir means that-

- (a) he is not in the employment of the managers otherwise than in a consultant capacity and not in relation to the reservoir he is going to inspect; and
- (b) he was not the engineer responsible for the reservoir or any addition to it as construction engineer, including the engineer who was acting under sections 78 and 79 nor who is nor who has been supervising engineer of the reservoir, nor is connected with any such engineer as his partner, employer, employee or fellow employee in a civil engineering business.

Recording of water levels and other data.

81.-(1) For every large raised reservoir the managers keep a record in the prescribed form of the following-

- (a) water levels and depth of water, including the depth and flow of water over the water spillway;
- (b) leakages, settlements of walls or other works, and repairs;
- (c) such other matters as may be prescribed;

and install and maintain such instruments that are needed to secure the information that are recorded in the register.

(2) The record that is kept for the reservoirs under this section gives such information as may be prescribed of any

of the matters to be included in the record, and gives it at such intervals and in such manner as may from time to time be required by any directions of the construction engineer or inspecting engineer.

Supervision of large raised reservoirs.

82.-(1) At all times when a large raised reservoir is not under the supervision of a construction engineer, a qualified civil engineer, hereinafter called "the supervising engineer", is employed to supervise the reservoir and keep the managers advised of its behaviour in any respect that might affect safety, and to watch that the provisions of section (2) to (4) of section 76 or of section (2) of section 79 and section 81 are observed and complied with and draw the attention of the managers to any breach of those provisions.

(2) It is the duty of the supervising engineer, so long as any matters are noted as matters that need to be watched by him in any annex to the final certificate for the reservoir or in the latest report of an inspecting engineer, to pay attention in particular to those matters and to give the managers no less often than once a year a written statement of the action he has taken to do so.

(3) The supervising engineer recommends to the managers that the reservoir be inspected under section 80, if at any time he thinks that such an inspection is called for.

(4) Where it appears to the Director of the Entity that a large raised reservoir is not for the time being under the supervision either of a construction engineer or of a supervising engineer, the Director of the Entity may by written notice served on the managers require them within twenty-eight days after the date the notice is served to appoint a supervising engineer and to notify the Director of the Entity or, if the reservoir is at that date under the supervision of a supervising engineer, to notify the Director of the Entity of that fact.

(5) References in this section to a construction engineer include an engineer acting under sections 78 and 79.

Alteration of a reservoir so as not to be a large raised reservoir.

83.-(1) No one can proceed with the alteration of a large raised reservoir in order to render it incapable of holding more than 25,000 cubic metres of water above the natural level of any part of the land adjoining the reservoir, including the bed of any surface terrestrial waters, unless a qualified civil engineer is employed to design or approve and supervise the alteration.

(2) An engineer employed for the purposes of subsection (1) issues a certificate, as soon as he is satisfied it is so, that the alteration has been completed and has been efficiently

executed.

(3) As soon as the Director of the Entity receives a certificate issued under subsection (2) or a copy of it, he removes the reservoir from the register of large raised reservoirs:

Provided that a reservoir that has been a large raised reservoir but is altered so as no longer to be capable of holding more than 25,000 cubic metres of water above the natural level of any part of the land adjoining the reservoir nevertheless continues for purposes of this Law to be a large raised reservoir, unless the alteration is made and a certificate is issued in accordance with this section

Abandonment of large raised reservoirs.

84.-(1) Where the use of a large raised reservoir as a reservoir is to be abandoned, the managers obtain from a qualified civil engineer a report as to the measures, that ought to be taken in the interests of safety to secure that the reservoir is incapable of filling accidentally or naturally with water above the natural level of any part of land adjoining the reservoir or is only incapable of doing so to an extent that does not constitute a risk.

(2) Where the report of an engineer under this section makes any recommendation as to measures to be taken in the interests of safety, then subject to any reference of the matter to a referee in accordance with this Law the managers obtaining the report, before the use of the reservoir as a reservoir is abandoned or as soon as practicable, carry the recommendation into effect. And if the recommendation involves any alteration of the reservoir, section 83 above applies accordingly.

(3) The engineer from whom a report is obtained under this section gives with it a certificate stating that the report does or does not make recommendations for measures to be taken in the interests of safety.

(4) Where it appears to the Director of the Entity, in the case of a large raised reservoir,-

- (a) that the use of the reservoir as a reservoir has been abandoned but that a report has not been obtained as required by this section; or
- (b) that a report obtained under this section includes a recommendation as to measures to be taken in the interests of safety that has not been carried into effect as required by this section;

the Director of the Entity may by written notice served on the managers require them within twenty-eight days after the date when the notice is served to appoint a qualified civil engineer to make the report under this section, unless

an appointment has already been made, and in either case to notify the Director of the Entity of the appointment or, as the case may be, require them to carry the recommendation into effect within a time specified in the notice.

References in this subsection, and in any other provisions of this Law as it operates in relation thereto, to the Director of the Entity or to the managers have effect as at the time when the use of the reservoir as such is abandoned.

(5) Where the Director of the Entity proposes to serve a notice under subsection (4) above requiring managers to carry a recommendation into effect, the Director of the Entity consults as to the time to be specified in the notice a civil engineer, who, if the recommendation involves any alteration of the reservoir, is to be a qualified civil engineer for the purpose of supervising the alteration under section 83 above.

**Reserved powers
of the Director of
the Entity.**

85.-(1) When the managers are required by a notice from the Director of the Entity under sections 78,79, 80,82 or 84 above to appoint an engineer for any purpose of this Law, and the managers fail to make the appointment, the Director of the Entity may appoint an engineer for that purpose, being a person eligible for appointment by the managers. Except as otherwise provided, the provisions of this Law apply in relation to any person appointed under this section and to anything done by him as if he had been duly appointed by the managers.

(2) Where managers are required by a notice from the Director of the Entity under sections 79, 80 or 84 above to carry into effect any recommendation as to measures to be taken in the interests of safety, and the managers fail to comply with that requirement, the Director of the Entity may cause the recommendation to be carried into effect under the supervision of a qualified civil engineer appointed by him, who issues a certificate, as soon as he is satisfied that it is so, that the recommendation has been carried into effect.

(3) An appointment made under subsection (1) above for any purpose of this Law is of no effect, if before it is made the managers have appointed for that purpose an engineer eligible to be so appointed; and an appointment under that subsection of a supervising engineer terminate when an appointment of a supervising engineer duly made by the managers takes effect.

(4) In case the Director of the Entity is unable after reasonable enquiry to ascertain the name or address of the managers for any large raised reservoir, then for purposes of this section a notice relating to the reservoir is deemed to

have been duly served on the managers if it has been left in the hands of a person who is or appears to be resident or employed at the reservoir or if it has been left conspicuously affixed to some building or object at the reservoir.

(5) Where the Director of the Entity makes an appointment under subsection (2) above or exercises powers conferred by subsection (2), the managers pay him the amount of the expenses reasonably incurred by him by reason of the appointment or, as the case may be, in the exercise of those powers.

Emergency powers of the Director of the Entity.

86.-(1) Where it appears to the Director of the Entity, in the case of any large raised reservoir, that the reservoir is unsafe and that immediate action is needed to protect persons or property against an escape of water from the reservoir, he may take at the reservoir such measures as he considers proper to remove or reduce the risk or to mitigate the effects of an escape.

(2) Where it appears to the Director of the Entity, in the case of any large raised reservoir that the use of a reservoir as a reservoir has been abandoned, but that there may from time to time be an undue accumulation of water there and immediate action is needed to protect persons or property against an escape of water, he may take there such measures as he considers proper to remove or reduce the risk or to mitigate the effects of an escape.

(3) The Director of the Entity proposing to exercise the powers conferred by this section appoints a qualified civil engineer to make recommendations as to the measures to be taken in the exercise of these powers; and any measures so taken are carried into effect under the supervision of a qualified civil engineer appointed by the authority.

(4) Subject to subsection (5) below, when the Director of the Entity intends to exercise in relation to any large raised reservoir the powers conferred by this section, as early as possible, he serves on the managers a notice giving full information of the measures that are being or are to be taken in the exercise of those power. If that notice cannot be given before the work is begun, the Director of the Entity notifies the managers as early as practicable of the beginning of the work.

(5) Subsection (4) above does not require the Director of the Entity to serve any notice on the managers after work is begun at the reservoir, if the Director of the Entity is unable after reasonable enquiry to ascertain the name or address of the managers. Regarding notices served before work is

begun, subsection (4) of section 85 above applies for purposes of this section as well.

(6) Where the Director of the Entity exercises the powers conferred by this section, the managers pay him the amount of the expenses reasonable incurred by him in the exercise of these powers.

(7) For purposes of subsection (2) above, references in this section, and in any other provision of this Law as it operates in relation thereto, to the Director of the Entity or to the managers have effect as at the time when the use of the reservoir as such is abandoned.

**Reference of
disputed
recommendations
to referee.**

87.-(1) Where-

(a) an inspecting engineer includes in his report recommendation as to measures to be taken in the interests of safety or as to the time of the next inspection; or

(b) an engineer acting under sections 78,79 or 84 above includes in his report recommendations as to measures to be taken in the interests of safety;

the managers if they disagree with any such recommendation may, in accordance with rules under the provisions of this section, refer their complaint to a referee.

(2) A referee under this section is an independent qualified civil engineer appointed by agreement between the managers and the civil engineer making the recommendation complained of, or in default of their agreement he is a person appointed by the Council of Ministers.

(3) A referee under this section, after investigating the complaint, has power to make such modifications as he thinks fit in the report containing the recommendation complained of, and the report for the purposes of this Law has effect accordingly.

(4) A referee under this section, when he gives his decision on a report, he also gives a certificate stating that the decision does or does not modify the report. When this is necessary in consequence of any modification of the report the certificate revises accordingly any certificate given with reference to the report by the engineer making the report.

(5) Regulations issued under section 145 may determine the time within which a referee may be appointed by agreement and the manner by which as well as the time within which a request for the appointment of a referee may be made to the Council of Ministers, including the

procedure before the referee and any other matters requiring or are capable of determination in relation to the arbitration under this section.

General provisions as to reports, certificates etc. of civil engineers.

88.-(1) Any reports or certificates of civil engineers acting for any purpose of this Law, including the appointed under section 87 referees are in the prescribed form.

(2) Any such certificate or report is delivered to the managers and the Director of the Entity and it is kept by them.

(3) Where any of the documents referred to in paragraphs (a), (b) and (c) below is delivered by the engineer to the managers, the engineer ought to send a copy, within twenty-eight days after he delivers it to the managers, to the Director of the Entity:-

(a) any decision of a referee modifying any such report, in accordance with subsection (4) of section 87,

(b) any written explanation given by the construction engineer to the managers of his reasons of deferring the issue of his final certificate,

(c) any advice given by a supervising engineer to the managers which either-

(i) recommends them to have the reservoir inspected under subsection 80 above or to take any other action; or

(ii) draws their attention to a breach of any provision of subsection (2) to (4) of section 76 or of subsection (2) of section 79 or 81.

Duties of managers to furnish information.

89.-(1) Where the managers intend-

(a) to construct a large raised reservoir, whether as a new reservoir or by alteration of an existing reservoir that is not a large raised reservoir, or to alter a large raised reservoir so as to increase its capacity; or

(b) to bring a large raised reservoir back into use as a reservoir after that use has been abandoned;

the managers serve notice on the Director of the Entity of their intention, giving the prescribed information at least twenty-eight days before the beginning of any works for the construction or alteration of the reservoir or before it is brought back into use as the case may be.

(2) Where the use of a large raised reservoir as a reservoir is abandoned, the managers within twenty-eight days notify the Director of the Entity in writing.

(3) Whenever the appointment of a supervising engineer of

a large raised reservoir is made or terminated, the managers notify the Director of the Entity within twenty-eight days in writing. In the case of appointment the notice includes the date on which the appointment shall take effect, if it has not already done so.

(4) Whenever an inspecting engineer for a large raised reservoir is appointed, the managers within twenty-eight days notify the Director of the Entity in writing of the appointment.

(5) The supervising engineer and every inspecting engineer for a large raised reservoir, and any civil engineer employed by the managers for purposes of sections 78, 79, 80 or 84 above or appointed by the Director of the Entity under subsection (2) of section 85 or subsection (3) of section 86, are afforded by the managers all reasonable facilities for the effective performance of his functions, and the managers furnish him-

- (a) with the record required to be kept for the reservoir;
- (b) with copies of any certificates relating to the reservoir, with their annexes (if any);
- (c) with copies of the reports made by inspecting engineers on any inspection of the reservoir; and
- (d) with any further information and particulars as he may require.

(6) Mention in paragraphs (a) to (c) of subsection (5) to "record", "certificates" and "reports" refer to the record, the certificates and the reports that are provisioned in this Part.

Offences and Penalties.

90.-(1) When-

- (a) by the wilful default of the managers any of the provisions of sections 76, 78(3), 79(1), (2) or (3), 80(1) or (6), 81, 82(1), 83 or 84(1) or (2) is not complied with in relation to a large raised reservoir; or
- (b) the managers fail to comply with a notice from the Director of the Entity under section 78, 79, 80, 82 or 84

then unless there is reasonable excuse for the above defaults, the managers are guilty of an offence and liable on conviction to a fine that does not exceed one thousand pounds.

(2) When, in case of any large raised reservoir, the managers fail without reasonable excuse to give the Director of the Entity in due time any notice required by this Law to be given by them to the Director of the Entity, the managers are guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds.

(3) When, in case of any large raised reservoir, the managers or persons employed by them without reasonable excuse refuse or knowingly fail to afford to any person the facilities required by subsection (5) of section 89 above or to furnish to any person the information and particulars so required, the undertakers are guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds.

(4) When, for purposes of subsection (5) of section 89 above, a person makes use of any document or furnishes any information or particulars which he knows to be false in a material respect, or recklessly makes use of any document or furnishes any information or particulars which is or are false in a material respect, he is guilty of an offence and liable on conviction to a fine not exceeding seven hundred and fifty pounds.

Notification in relation to existing reservoirs.

91.-(1) When a large raised reservoir has been constructed before or is under construction at the enactment of this Law, the managers, not later than three months from the enactment of this Law, give to the Director of the Entity notice of the locality of the reservoir and the name and address of the managers.

(2) The Director of the Entity within one month after the enactment of this Law, takes such reasonable measures as he thinks are required to inform the managers of the provisions of subsection (1).

Large raised reservoirs under construction etc. at the enactment of this Law.

92.-(1) Where at the enactment of this Law a large raised reservoir is under construction or under alteration as to increase its capacity, section 76 except for subsection (1) and (5), section 78 and 77 to the degree it is applicable by section 78, apply since the enactment of this Law, as these are applicable in the case of construction or alteration that is executed wholly after the enactment of this Law.

(2) In any case under subsection (1) the managers are required to appoint a qualified civil engineer for the purposes of section 78 without any previous notice by the Director of the Entity.

(3) If within six months from the enactment of this Law the managers do not appoint a qualified civil engineer under subsection (2), sections 85 subsection (1) of the section and 90 are applicable as if a notice was served on the managers under subsection (1) of section 78 by which they were required to proceed with the appointment within the aforesaid period of six months.

Large raised reservoirs constructed before the enactment of this Law.

93.-(1) Where the construction of a large raised reservoir, whether as a new reservoir or by the alteration of an existing reservoir that was not large raised reservoir was completed before the enactment of this Law-

- (a) the first inspection of the reservoir by an inspecting engineer under this Law is carried out as soon as it is practicable after the enactment of this Law, unless due to any alteration to increase the capacity of the reservoir, subsection (1) of section 92 is applicable, and
- (b) at the first inspection, under this Law the inspecting engineer submits within his report drawings and description which give to the extent possible, the same information about the works executed at any time before the enactment of this Law and which were not removed within the framework of any alteration which increased the capacity of the reservoir, the same way as they ought to be submitted under subsection (6) of section 77.

(2) In the cases where subsection (1) is applicable, any reference of section 88 or subsection (5) of section 89 to the report of the inspecting engineer includes its annex if any.

PART VIII

CONTROL OF WATER ABSTRACTION AND RETAINING

Prohibition to drill a well etc. without a water abstraction work permit.

94.-(1) Irrespective of the provisions of any other Legislation, no person is allowed to –

- (a) drill or construct a well or other water abstraction work or start such a drilling or construction,
- (b) widen, deepen or extend or alter in any other way any existing well or other water abstraction work or start such a widening, deepening, extension or alteration, or
- (c) cause or allow any person to proceed to any of the actions mentioned in paragraphs (a) and (b)

unless a permit has been issued by the Director of the Entity for this purpose by virtue of this Law, which is called “water abstraction work permit”, and is in accordance with the terms of this permit.

(2) The provisions of subsection (1) do not apply as far as water abstraction works for sea water abstraction are concerned, except for desalination purposes.

(3) The Minister may, by an order published in the Gazette, exempt from subsection (1) other categories of water abstraction works as well, if these are drilled or constructed for water abstraction purposes, which is excluded from the permit, according to subsection (2) of section 96.

Prohibition of water retaining works without a water retaining permit.

95. Irrespective of the provisions of any other Legislation, no person is allowed to –

- (a) construct or alter or start constructing or altering any water retaining works at any point of flow of surface terrestrial waters,
- (b) maintain, operate or abandon any such works, or
- (c) cause or allow any person to proceed to any one of the actions mentioned in paragraphs (a) and (b),

unless if –

- (aa) there is a permit in force which was issued by the Director of the Entity by virtue of this Law and which allows the diversion, blocking or obstruction of the flow of the specific surface terrestrial waters at the specific point through retaining works, which is called “water retaining permit”,
- (bb) the water retaining works do not divert, block or obstruct, or will not divert, block or obstruct the flow of the mentioned terrestrial waters, unless at the degree and in the manner that the water retaining permit allows and
- (cc) any other requirements, terms or conditions of the present permit have been satisfied or kept.

Prohibition of water abstraction without a permit.

96.-(1) Irrespective of the provisions of any other Legislation, no person abstracts or causes or allows another person to abstract water from any water source, unless after the issuance of a permit by the Director of the Entity for this purpose under this Law, which is called “water abstraction permit” and is in accordance with the terms of this permit.

(2) The provisions of subsection (1) do not apply on the following cases of water abstraction,

- (a) water abstraction that does not exceed five cubic meters at a rate which does not exceeds two cubic meters per hour, provided such an abstraction is occasional and does not constitute part of a continuous function or series of functions through which more than five cubic meters of waters are abstracted in total.
- (b) water abstraction for fire fighting reasons or for any similar emergency situations,
- (c) sea water abstraction, except for desalination purposes, or
- (d) water abstraction by virtue of a water right or by any water source which is part of a private property.

(3) The Minister may, by an order published in the Gazette, exempt from subsection (1) other cases as well of water abstraction for any other purposes, either in general or by a reference to a specific water source.

Content of the application for a water abstraction work permit and beneficiaries.

97.-(1) An application for a water abstraction work permit is submitted to the Director of the Entity in the prescribed form and includes the information which will be prescribed. This information must be adequate so that the Director of the Entity can decide, among others, firstly, whether the issuance of a water abstraction work permit is possible in relation to the proposed well or other water abstraction work, in the cases where such a permit is required under section 96.

(2) An application may be submitted only by a beneficiary person according to the following provisions:

(a) Regarding the drilling or construction of a well or other water abstraction work for the abstraction of terrestrial waters, the beneficiary person is the owner of the land on which the well or other water abstraction work will be constructed and which, when water abstraction from surface terrestrial waters is concerned, it is adjoined to the particular surface terrestrial waters at the point or position, or at all points or positions if there are more than one, where the proposed water abstraction will take place.

(b) Regarding the construction of a water abstraction work for sea water abstraction for desalination purposes, the beneficiary person is one who fulfils the criteria and requirements which are prescribed by the Minister by order published in the Gazette.

(c) Regarding a widening, deepening or in any other way extending or altering an existing well or other water abstraction work, the beneficiary person is the owner of the mentioned well or other water abstraction work provided that he possesses the required approval certificate.

(3) The Minister may, by Order published in the Gazette, prescribe other additional categories as well of beneficiaries for the purposes of this section.

Content of the application for a water retaining permit and beneficiaries.

98.-(1) An application for a water retaining permit is submitted to the Director of the Entity in the prescribed form and includes the information which will be prescribed. This information must be adequate so that the Director of the Entity, in case where the application for water retaining permit aims at the water abstraction as a result of the water retaining work, to decide, among others, firstly whether the issuance of a water abstraction permit is possible in relation to the proposed water retaining work.

(2) An application may be submitted only by a beneficiary, according to the following provisions:

(a) In reference to water abstraction through any well or other water abstraction work or in relation to any water retaining work, the beneficiary is the holder of a water abstraction work permit or a water retaining work permit regarding the

relevant work, as long as –

- (i) there exists a certificate of approval under section 109 for the relevant work, or
 - (ii) the required notification under section 109 has been given in relation to the work and the issuance of a certificate of approval is pending.
- (b) Regarding water abstraction from surface terrestrial waters without the utilization of any water abstraction work, the beneficiary is the owner of the land which adjoins the specific surface terrestrial waters at the point or the position, or at all points or positions, if there are more than one, where the proposed water abstraction shall take place.
- (3) The Minister may, by Order published in the Gazette, prescribe other additional categories of beneficiaries for the purposes of this section.

Decision-making regarding the applications.

100.-(1) The Director of the Entity takes and notifies to the applicant his decision concerning his application for a water abstraction permit within three months from the date of receipt of the application.

(2) If the Director of the Entity does not notify to the applicant his decision within the period prescribed in subsection (1), the applicant may consider his application as rejected, or may agree in writing with the Director of the Entity on the extension of the above period or choose to accept the decision by the Director of the Entity decides after the expiration of the aforesaid period in subsection (1).

Water rights of existing lawful water abstraction directly adversely affected.

101.-(1) The Director of the Entity does not grant a water abstraction permit when, in his opinion, will as a consequence directly adversely affect any water rights or the natural flow of water from a natural spring or any water abstraction which, during the decision-making period on the application, constitutes an existing lawful water abstraction, unless a written consent is given by the owner of the said water abstraction permit, duly certified by a certifying officer.

(2) The Director of the Entity is not deemed to have violated his duty under subsection (1), when any water rights or the natural flow of water from a natural spring or any existing lawful water abstraction is directly adversely affected, in case that this was caused, entirely or mainly by extreme draught conditions or accident or any other event or action which was not possible to be foreseen during the decision-making period on the application for water abstraction permit.

(3) For the purposes of this section the term “directly adversely affected” means that, whatever is affected under

subsection (2), is affected beyond the usual effect resulting from the increase of the users of a certain groundwater or surface terrestrial water system.

(4) For the purposes of this section an “existing lawful water abstraction” means the right which the owner of a water abstraction permit holds to abstract water of a quantity which is allowed by the permit and within the limits therein.

Factors taken into consideration in examining the applications.

102.-(1) Saving the provisions of section 101 and any other terms or requirements of the Law, the Director of the Entity, during the examination of an application for a water abstraction work permit or a water abstraction permit, firstly takes into consideration the at any time existing Government water policy and the public interest in general, and secondly, the reasonable in his opinion needs of the applicant.

(2) More specifically and without prejudice to the generality of subsection (1), the Director of the Entity may, during the examination of the above applications, evaluate, weigh and take also duly into consideration the following factors, depending on the case:

- (a) when the application concerns the abstraction of water from surface terrestrial waters, the character of the specific waters and environment, the water flow required for the protection of the public health and the environment, for the protection and maintenance of the specific water spring and for the service of the existing lawful uses of the specific waters, both from a qualitative and a quantitative point of view, the needs for land drainage, whether the application concerns water abstraction within a protected area, a water catchment area or a benefited area and any restrictions concerning the issue of such permit within the aforesaid areas, the general water status in the area where the proposed water abstraction will take place and the possible consequences on the water resources or the water supply of the said area or the water supply in general, the obligations of the Director of the Entity in respect to any programme of measures that may have been prepared and may be under operation in accordance with section 15 and the general duties and responsibilities of the Director of the Entity by virtue of this Law,
- (b) when the application concerns the abstraction of sea water for desalination purposes, as many of the factors mentioned in paragraph (a) as are likely to be related to or concern the proposed water abstraction, as well as the degree to which the applicant is able to satisfy his needs in water from the water he is supplied with or may be supplied with in any other lawful manner, the possibility and the extend at which the accomplishment of the

purpose, the practice of the competences or the operations of the Entity resulting from granting this permit will be adversely affected and whether granting of the permit will adversely affect the water consumers.

- (c) when the application concerns water abstraction from a groundwater table, as many of the factors mentioned in paragraph (a) as are possible to be related or concerned with the proposed water abstraction, as well as the necessity to prevent the aggravation of the groundwater status, to restore the groundwater systems and to ensure a balance between water abstraction and the replenishment of the groundwater so that a good groundwater status in all groundwater systems is accomplished, according to the provisions of paragraph (a) of subsection (1) of section 15,
- (d) any other substantial factors.

Other conditions and factors in examining the applications.

103.-(1) The Director of the Entity grants a water abstraction works permit only if he deems that, firstly, the issue of the water abstraction permit is possible in relation to the proposed well or other water abstraction work, in the cases where such a permit is required under of section 96.

(2) After the issue of a water abstraction work permit and provided that the relevant application for a water abstraction permit has been submitted within three months from the termination of validity of the water abstraction work permit, the Director of the Entity may deny the granting of a water abstraction permit only for reasons regarding details arising after the drilling or construction of the well or other water abstraction work and as a result of that.

(3) In case the application for a water abstraction permit is submitted after the expiration of three months from the termination of the validity of the water abstraction work permit, the Director of the Entity may deny the granting of a water abstraction permit whether for reasons resulting from data he had in mind, or that he had the possibility to be aware of before the drilling or construction of the well or other water abstraction work.

(4) The Director of the Entity does not grant a water abstraction permit in relation to any well or other water abstraction work for which an approval certificate has not been issued under section 109.

Similar application of sections 101 – 103 on applications for water retaining permit.

104.-(1) The provisions of sections 101 and 102 apply, saving the proportions, in relation to applications for water retaining permits, as if any reference to water abstraction were a reference to the construction of water retaining works and any reference to a well or other water abstraction work were a reference to water retaining works.

(2) The provisions of section 103 apply, saving the proportions, in relation to applications for water abstraction permit, in the cases where these aim at the water abstraction as a result of the water abstraction works, as if any reference to a water abstraction work permit were a reference to a water retaining permit and any reference to a well or other water abstraction work were a reference to water retaining works.

Granting permits under conditions.

105. Saving the provisions of the previous sections and the provisions of sections 106, 107 and 108, depending on the case, the Director of the Entity may grant a water abstraction work permit, a water retaining permit or a water abstraction permit imposing such conditions and restrictions as he deems necessary or desirable, or may deny the granting of any such permit.

Matters regulated by the water abstraction work permit.

106. The water abstraction work permit may regulate the following matters:

- (a) the person to which it is granted,
- (b) the drilling, digging, construction, execution, widening, deepening or in any other way, extension or alteration of the well or other water abstraction work, fixing, among others, the exact position of the well or other water abstraction work, and
- (c) any other matters which in the opinion of the Director of the Entity may need regulation or which may be required by Regulation made under this Law.

Matters regulated by the water retaining permit.

107. The water retaining permit may regulate the following matters:

- (a) the person to which it is granted,
- (b) the construction or alteration of water retaining works, fixing among others, their exact position, and
- (c) any other matters that the Director of the Entity may deem that they should be regulated or which may be required by Regulations made under this Law.

Matters regulated by the water abstraction permit.

108.-(1) The water abstraction permit may regulate the following matters:

- (a) the person to which it is granted,
- (b) the quantity of water that may be taken from the related to the permit water source, during the period or the periods prescribed by the permit,
- (c) the manner in which the water will be taken, with reference either to specific works, or water installations, or to works,

- or to water installations that fulfil certain specifications,
- (d) the method of measurement or calculation of the permitted quantity of water, before or during its receipt,
 - (e) the land on which the received water may be used and the purposes for which it will be used, and
 - (f) any other matters that the Director of the Entity may deem that they should be regulated or which may be required by Regulations made under this Law.

(2) Without prejudice to the generality of section 103, the water abstraction permit may include provisions regarding the time of commencement or the time of termination of the validity of the permit, water saving measures which will be taken for the attenuation of the consequences that the water abstraction will cause on the water resources, requirements as to the return of water to a specific water source and the quality of water after its use and may define a certain level or a certain flow for the water source that the permit concerns, below of which no water abstraction will be permitted.

Issue of a certificate of approval.

109.-(1) The holder of a water abstraction work permit or of a water retaining permit is obliged within twenty-one days from the date of drilling or construction of the well or other water abstraction work or retaining work, to notify the Director of the Entity for the drilling, construction, or their execution. If the Director of the Entity is satisfied that the well or other water abstraction work or water retaining work has been drilled or constructed in accordance with the terms of the relevant permit, he issues a certificate of approval.

(2) The provisions of subsection (1) apply, saving the proportions and in the cases of enlargement, deepening or in any other manner, widening or alteration of a well or other water abstraction work or water retaining work.

Time duration of completion of works based on water abstraction work permits etc.

110. The water abstraction work permit and the water retaining permit issued by virtue of this Part is valid for twelve months from the date of its issuance:

Provided that, if the works, which are authorised by virtue of the above permits, commence but are not completed within the said period, the relevant permit may be renewed for a further period of twelve months by paying the prescribed fee.

Transfer of water abstraction work permit and of a certificate of approval.

111.-(1) When the holder of a water abstraction permit ceases to be the owner of the well or any other water abstraction work which related to the said permit, the new owner of the said water abstraction work is constituted ipso jure the holder of the relevant permit and any relevant certificate of approval for the purposes of this Law.

(2) In the case of death of the holder of a water abstraction work permit, his personal representatives are considered the holders of the said permit and any other relevant certificate of approval, until the relevant well or other water abstraction work devolves to the possession of another person.

(3) When the holder of a water abstraction work permit is not the owner of the well or other water abstraction work related to the permit, but holds this permit by virtue of the provisions of paragraphs (a) or (b) of section 106 or of paragraph (a) of section 161, by cancelling or terminating the relevant water abstraction permit he holds, the owner of the mentioned well or other water abstraction work is constituted ipso jure the possessor of the relevant water abstraction work permit and any relevant certificate of approval for the purposes of this Law.

(4) The provisions of subsections (1) and (2) apply, saving the proportions, on water retaining permits, as if any reference to water abstraction work permits were a reference to a retaining permit and any reference to the owner of a well or other water abstraction work were a reference to land owner on which the water retaining works or part of them were constructed.

Automatic termination of water abstraction permit.

112. The water abstraction permit is personal and is terminated automatically as soon as the person to whom it was granted passes away or for any other reason, ceases to be the holder of the water abstraction work permit or a water retaining permit regarding the well or other water abstraction work or a water retaining work through which or in relation to which the receipt of water takes place or he ceases to be the owner of that particular land described in paragraph (b) of subsection (2) of section 99.

Transfer of water abstraction permit.

113.-(1) A water abstraction permit cannot be transferred by its holder, unless where-

- (a) he is not the owner of the well or other water abstraction work or water retaining work which the permit concerns, or
- (b) he is not the owner of that particular land described in paragraph (b) of subsection (2) of section 99,

and only to the owner of the mentioned well or other water abstraction work or water retaining work of that particular land, under terms and conditions that will be prescribed.

(2) Regulations made under this Law may make provisions for other cases of transfer of a water abstraction permit, as well as regulate any matters and procedures in relation to the transfer of a water abstraction permit.

- Obligation for compliance with Part VII of the Law.** 114. No provision of this Part may be considered as relieving any person, who intends to construct or alter water abstraction works in a natural watercourse from the obligation to comply with the provisions of Part VII.
- Securing additional permits under other Laws.** 115. The issuance of any permit under this Part does not relieve its holder from any of his obligations to secure a permit under any other Law, regarding the drilling or construction of a well or another work.
- Application by a permit holder for its cancellation or modification.** 116.-(1) The holder of a water abstraction work permit, a water abstraction permit or a water retaining permit may apply to the Director of the Entity for the cancellation of his permit and in such a case the Director of the Entity proceeds to the requested cancellation under the conditions that he deems necessary to impose.
- (2) The holder of a water abstraction work permit, a water abstraction permit or a water retaining permit may apply to the Director of the Entity for the modification of his permit. In such a case the provisions of sections 100, 101, 102 and 105 will be applied, with any necessary adjustments, in applications for modification of the above permits and the subsequent modifications of permits, as these are applied on applications for issuance and the issuance of such permits.
- Cancellation or modification of permits by the Director.** 117.-(1) The Director of the Entity may ex officio, if he deems it is necessary or justifiable to the public interest, to cancel or modify any permit issued by virtue of this Part.
- (2) Before proceeding with the cancellation or modification of a permit according to subsection (1), the Director of the Entity shall send a notification to the holder of the permit of his intentions, where he will mention that the holder of the permit has the right to submit a written objection within one month from the receipt of the above notification:
- Provided that in case of a intended cancellation of a number of permits or their uniform modification, the Director of the Entity may proceed to make his intentions public in the Gazette and in two daily newspapers for seven consecutive days instead of giving to the holders of the said permits a relevant notification. Adequate justification must be included in the publication on the basis of which it will be possible for every holder of permit issued by virtue of this Part to understand whether and, in which way, his permit is affected and the fact that the holder of the permit has the right to object in writing within one month from the above publication.
- (3) The Director of the Entity may, after the expiration of the aforesaid period in subsection (2) and, in case of a submission of objection within that period, after studying the

objection, if he still deems that it is necessary or justifiable-

- (a) cancel this permit, if this was his intention that was notified, or
- (b) if his intention that was notified concerned a specific modification of the permit, modify the permit according to the notification that he has sent to the holder of the permit or according to the publication as above or with the consent of the holder, to modify the permit in any other way.

(4) In the cases where the intentions of the Director of the Entity have been published under the reservation in subsection (2), the Director of the Entity may inform the holders of the permits, which have been cancelled or modified as above, for the cancellation or modification in question by publication, as it is provided for in the above reservation.

(5) Without prejudice to the generality of subsection (1), the Director of the Entity may, under the provisions of subsections (2), (3) and (4), cancel or modify any permit due to-

- (a) severe or repeated violations of its terms,
- (b) severe or repeated breaches of this Law,
- (c) repeated failure to pay any due and payable duties in relation to the permit,
- (d) failure to realize a substantial receipt of water by virtue of the water abstraction permit for a continuant period of 5 years immediately before the service of the notification referring to the intention of the Director of the Entity to cancel the permit, or
- (e) illegitimate interference with or damage to the water meter by the holder of the permit.

**Compensation
for cancellation
or modification.**

118.-(1) When any permit is cancelled or modified according to section 117 and its holder proves that-

- (a) he has incurred expenses for the execution of the works which became useless due to the cancellation or modification, or
- (b) he has suffered any other loss or damage, which was an immediate consequence of the aforesaid cancellation or modification,

the Director of the Entity is obliged to compensate him for the above expenses, loss or damage, unless the cancellation or modification was a consequence of the holder's responsibility.

- (2) No compensation is payable-
- (a) regarding any work that was executed before the granting of the permit, which was cancelled or modified, or regarding any other damage which may be caused and which arises from any action or omission which took place before the granting of the said permit,
 - (b) regarding any work which was executed after the service of the notification or the publication of the intention of the Director of the Entity to cancel or modify the permit,
 - (c) if no quantity of water has been taken in accordance with the permit which was cancelled or with the part of the permit which has been modified, for a period of five years immediately before the service of the notification or the publication of the intention of the Director of the Entity to cancel or modify the permit, or
 - (d) if the cancellation or modification was necessary due to drought, or other emergency reasons or for the protection or the rationalistic management of the water resources or was for other reasons justified before the public interest and were due to a change of conditions, which could not have been reasonably foreseen at the time that the permit was granted or imposed or the last time that a term of it was modified.
- (3) Any dispute in relation to the responsibility of the Republic for compensation or the level of the compensation constitutes a civil dispute and the competent Court for its adjudication is the District Court of the District where the land, in connection with which the permit was issued, is located.
- (4) During the calculation of the compensation according to this section, the duration of validity of the permit, the quantity, the time period and the seasonal availability of the water received under the relevant permit and the offer by of the Director of the Entity of any compensation supply of water will be considered, among others.

Record of applications and permits.

- 119.-(1) The Director of the Entity keeps a Record of applications and water abstraction work permits, water abstraction permits and water retaining permits, in which the following are recorded-
- (a) copies of all the applications for granting, cancellation or modification of water abstraction work permits, water abstraction permits and retaining permits,
 - (b) a copy of every granted permit, the terms which govern it and any subsequent modifications,
 - (c) the personal details of every holder of permit, and
 - (d) any other details that the Director of the Entity may deem as worth recording.

(2) The Record is kept in the offices of the Entity and is available for inspection by the public at reasonable working hours set by the Director of the Entity.

(3) The Record offers a directory in the form of a map, or in any other form that the Director of the Entity decides, so that the location of any record is made possible.

Driller Licence.

120.-(1) No one, using drilling machine, or other drilling equipment may open or construct a well, or widen, deepen, extent, repair or clean an existing well, unless he is a holder of a licence, issued by the Director of the Entity for this purpose, called "driller licence".

(2) Every driller licence is subject to such terms and conditions as the Director of the Entity may consider imposing and, unless it has been cancelled before, it expires on the 31st December of the year during which it is issued.

(3) A prescribed fee is paid in relation to every driller licence.

(4) The Director of the Entity may deny to issue of a driller licence if, in his opinion, the applicant for the permit is not capable from a technoeconomic view to carry out the boring, drilling, construction procedure or the widening, deepening, extension, repair or cleaning of an existing well.

(5) Every holder of a driller licence submit to the Director of the Entity a written notice of at least seven days in relation to his intention to bore, drill or construct a well, or to widen, deepen, extent, repair or clean an existing well.

(6) Every holder of a driller licence-

(a) keeps such a record of any work carried out by him in such form as the Director of the Entity may from time to time prescribe.

(b) communicates to the Director of the Entity copies of the aforesaid record, of any work he has carried out within one month from the date of the completion of this work, and

(c) keeps all the samples of the materials that were drilled by him during the boring, drilling or construction of a well, or during the widening, deepening, extension, repair or cleaning of an existing well, for a period of two weeks after the communication to the Director of the Entity of the copies of the record related to the aforesaid boring, drilling or construction, or widening, deepening, extension, repair or cleaning, and these samples may be examined and kept by the Director of the Entity for this purpose.

(7) Every holder of a driller permit, before commencing any boring, drilling or construction of a well , or widening, deepening or extension of an existing well work, makes sure that the person for whom he executes the boring, drilling or construction of a well, or the widening, deepening or extension of an existing well holds a valid permit issued under the provisions of this Part.

(8) A person who fails to comply with the provisions of this section or the conditions of the driller permit is guilty of an offence and liable in case of conviction, of imprisonment not exceeding twelve months or a fine not exceeding three thousand pounds or both.

Fees on applications.

121. A prescribed fee is payable for every application made under this Part.

Actions so that the well etc. does not constitute cause of public danger.

122.-(1) The holder of a water abstraction work permit granted under the provisions of this Law must-

- (a) during the drilling or construction of the well, or other water abstraction work to maintain it covered or fenced so that it does not constitute cause of public danger, and
- (b) when the drilling or construction of the well or other water abstraction work is completed, to ensure that it is adequately protected adequately by a permanent construction so that it does not constitute cause of public danger.

(2) The owner at any time and any other person who has under his control a well or other water abstraction work, whenever this was drilled or constructed, must maintain it always adequately covered or fenced so that it does not constitute cause of public danger.

Installation and maintenance of a water meter.

123.-(1) The holder of a water abstraction permit is obliged to install and maintain on the well or other water abstraction work a water meter or another system of measurement, when this is required under the terms of the water abstraction permit or under the Regulations made under this Law and must maintain the said water meter or other system always in a good operational condition.

(2) In case that the holder of a water abstraction permit fails to comply with the provisions of subsection (1), he is guilty of an offence and liable in case of conviction, to imprisonment for a period not exceeding eighteen months or to a fine not exceeding ten thousand pounds or both.

(3) The Director of the Entity may, regardless of any criminal prosecution or not of the holder of a water abstraction permit under subsection (2), proceed himself to repair or replace any

water meter, or other system of measurement of a water abstraction work, which are found not to be in a good operational condition and charge the holder of the water abstraction permit with the relevant expenses.

Obligation to fill etc. a well or destroy other water abstraction work.

124. The holder of a water abstraction work permit is obliged, on his own expenses, to proceed to the filling or closure of the well or undo or destroy other water abstraction work, in such a manner that satisfies the Director of the Entity, in any of the following cases:-

- (a) If the Director of the Entity denies the granting of a water abstraction permit in relation to the particular well or other water abstraction work.
- (b) If the holder of the water abstraction work permit has not submitted an application for a water abstraction permit within two years from the termination of the water abstraction work permit or within two years from the time he became the owner of the well or other water abstraction work and the Director of the Entity requires the filling, closure, undoing or destruction of the well or other water abstraction work.
- (c) If the issued water abstraction permit or in the case that there are more than one, all the issued water abstraction permits, concerning the particular well or other water abstraction work, have been cancelled.
- (d) If at any time after the termination of the water abstraction work permit and while its holder has not submitted an application for a water abstraction permit, the Director of the Entity deems that the particular well or other water abstraction constitutes or creates danger for the public health or any water resources.

Prohibition to abstract water from an illegitimate well etc.

125. No one is allowed to-

- (a) own or possess or use a well or other water abstraction work which was drilled or constructed or extended or altered in breach of section 94 or of the corresponding provisions of the repealed Wells Law or the Water Supply (Special Measures) Laws or for which no certificate of approval has been secured in accordance with the provisions of section 109, or the corresponding provisions of the repealed Water Supply (Special Measures) Laws, or
- (b) own or possess or use a water retaining work which was drilled or constructed or extended or alter in breach of section 95 or for which no certificate of approval has been secured in accordance with the provisions of section 109, or
- (c) cause or allow the leakage or waste of water from any well

or other water abstraction work or water retaining work, unless this takes place for purposes of testing the yield or quality of the water or for purposes of cleaning, examining or repairing the well or the aforesaid works, or

- (d) to take water from any well or water abstraction work in the case that no quantity has been set in the relevant water abstraction permit, beyond his reasonable, under the existing circumstances, needs, or
- (e) own or possess or use any well or other water abstraction work which is equipped with water installations through which it is possible to abstract water from any water source and the execution of which is not allowed according to the conditions of the water abstraction work permit or the water abstraction permit concerning the said well or other water abstraction work, or
- (f) cause or allow any other person to proceed to any of the actions mentioned in the above paragraphs (a), (b), (c), (d) or (e).

Offences and penalties.

126.-(1) Any person who fails to comply with or contravenes any of the prohibiting or compulsory provisions of sections 94, 95, 96, 109, 122, 123, 124, 125 or 128 of this Law or any conditions or restrictions imposed on any permit which was granted under this Part, is guilty of an offence and liable in case of conviction, to imprisonment not exceeding eighteen months or to a fine not exceeding ten thousand pounds or both.

(2) In case of conviction for any offence concerning water abstraction in breach of the provisions of this Law or of any permit that was granted thereof, the Court may, in addition to the penalties provided in subsection (1), order the payment to the Director of the Entity of the sum of 50 cents for every cubic metre that is proved or reasonably estimated to have been abstracted unlawfully.

(3) Along with the conviction of a person for an offence in contravention of the provisions of section 94 of this Law, the Court orders the filling, sealing or closure of any well or the undoing, demolition or destruction of other water abstraction work, which was drilled or constructed without a permit by deviation from the conditions and restrictions imposed on the permit, on the expense of the convicted, within such period as is prescribed in the Court order, which must not exceed in any case the period of two months, unless in the meantime the permit or the written consent of the Director of the Entity is granted or received.

Provided that the Director of the Entity may, at granting such a permit, or during the offer of such consent, to impose such terms or condition, as he deems necessary or desirable.

(4) Without prejudice to the provisions of subsection (3), for any offence committed in breach of this Part, the Court may, in case of a conviction, in addition to any penalty it may impose, to order in appropriate case-

(a) the filling, closure, undoing or destruction of the well or other water abstraction work regarding or in relation to which the offence was committed on the expense of the convicted, within such period as prescribed in the Court order, which should not exceed in any case the period of two months, unless the permit or the written consent of the Director of the Entity is granted or received in the meantime, or orders anything that may appear to the Court necessary under the circumstances.

Provided that the Director of the Entity may, during the granting of such a permit or during the offer of such consent, impose such terms and conditions, as he may deem necessary or desirable.

(b) the confiscation of the drilling machine in relation to which the offence was committed, or

(c) the alteration, repair or replacement of the water installations in relation to which the offence was committed in such a way that the requirements of the Regulations under this Law are satisfied, as well as the conditions of the permits issued under this Law.

(5) In the case that a person against whom an order has been issued under subsection (3) or subsection (4) fails or neglects to comply with this order, then it is lawful for any person authorised by the Director of the Entity to execute such an order and any expenses incurred from the application of the order are paid to the Director of the Entity by the person against whom the order was issued and these expenses are considered a penalty under the Criminal Procedure Law, and their payment is executed accordingly.

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(6) A person against whom an order has been issued under section (3) or section (4), and who contravenes or fails to comply with this order, whether the Director of the Entity has proceeded to the execution of the order or not, is guilty of an offence and liable in case of conviction to imprisonment not exceeding eighteen months or to a fine not exceeding five thousand pounds or to both.

(7) A person who prevents or obstructs any person authorised by the Director of the Entity, as provided for in section (5), to execute any order issued by the Court under section (3) or section (4), is guilty of an offence and liable in case of

conviction, to imprisonment not exceeding three months or to a fine not exceeding one thousand pounds or to both.

Responsibility of a land owner or assignee of a water abstraction permit for purposes of sections 94, 95, 96 and 125.

127.-(1) In a criminal prosecution for contravention of sections 94, 95, 96 and paragraphs (a), (b) and (e) of section 125, it is presumed, until the opposite is proven, that an action or activity for which a permit is required or which is prohibited under the aforesaid sections was effected by the owner of the land on which this action or activity took place.

For the purposes of this section the term "owner" includes the authorised representative of the owner in relation to the land referred to in this subsection and any other person who owns this land under any quality.

(2) Irrespective of the provisions of section (1), in the cases where an assignment of the water abstraction permit took place under section 113 or any relevant Regulation under this Law, the actions or activities mentioned in subsection (1) which concern violation of the conditions of the assigned permit it is presumed, until the opposite is proven, to have been effected by the possessor of the land who is the assignee of the water abstraction permit and not its owner.

Repair of well etc.

128.-(1) No provision of this Part applies in relation to the repair or cleaning of any well or other water abstraction work which was drilled or constructed lawfully either before or after the enforcement of this Law.

(2) A person who intends to carry out any work mentioned in subsection (1) should, at least seven days before the commencement of the work, to notify in writing the Director of the Entity that this work shall be carried out, defining at the same time in the notification the date of its commencement.

PART IX

MANAGEMENT OF NATURAL WATERCOURSES

General control of land drainage through natural watercourses.

129. The Director of the Entity exercises general control and supervision on all aspects related to the land drainage through natural watercourses, hereinafter called "watercourses" and is empowered to:-

- a) clean, maintain, repair or otherwise retain any existing works on watercourses in good functioning condition,
- b) deepen, widen, align or otherwise improve any existing works on watercourses, or remove or alter dams, or other natural or artificial obstacles on watercourses,
- c) deepen, widen, align or otherwise improve the bed, the banks or the flow of watercourses,

construct any new work on watercourses or place or install

any machine or proceed with any other action required for the construction of works on watercourses.

Prohibition of damaging riverbanks, etc. and prohibition of removal of gravels, tipping of objects etc in watercourses without a permit.

130. (1) No person shall proceed with excavation or otherwise cause damage on or destruction of a bank, wall or bed of a watercourse.

(2) No person shall proceed with any of the actions referred to in paragraphs (a), (b), (c) and (d) above, otherwise than by securing before a permit from the Director of the Entity and in accordance with any conditions that he would impose, as well as in accordance with designs and drawings that he would approve in cases related to construction, alteration or repair of any structure, that is:-

- (a) abstraction or transport of stones, gravels, sand or other materials from the bed, the bank or the wall of any watercourses or part of it,
- (b) tipping of any objects, unused materials or other refuse into the bed, the bank or the wall of any watercourse or part of it,
- (c) place or install any vehicle, machine or other object into or on the bed, wall or bank of any watercourse or part of it, under conditions constituting reasonable suspicion, that the placing or installation of such vehicle, machine or object was intended for the removal or transportation of stones, gravel, sand or other materials from the watercourse or from part of it, or

erection, alteration or repair of any structure within, under or above any watercourse, otherwise than it is executed under water retaining permit issued by virtue of Part VIII of this Law.

(3) Applications for a permit under this section are made to the Director of the Entity in writing and he does not refuse such a permit, unless if he thinks that the proposed activity is probably injurious to the watercourse or to the environment or to the adjoining or neighboring to Applications for a permit under this section are made to the Director of the Entity in writing and he does not refuse such a permit, unless if he thinks that the proposed activity is probably injurious to the watercourse or to the environment or to the adjoining or neighboring to the watercourse property, or it may probably affect the flow of water within the watercourse or for any other reasonable cause which is related to exercising his power under this Law.

(4) (a) The Director of the Entity takes his decision on the application and notifies it to the applicant under this section within three months from the date of its reception by him.

(b) in case the Director of the Entity does not notify his decision within the prescribed in paragraph (a) of this subsection period, the applicant has the right to consider his application as rejected, or to agree in writing with the

Director of the Entity on the extension of the above period, or to chose to accept receiving a decision after the expiration of the period prescribed in paragraph (a) of this subsection.

(5) In case anyone executes any work in breach of paragraph (d) of subsection (2) above, the Director of the Entity, if he thinks, that it will endanger human lives or property, may remove, alter or demolish the executed work and demand from that person reimbursement of the expenses incurred.

(6) The prohibition under paragraph (d) of subsection (2) is not valid in the case of any work that was executed under an emergency situation, but anyone who executes such work notifies in writing as soon as practicable the Director of the Entity of its execution as well as the circumstances under which it was executed and the Director of the Entity may require an application to be made for such work for a permit under this section.

(7) The Minister may exempt any watercourse or part of it or any class of watercourses from the application of paragraph (a) to (d) or any of them, by an Order published in the Gazette.

Offences and penalties.

131.-(1) Anyone who acts in contravention of the provisions of section 130 or fails to comply with the terms of the permit which is issued under section 130, is guilty of an offence and in case of conviction is liable to imprisonment for a period not exceeding twelve months or to a fine not exceeding one thousand pounds or to both sentences.

(2) On conviction of a person for an offence due to contravention of paragraph (d) of subsection (2) of section 130, the Court may order the dismantling or demolition or destruction of any such structure that was erected or any alteration to or repair of a structure made without a permit or by breaching the imposed on the permit terms and restrictions and that in the case of alteration or repair, the structure to be restored to a condition that will fulfill the requirements of the terms of the permit under which the structure was erected or in the case where such permit was not required at the time of erection of the structure, that the structure be restored to a condition that existed prior to its, illegal alteration or repair, with expenses paid by the convicted, within such period as the order of the Court may prescribe, which period, however, does not exceed two months, unless in the meantime the permit or the written consent of the Director of the Entity is granted or received.

Provided that the Director of the Entity may, in granting such a permit or furnishing such consent, impose such terms and conditions, which are considered by him as necessary or desirable.

(3) Irrespective of the provisions of subsection (2), in a criminal proceeding for an offence which was committed in contravention of section 130, the Court may, in case of conviction, in addition of any other penalty that may be imposed, order if it is proper:

(a) the collection of objects, unused materials or other refuse that were tipped in breach of paragraph (b) of subsection (2) of section 130 with expenses borne by the convicted or

(b) the confiscation of any vehicle, machine or other object used for committing the offence in breach of paragraph (a) or (c) of subsection (2) of section 130.

(4) In case of a person, against which an order was issued under subsection (2) or subsection (3), which fails or neglects to comply with this order, it is lawful for any person authorized by the Director of the Entity to execute the order. Any expenses incurred by the execution of this order, are paid by the person against which the order was issued to the Director of the Entity and such expenses are deemed to constitute a penalty within the Criminal Proceedings Law and their payment is executed accordingly.

(5) A person against which an order was issued under subsection (2) or subsection (3) and which contravenes or fails to comply with this order, whether the Director of the Entity has proceeded with the execution of the order or not, is guilty of offence and in case of conviction is liable to imprisonment, not exceeding eighteen months or to a fine not exceeding five thousand pounds or to both sentences.

(6) A person which obstructs or prevents any person authorized by the Director of the Entity as provided by subsection (4), to execute any order issued by the Court under subsection (2) or subsection (3) is guilty of offence and in case of conviction is liable to imprisonment not exceeding six months or to a five not exceeding one thousand pounds or to both sentences.

PART X

MISCELLANEOUS PROVISIONS

**Acquisition
and
requisition.**

132.-(1) Where the Council of Ministers decides that the acquisition of immovable property is for the purposes of this Law required, this acquisition is carried out and regulated in

accordance with the provisions of any at any time in force Legislation for compulsory acquisition.

(2) Where the Council of Ministers decides that the requisition of immovable property or the entrance into a building, construction or work or the removal of any obstacle for the purpose of this Law, such requisition and any other acts or steps for such an entry or removal are regulated in accordance with the provisions of any at any time in force Legislation for requisition of property.

Abolition of water rights with private agreement.

133. Where the Council of Ministers decides that the expropriation of water rights is required, may, instead of proceeding with their acquisition under subsection (1) of section 132, enter into a private agreement with the owner of the aforesaid water rights for their abolition or limitation against securing alternative water supply under such conditions that the Council of Ministers may at any time deem reasonable.

Authorisation of officials etc for the control of the application of the Law etc.

134.-(1) The Director of the Entity may authorise one or more officials of the Entity or any other persons for the control of the application of the provisions of this Law and any Regulations thereunder, as well as of any terms of permits issued under this Law.

(2) Any person who is authorized to act under subsection (1) shall be furnished with a certificate of his appointment, which is obliged to show, if asked to, when he is entering any immovable property.

(3) The appointment of any person under subsection (1) is made in writing and it can be a general one or authorization of prescribed duties and the exercise of prescribed powers, as it is defined in the aforesaid appointment.

Powers of the Director and authorised persons.

135. The Director of the Entity or any authorized under section 134 person has the power, for the purposes of carrying out his duties or authorities under this Law or the Regulations issued thereunder -

(a) enter upon any immovable property, including enclosed house yard, in which, there is reasonable cause to believe that an activity is conducted or something is carried out or constructed, or has been carried out or constructed, that it may lead to or constitute breach of any provision that he has to apply, at any reasonable time or at any time during which he believes that the aforesaid activity, act or construction may cause direct danger of serious personal injury damage:

Provided that the aforesaid authorized person shall not enter upon a house, otherwise than by a duly reasoned judicial warrant or after the consent of its owner,

- (b) be accompanied by qualified or other persons which help him in the execution of his duties,
- (c) to carry out any inspections, tests, samplings, measurements or investigations, that he considers necessary or helpful for the execution of his duties,
- (d) to inspect, examine and control the operation of any water installations that exist in a private property and carry out such measurements and take such photographs or any other type of plotting that he thinks necessary or helpful for the execution of his duties,
- (e) to give instructions so that, the immovable property or any part of it or any water installations that are located on it, remain unchanged for any reasonably necessary time for the purposes of any test, sampling, measurement, examination or control according to paragraphs (c) or (d), provided that the compliance with these instructions do not entail the interruption of any essential part of industrial operations,
- (f) to demand the presentation for inspection of any books or documents which he reasonably believes that they contain information related to the purpose of the conducted search and investigation,
- (g) to demand:-
 - (i) from the owner or possessor of immovable property, or
 - (ii) from the holder of any permit issued under this Law and concerns or is related with the water installations in the immovable property or it concerns the same immovable property, or
 - (iii) from the person who is in charge for the conduct, carrying out or construction related to in paragraph (a), or
 - (iv) from any person he may find in the immovable property, or
 - (v) from any person that he reasonably believes is related with the aforesaid conduct, carrying out or construction,

to furnish any information that he may have or have access to and which is related to the purpose of the conducted search or investigation;

- (h) to obtain and deliver any object that is probably required

for the purpose of further investigation or evidence in a judicial proceeding,

- (i) to demand from the owner or possessor of immovable property or from any other member of his family, aged over sixteen years or from the person who is in charge of the aforesaid in paragraph (a) conduct, carrying out or construction
 - (i) to allow him safe access to any part of the immovable property,
 - (iii) to place at his disposal any reasonably available means for the conduct of any tests, measurements, inspections, examinations or sampling, that are deemed necessary for the purposes of the conducted search or investigations, or
- (j) to proceed with any other action which is reasonably required or helpful in fulfilling his authorities or powers under this Law or the Regulations issued thereunder.

Offences and penalties for preventing etc. the Director or authorized person.

136. A person which:-

- (a) prevents the Director of the Entity or any authorized under section 134 person from carrying out his duties or exercising his powers, or
- (b) prevents any police officer or qualified person or other person who has accompanied the Director of the Entity into the premises or authorized under section 134 person, by virtue of paragraph (b) of section 135, whenever this person provides or will provide legal assistance to the Director of the Entity or the aforesaid authorized person, or
- (c) fails to comply with an instruction that is lawfully given under paragraph (e) of section 135, or
- (d) fails to present within a reasonable time period any book or document that is required under paragraph (f) of section 135, or
- (e) whilst being a person under the provisions of subparagraphs (i) to (iv) of paragraph (i) of section 135, fails to furnish, within a reasonable time period, information, which are lawfully required to be given to the Director of the Entity or to an authorized person who is acting in accordance with the aforesaid paragraph (i) or furnishes false or wrong or incomplete information, or

(f) whilst being one of the persons or falls into a category of persons that are mentioned in paragraph (i) of section 135, fails, after a lawful demand by the Director of the Entity or by authorized under section 134 person within a reasonable time period:-

- (i) to provide the Director of the Entity or to the authorized person or to any other person that accompanied his in the premises, safe access to any part of the premises, or
- (ii) to make available to the Director of the Entity or to the aforesaid authorized person or to any person which accompanied him to the premises, any means for carrying out tests, measurements, inspections or examinations,

provided that he has the power to do so and that the aforesaid in subparagraph (ii) means are reasonably available,

is guilty of offence and in case of conviction, is liable to a fine not exceeding one thousand pounds or to imprisonment not exceeding one year or to both sentences.

Preliminary investigation

137.-(1) In order to ascertain the technoeconomic data and the feasibility of implementing any water work under the provisions of this Law and in general for the right and effective exercise of the competences by the Director of the Entity or the Minister or the Council of Ministers under this Law, the Director of the Entity , the employees, the consultants or engineers of the Entity or any other persons, if duly authorized by the Director of the Entity for this purpose, may proceed with all or any of the following actions, either personally or through the employees or their representatives, that is:-

- (a) to enter, saving the provisions of subsection (2), upon any immovable property and survey the land, to level and carry out within or above it, such investigations, tests, measurements, samplings or inspections, in such a way and with such means, as they would deem necessary or purposeful, for checking the flow and ascertaining and measuring the quantity of any waters at any specific point or points, for carrying out geotechnical and soil engineering investigations and for examination of any other matter that they think indispensable or useful for the purposes of this Law and to erect or establish temporarily on this land any structure, machine, instrument or equipment for the purposes of this paragraph,

- (b) to regulate, intercept or divert temporarily the flow of any waters,
- (c) to provide passage for any materials, objects and persons, that they would consider indispensable or useful for the above purposes,
- (d) to dig the underground or drill boreholes,
- (e) to clean the land under concern and set on it any marks or boundary lines,
- (f) to proceed with any action that may indirectly fall within or be indispensable for the above purposes.

(2) Any person who takes action under the provisions of subsection (1) shall not enter:-

- (a) upon any dwelling – house without a reasoned judicial warrant,
- (b) upon any building that is not a dwelling-house, otherwise than by giving to the occupier a written notice at least eight days in advance of his intention to do so, or
- (c) upon any other immovable property, including the enclosed house yard, otherwise than by giving to the occupier a written notice at least one day in advance of his intention to do so, unless the occupier, in any of the above three cases, agrees in writing to such entrance:

Provided that in case the aforesaid notice under paragraph (c), is not possible to be given, it is posted on a conspicuous place of the said immovable property and at the municipality or the community within the boundaries of which the said immovable property is situated.

(3) Any person who is subject to a loss or damage due to the exercise of the powers conferred by subsection (1) is entitled to such compensation as he may agree upon with the Director of the Entity, or as it may be calculated in accordance with the provisions of subsection (4):

Provided that no compensation shall be payable, otherwise than by the submission to the Director of the Entity of a written claim, within two months after the completion of the act, matter or thing in respect of which the compensation is claimed.

(4) If within one month from the date of the receipt of the claim for compensation made in pursuance of the provisions of subsection (3), the claimant does not agree with the Director of the Entity on the amount of compensation, the Director of the Entity or the claimant may file a suit asking the Court to determine the amount of compensation or where this is appropriate to apportion such amount among the persons entitled to compensation.

(5) For the purposes of this section "Court" means the competent District Court of the District in which the property in respect of which compensation is claimed is situated.

Power of entrance and compensation.

138.-(1) For the construction, improvement, maintenance, repair, replacement, elimination, removal, demolition or dismantling of any water or other installations or works for the purposes of this Law or any Regulations thereunder, the employees, consulting engineers or contractors of the Entity, or any other person appointed for the execution of the above works, provided they are duly authorized by the Director of the Entity, may, either personally or through their representatives, employees or contractors:-

- (a) enter upon any immovable property and carry out the works assigned to them, either in relation to the immovable property or to another,
- (b) cut or remove, if necessary, trees, fences, vegetation, stonewalls and any other things necessary for the purposes of paragraph (a), or
- (c) proceed with any of the actions referred to in paragraphs (a) to (f) of subsection (1) of section 137.

(2) Any person acting under the provisions of subsection (1) shall not enter:-

- (a) upon a dwelling-house without a reasoned judicial warrant,
- (b) upon any building that is not a dwelling-house, otherwise than by giving to the occupier a written notice at least eight days in advance of his intention to do so, or
- (c) upon any other immovable property, including the enclosed house yard, otherwise than by giving to the occupier a written notice at least one day in advance of his intention to do so,

unless the occupier, in any of the above three cases, agrees in writing for such entrance:

Provided that in case the aforesaid notice under paragraph (c), is not possible to be given, it is posted on a conspicuous place of the said immovable property and at the municipality or the community within the boundaries of which the said immovable property is situated.

(3) No tree, fence, vegetation or stonewall or any other thing shall be cut or removed under paragraph (b) of subsection (1), otherwise than by giving to its owner or the occupier a relevant written notice at least seven days in advance.

(4) Irrespective of the provisions of subsections (2) and (3) when the execution of any works, referred to in subsection (1), should proceed immediately, for the protection of human lives or property, the Director of the Entity shall do so, without the obligation of giving to the owner or the occupier any notice under subsection (2) and (3):

Provided that in case the entrance upon a dwelling house is needed for the aforesaid purposes, such entrance is only allowed for the rescue of casualties of any destruction.

(5) In case of any loss or damage due to the exercise of the powers that are provided in respect of subsection (1), the provisions of subsections (3) to (5) of section 137 apply.

Power to excavate in streets and pavements.

139. In agreement with the municipal council or other local administrative authority which control any street or pavement, any person duly authorized in writing by the Director of the Entity for the execution of any work under this Law may, either personally or through his representative, employees or contractors, open and excavate any street or pavement:

Provided that this person has to complete or take care for the completion of the assigned to him work the soonest possible and that, by expenses of the Entity, restore the said street or pavement at its previous condition and that he has to remove the refuse out of that, by expenses of the Entity, restore the said street or pavement at its previous condition and that he has to remove the refuse out of the work; he shall also shall, at any time the street or pavement is under excavation, take care for its fencing or safeguarding and placing adequate lighting for the warning of vehicles and pedestrians every night during which the street or pavement will remain under this situation.

Laying of pipes or culverts etc.

140.-(1) When a work that is to be executed involves only the laying of pipes or culverts on any land or under that or the construction of any underground channel below of any land, except for any land covered by buildings, or the replacement of such pipes, culverts or channels, the acquisition of the land is not required; the Director of the Entity however, shall,

before proceeding with such an action, give the owner or the occupier of this land or post on a board a notice of his intention to proceed with such an action, including a description of the works to be carried out. If within fourteen days from the delivery or posting of the notice, the owner or the occupier does not give his assent or if his assent is subject to conditions not acceptable by the Director of the Entity, the relative District Officer may give his assent which is required for the execution of the said work, without or with in his opinion fair conditions. The aforesaid assent of the relative District Officer constitutes adequate authorization for the execution of the intended work in accordance with the conditions included in it.

(2) The laying of any pipe or culvert or the construction of any channel under the provisions of subsection (1) is deemed to create easement in favour of the Republic, which provides a right of way for the Director of the Entity to maintain, repair or replace the pipe, culvert or the channel and to convey water, sewage or other similar liquids through the pipe, culvert or channel and to prevent, without his consent, the construction of any structure or the cultivation along the pipe, culvert or channel or within a reasonable distance from its either side, in a manner hindering or preventing access to the pipe, culvert or channel.

Power to demand information.

141.-(1) The Director of the Entity may demand, from any authorised water supplier, Irrigation Division, Irrigation Association or from any other person which obtains water from any water resource or is the possessor of a permit issued under this Law or is the owner of a water right or is supplied with water from the Entity or distributes or consumes water, to furnish him with such information concerning the use of water or the water installations and within such time and in such a form that the Director of the Entity would reasonably prescribed in his relative demand.

(2) Any person who fails to comply with any demand under subsection (1) is guilty of offence and in case of conviction is liable to a fine not exceeding one hundred and fifty pounds or to imprisonment not exceeding three months or to both sentence.

False statements.

142.-(1) Any person who:-

(a) in furnishing information which is demanded under this Law, or

(b) for the purpose of securing a permit, consent or other authorization under this Law,

whether knowingly or by negligence furnishes any statement which is inaccurate as to an essential element is guilty of

offence.

(2) Any permit, consent or other authorisation which was secured as a result of false or inaccurate statement as to an essential element is subject to cancellation or termination by the Director of the Entity, without any right for compensation.

(3) Where the use of a meter or any other instrument is required under any permit, consent, authorization or other legal obligation, any person who willfully modifies or alters or proceeds to any other intervention on such an instrument, so as to prevent its correct or accurate measurement, is guilty of offence.

(4) A person who is guilty of any offence under this section is liable, in case of conviction, to a fine not exceeding one thousand pounds or to imprisonment not exceeding twelve months or to both sentences.

Method of estimating charges, fees or other monetary exchanges.

143.-(1) Without prejudice to the provisions of this section, fees, charges and other monetary exchanges may be imposed and collected in return of water supplied under this Law or taken under a water abstraction permit or of the benefit of water supplied or taken or any other benefit emanated generally from water or from any Government water work or in return of sewage disposal to Government domestic or/and industrial sewage plant and generally in return of the services supplied by the Entity under this Law, the type and level of which is prescribed by Regulations that are made under this Law.

(2) The aforesaid fees, charges or other monetary exchanges may be determined either in connection with the supplied or taken or used volume of water or as to the volume and quality of the effluent, in case of sewage disposal into a Government domestic or/and industrial sewage treatment plant, or by any other method deemed to be most appropriate, taking in consideration the added benefit or the provided service in every case.

(3) (a) In determining the fees, charges or other monetary exchanges that are determined for or in connection with the supply of potable or irrigation or recycled water from any water work, the principle of recovery of the cost of the water services, including the environmental and natural resources cost, by taking in account the economic analysis conducted under section 23 of this Law, and particularly according to the "polluter pays" principle, may be taken in consideration.

Provided that the water- pricing policies may provide adequate incentives for users to efficiently utilizing the water

resources and thereby contribute into attaining the environmental objectives that are provided by the Legislation of the Cyprus Republic and secure appropriate contribution of the various uses of water, disaggregated into at least domestic water supply and irrigation, to the recovery of the cost of the water services, on the basis of economic analysis conducted in accordance with section 23 of this Law, and taking account of the “polluter pays” principle. Provided that the Entity in so doing may have regard to the social, environmental and the economic effects of the recovery, as well as the geographic and climatic conditions of the particular area or areas.

(b) The fees, charges or other monetary exchanges that are imposed on an authorized consumer for or in connection with the supply of potable water to immovable property situated outside the supply network of any authorized supplier are at least equal with those imposed by the authorized supplier of the area where the said immovable property is situated for the particular water use:

Provided that when and as long as the aforesaid authorized supplier is not entitled to a category of fees, charges or other monetary exchanges which covers the particular water use, then the imposed on the above authorized consumer charges, fees or other monetary exchanges shall be at least equal with those imposed by the authorized supplier of the capital city of the District where the immovable property is situated and the Municipality of Paralimni for the free area of Famagusta District.

(c) With regard to domestic water supply and irrigation water, for the purposes of this subsection, “water work” means every Government water work, which was or will be constructed or is used for purposes, within others, of supply of potable or/and irrigation water, excluding recycled water.

Regarding recycled water, “water work” means every Government water work for the whole or intermediate stage treatment of domestic or/and industrial sewage and allocate the recycled water for irrigation or for its collection and allocation of recycled water by others.

Collection of charges etc. neglect of payment, consequences etc.

144.-(1) Any person which owes to pay charges or fees or other monetary exchanges under this Law or any Regulations thereunder and which neglects or denies to pay the whole or part of the due sum until the last date of payment as specified in the relevant invoice or bill, shall, as from the expiration of this period, pay an interest of eight per cent (8%) annually on any such unpaid sum until full payment:

Provided that the time period between the date of issue of the invoice or bill and the specified in it last date of payment shall not be less than ninety days.

(2) The Minister can revise the interest under subsection (1) from time to time by an Order published in the Gazette.

(3) The Director of the Entity or the person or the Committee which administers the Government water work, according to the case, may:-

(a) cut the supply of water and prohibit the abstraction of water from the Government water work, or

(b) prohibit the disposal of domestic or/and industrial sewage to a Government water work, where the payment of the due sum, including the interest, falls behind by more than sixty days from the last date of payment specified in the invoice or bill and after considering before the views and the specific conditions of the debtor.

(4) Any person which owes to pay fees or charges or other monetary exchanges under this Law or any Regulations thereunder, including any interest under subsection (1), and who continues neglecting or denying to pay the whole or part of the sum, for a time period greater than sixty days from the specified in the relevant invoice or bill last date of payment, is guilty of offence and is liable in case of conviction to a fine not exceeding five hundred pounds.

(5) In case of conviction of any person under subsection (4), the Court may, in addition to the fine that may impose, order the convicted to pay the fees, charges or other monetary exchanges, including any interest owed under subsection (1), which he neglected or denied to pay.

(6) Irrespective of the starting or not of a judicial proceeding for an offence under subsection (4), the Director of the Entity or the person or the Committee that administers the Government water work, according to the case, may sue and retrieve through a civil proceeding any charges, fees, other monetary exchanges or interests from any person which neglects to pay such charges, fees, monetary exchanges or interests, which are imposed or owed under this Law or any Regulations thereunder.

Regulations. 145.-(1) The Council of Ministers may issue Regulations for better application of the provisions of this Law and for determination of every matter which, according to the provisions of this Law, needs or is susceptible of determination or is provided by this Law that it is capable of determination by Regulations.

(2) Without prejudice to the generality of the powers in respect of subsection (1), the Regulations may regulate all or any of the following matters, that is:-

- (a) the laying of main conveyors or other water installations under this Law,
- (b) the determination of the size, the nature, the materials, the strength, the quality and structure of the water installations, as well as their arrangement, connection, disconnection, alteration and repair and the manner of their control and testing,
- (c) the manner of water use and prevention of waste, excessive consumption, oversue, wrong measurement or pollution of water,
- (d) the maintenance of water works or installations, of authorised water suppliers or Irrigation Divisions Associations,
- (e) the water supply and use in case of drought or other emergency situation,
- (f) fixing of charges, fees, and any other monetary exchanges that may be imposed or collected under this Law,
- (g) the establishment of a special fund for every Government water work, in which all charges, fees, and other monetary amounts and fines be deposited, in relation to the Government water work and to the manner of spending these amounts and in general the manner of operation and control of this fund,
- (h) the determination of the powers and the procedures that shall be followed by the Water Commissioner in drafting and revising the specifications referred to in the provisions of this Law,
- (i) the regulation of any matters related to the terms of employment, the retirement benefits and the exercise of disciplinary control of the employees of Committees established under section 66, and
- (j) the regulation of entrance into any immovable property for the purposes of investigations, execution of water and other works and in general for any purpose provided under this Law.

(3) The Regulation under this section may refer to and be applied on one or more water works.

(4) Regulations issued in accordance with the provisions of this section may provide that their breaching constitutes an offence that is punished with a fine not exceeding one thousand pounds or imprisonment not exceeding six months or both. They may also provide for the imposition by the Director of administrative penalties and sanctions up to one thousand pounds in case of a breach.

(5) Regulations issued under the provisions of this section are laid before the House of Representatives for approval. If within sixty days from their laying, the House of Representatives do not by resolution amend or annul in whole or in part, the Regulations so laid, then they shall immediately, after the lapse of the above time-limit, be published in the Gazette and shall come into force as from that date. In the event of their amendment in whole or in part by the House of Representatives, they shall be published in the Gazette as amended thereby and shall come into force as from such publication or as the case may be from the date fixed by them.

Provided that irrespective of the provisions of the Laying before the House of Representatives issued under Authorization Law, Law, Regulations prescribing charges, fees or other monetary exchanges by application of paragraph (7) of subsection (2), with the exemption of Regulations that prescribe the charges for disposal, payable by the users of the Government treatment plants of domestic or/ and industrial sewage, it is not necessary to be laid before the House of Representatives for approval, but are published in the Gazette and come into force as from such publication or as the case may be from the date fixed by them.

(6) The Regulations under this section may have retroactive validity.

Prevention of employees or labourers of the Entity to exercise their duties.

146. Any person which prevents any employee or labourer of the Entity in applying the provisions of this Law or any Regulations thereunder, is guilty of an offence and is liable to a fine not exceeding one hundred and fifty pounds or to imprisonment not exceeding three months or to both sentences.

General offence.

147. Any person who contravenes or fails to comply with any prohibitive or commanding provision of this Law or of the Regulations thereunder, is guilty of an offence and, unless a different sentence is provided, is liable, in case of conviction, to imprisonment not exceeding twelve months or to a fine not exceeding one thousand pounds or to both sentences.

- Judicial liability of officials of legal entity.** 148. When an offence committed by a legal entity under this Law proves to have been committed with the consent or the co-operation, or that its perpetration has been facilitated by negligence on behalf of any managing consultant, president, director, administrative consultant, secretary or other similar official of the legal entity or any person who appeared to have acted in any such capacity, then he himself as well as the legal entity are deemed guilty of that offence and are liable to prosecution and sentence accordingly.
- Interim orders.** 149. When a summons is issued regarding an offence committed in breach of this Law, the Court may, after an ex-parte applications of the prosecuting authority, issue a judicial interim order by which the accused is obliged, while the issue of a final order on the case is pending, to suspend or stop any action, operation, step or measure which, in accordance with the related to the offence accusation, have been done or taken in breach of the provisions of this Law or Regulations that were made thereunder.
- Cap. 6
C.J Volume II
page 120
14 of 1960** Provided that the issue of such order, is subject to the provisions of the Civil Procedure Law, the Civil Procedures Rules and the Court of Justice Law.
- Non application of section 88 of the Criminal Procedure Law Cap 155.** 150. The provisions of section 88 of the Criminal Procedure Law are not applicable in the case of prosecution against any person for an offence that was committed in breach of the provision of this Law.
- Collection of unpaid charges and fees.** 151. In case of unpaid due charges, fees or other monetary exchanges payable under this Law or any Regulations made thereunder, the Director of the Entity may forward to the Director of Inland Revenue a signed by him certificate which includes the names of the persons who owe charges, fees or other monetary exchanges specifically referred to in the certificate. The Director of the Inland Revenue as soon as he receives the certificate proceeds with the collection and search of these charges and fees as if they were due taxes under the provisions of any at any time in force law providing for the collection and search of taxes.
- Remedy resulting from breach.** 152.-(1) Irrespective of proceeding or not a criminal action, in case of failure of anyone to comply with any provision under Parts V to IX both included, or in case of breach of any provision of the above Parts, the Director of the Entity, may demand any person, who is responsible for such failure or breach, to take such measures that are deemed necessary for the remedy of the consequences of the said failure or breach, within such reasonable period as it shall be prescribed in the relevant demand.

(2) If the person, who is responsible for the aforesaid failure or breach, fails to take the required measures, the Director of the Entity can proceed with taking these measures and recover any reasonable expenditure from the aforesaid person.

Dismantling of works in case of revocation, cancellation etc. of relevant permit, consent or other authorisation.

153. In case of revocation, cancellation or termination of a permit, consent or other authorization under this Law, the possessor of the relevant permit, consent or other authorization shall dismantle, demolish and remove all the works or water installations that were constructed or used in respect of the said permit, consent or authorization and comply with all instructions of the Director of the Entity for the restoration of any affected water source at its previous condition. In case of failure to comply, the Director of the Entity may carry out the required works and claim every reasonable expenditure from the person responsible for the said failure.

Control of Quarry Companies. Cap 270.

154. Without prejudice to any existing or new quarry lease in respect of the Control of Mines and Quarries Law no one is released from his obligation to comply with any provision of this Law and its provisions shall apply on any action or negligence within or in relation to quarry companies as they generally apply.

Government subsidies.

155. Irrespective of the provisions of this Law, the Republic maintains the right to subsidise with any manner that may deem appropriate, any person, organization or authority, concerning the expenses that has been subject or will be subject in relation with the distribution or use of water for domestic, irrigation or other purpose.

Power to requisition labour in cases of emergency.

156.-(1) Whenever any waterworks or lives or property in the vicinity of the water works are threatened by any sudden danger, the Director of the Entity may summons the able-bodied inhabitants of a neighboring to the water works municipality or community to assist in any work that may be undertaken in order to avert the danger.

(2) Such summons may be given by radio, television or by the toll of the church bell of the municipality or community, or by public crier, or by any other means sufficient to give notice to the able-bodied inhabitants that their assistance is required for the purposes of this Law.

(3) The labour of all persons so employed shall be paid at the market rate current in the district where it is supplied.

(4) Any able-bodied inhabitant who when so summoned to render assistance, fails to do so without reasonable cause or excuse, proof whereof shall lie upon him, shall, on conviction,

be liable to a fine not exceeding one thousand pounds.

(5) "Able-bodied" in this section means every person aged between eighteen and sixty years old, residing within the aforesaid municipalities or communities, who is not disable by any mental or bodily infirmity for manual labour, other than ministers of religions of all denominations, mayors, presidents of communities, members of the National Guard and of the Police and public servants.

Particular provisions for catchment and benefited areas.

157. Irrespective of the provisions of any other Legislation, no permit is issued by any person, body or authority for any purpose that may, in some way, deem to affect or damage ground or surface terrestrial waters in benefited areas or catchment areas, without the prior agreement of the Director of the Entity, which may be conditional.

PART XI REPEALS AND SAVINGS

Repeals

Cap. 82
Cap. 341
Cap. 348
Cap. 351
32 of 1964
35 of 1965
17 of 1975
209 of 1990.

158. As of the enactment of this Law the following laws are repealed:

- (a) The Public Rivers (Protection) Law
- (b) The Government Waterworks Law
- (c) The Water (Development and Distribution) Law
- (d) The Wells Law
- (e) The Water Supply (Special Measures) Laws

Saving in relation with the Public Rivers (Protection) Law Cap. 270.

159. Any persons which at the enactment of this Law possess a licence by virtue of the Control of Mines and Quarries Law and for the purposes of the business they carry out through this licence, lawfully were removing or transporting stones, gravels, sand or other materials from the bed, the bank or the wall of any watercourse or part of it until the enactment of this Law, may continue these activities until the termination of the said licence.

Savings in relation to the Government Waterworks Law.

160. Irrespective of the repeal of the Government Waterworks Law ---

- (a) any regulations, orders or other Regulatory Acts that were issued under the above repealed Law and which were in force immediately before the enactment of this Law, are deemed as of the enactment of this Law, that they were issued thereunder and shall continue being applied, except wherever they are contrary or incompatible with its provisions, until they are amended, repealed or replaced by Regulations or Orders or other Regulatory Acts to be issued under this Law;

- (b) without prejudice to the generality of paragraph (a), any area, which, immediately before the enactment of this Law, constituted a benefited area or an area of water supply that was designated under the above repealed Law, shall continue be considered as benefited area or area of water supply, respectively, as designated under this Law;
- (c) any permit for abstraction or development of water that was provided under section 3 of the above repealed Law and which was valid and in force immediately before the enactment of this Law, shall continue being valid and in force and be deemed, under the provision of the following such paragraphs (i) and (ii), as permit issued under this Law, whereas the conditions imposed by it shall continue being valid with the following adjustments, that is -
- (i) permit for abstraction of water shall be deemed as permit for water abstraction issued under Part VIII of this Law,
 - (ii) permit for water development shall be deemed as permit issued under Part II of this Law;
- (d) when, at the enactment of this Law any hierarchical recourse that was filed under section 5B of the above repealed Law, may proceed as if this Law was not enacted and for the purpose to complete the examination of such recourse or for the purpose of issue a decision on any such recourse the examination of which was completed prior to the enactment of this Law, the Minister acts according to the power he had immediately before the enactment of this Law and issues a decision as he would do so by virtue of the power he had at that time.

Savings in relations to the Wells Law.

161. Irrespective of the repeal of the Wells Law –

- (a) any permit for drilling a well that was issued under the provisions of the above repealed Law which was valid and in force immediately before the enactment of this Law, and which concerns a well that was not drilled and constructed up to the said enactment or concerns existing well, the drilling and construction of which was completed up to the excrement of this Law, but does not include authorization for the abstraction of water, shall continue being valid and in force and shall be deemed as permit for water abstraction work that was issued under this Law, and any conditions contained in such a permit shall continue being valid with adjustments accordingly:

Provided that, in case the possessor of such a permit is

not the owner of the land on which the relevant well will be drilled or the owner of the existing well, he is entitled to apply for an approval certificate and for an abstraction permit for the said well under the relevant provisions of Part VIII as if he was the owner of the said land or well;

- (b) (i) any permit for drilling a well that was issued under the provisions of the above repealed law, which was valid and in force immediately before the enactment of this Law and which concerns existing well, the drilling of which was completed up to the aforesaid enactment and includes authorization for abstracting water or which concerns a well which was not drilled or constructed up to the enactment of this Law, but included at first authorization for abstraction of water, shall continue being valid and in force and shall be deemed as permit for water abstraction work and at the same time as abstraction permit that were issued under this Law;
 - (ii) the conditions contained in the permits for drilling a well which are referred to in subparagraph (i) shall be deemed, to the degree that they regulate the matters falling under the paragraphs (a) and (b) of section 106 or other related to them matters, as conditions of permit for water abstraction work and, to the degree that they regulate matters falling under any of the paragraphs (a) to (e) of section 108 or other related to them matters, as conditions of water abstraction permit and shall continue being valid with adjustments accordingly;
- (c) any permit for widening, deepening or with any other manner enlargement of a well that was issued under the provisions of the above repealed Law, which was valid and in force immediately before the enactment of this Law, shall continue being valid and in force and shall be deemed as permit for water abstraction work issued under this Law, and the conditions contained therein shall continue being valid with adjustments accordingly;
 - (d) any driller licence issued under the provision of the above repealed Law, which was valid and in force immediately before the enactment of this Law, shall continue being valid and in force and shall be deemed as a driller licence issued under this Law;
 - (e) when at the enactment of this Law, any legal action that was filed under section 8 or 10 of the above repealed Law is pending, may continue, as if this Law was not enacted and for the purposes of completion of the trial of such a legal action or for the purposes of issue of an order or decision to any such legal action the trial of which was

completed before the enactment of this Law, the competent Court acts according to the power it had immediately before the enactment of this Law and issues such an order or decision as it, might have issued under the power it had at the said time;

- (f) any right to bring legal action that existed immediately before the enactment of this Law, under section 8 or 10 of the repealed Law, shall be deemed to continue existing for a period of one month from the enactment of the Law, as if this Law was not in force and any action brought within the above period is tried and completed according to the provisions of paragraph (e).

Savings in relation to the Water Supply (Special Measures) Laws.

162. Irrespective of the repeal of the Water Supply (Special Measures) Laws of 1964 to 1990 –

- (a) any permit issued under the above repealed Laws regarding the drilling, digging or construction of a well or other water abstraction work or the widening, deepening or with any other manner enlargement of existing well or other water abstraction work, which was valid and in force immediately before the enactment of this Law, shall continue being valid and in force and accordingly, in relation to such a permit, the provisions of paragraphs (a), (b) and (e) of section 161 shall apply;

(b) any permit for pumping water, issued under the above repealed Laws in relation to an existing well or other water abstraction work and which was valid and in force immediately before the enactment of this Law, shall continue being valid and in force and shall be deemed as permit for water abstraction issued under this Law, and its conditions shall continue being applied with adjustments accordingly.

General savings.

163.-(1) Any register, specification, invoice, bill, certificate, application, objection, agreement, settlement, notice or any other act, activity or decision, excluding regulations, orders or other regulatory recourses, that was drawn up, submitted, given, made or received, according to the case, under any of the repealed Laws, or any of their Regulations, to the extent it could be drawn up, submitted, given, made or received by virtue of a corresponding provision of this Law, is not annulled by the repeal of the said Laws under section 157, but it shall continue being in force and deemed valid, as if it was drawn up, submitted, given, made or received, according to the case by virtue of the said corresponding provision.

(2) Any applications falling under subsection (1) above are treated and decided for according to the provisions of this Law and any Regulations thereunder. The Director of the Entity may demand from any applicant to furnish any further

data, which should have been furnished if the application had been submitted under the aforesaid provisions and Regulations.

(3) When any time deadline that is provided by the repealed Laws had been enforced and keeps running at the enactment of this Law and there is a corresponding provision in this Law, this Law shall be applied as if this corresponding provision had been in force at the time when this period or deadline started running.

Transitional Provisions.

164.-(1) The immediately before the enactment of this Law Director and officials of the Water Development Department are appointed as of the enactment of this Law Director and officials of the Entity, respectively, and their service continues without a break with the same rights and obligations that they had immediately before the enactment of this Law.

(2) Every document referring to Water Development Department, to its Director or to its officials, shall be construed as referring to the Entity, to the Director of the Entity or to the officials of the Entity, respectively.

(3) Every document referring to any provision of the repealed Laws shall be construed as referring to the corresponding provision of this Law.

Substitution of existing permits.

165. The Director of the Entity is entitled to demand from the possessors of permits which were issued under any of the repealed Laws before the date of enactment of this Law, which retain their validity by virtue of sections 160 and 162, to hand them into the Entity in order to be substituted with new permits of the prescribed form.

Enactment of this Law.

166. This Law shall be enacted at a date determined by the Council of Ministers by notification published in the Gazette.

Explanatory Report
by the Attorney General of the Republic

The purpose of this Bill is the introduction of a unified water code for the integrated and detailed control of development and management of the water resources of the Republic, which control will be undertaken by a single entity and to constitute the Water Development Department of the Ministry of Agriculture Natural Resources and Environment as the Water Entity.

In particular to proposed Bill aims at the repeal of the Public Rivers Protection Law (Cap 82), the Government Waterworks Law (Cap 341), the Water (Development and Distribution) Law (Cap 348) and the Water Supply (Special Measures) Law 1964 to 1990, their incorporation into the new water code and their amendment and modernization and at the introduction of new provisions through which:-

- a) To legally regulate certain authorities of WDD, which are now exercised without the existence of the required legal framework,
- b) authorities which refer to or are related with the management of water resources and which are now undertaken by the District Officers, the Town Planning and Housing and other Government Departments to be transferred to the Water Entity,
- c) to form the required legal framework which will secure the safety of the reservoirs, which is a sector not regulated at present by any existing legislation,
- d) to achieve the active involvement of all interested parties in the formulation of Government water policy and, between other things, in the decisions for undertaking Government water works, through their participation in an Advisory Committee of Water Management, which will advise the Minister of Agriculture Natural Resources and Environment in related subjects,

- e) to control the abstraction of water, both from surface and groundwater systems, through the issue by the Water Entity of a single unified abstraction permit,
- f) to achieve to application of unified charges for the supply of water and at the same time to make it possible, to impose, in relation to the provision or abstraction of water, charges and levies which will cover all relevant costs and form an incentive for saving of water and productive use of it,
- g) to provide for serious and dissuasive penalties for any breach of the provisions of the proposed Bill.

Also, with the proposed Bill and the regulations which are planned to be issued based on its provisions, the harmonization with Directive 2000/60/EC establishing a framework for Community action in the field of water policy, will be achieved to the extent of its involvement in aspects of water resources management and application of charges.

Signature