

Groundwater (Exploration and Drilling) Licensing

GOVERNMENT NOTICE No. 219 published on 12/07/2013

THE WATER RESOURCE MANAGEMENT ACT,
(CAP.331)

REGULATIONS

(Made under section 62)

THE GROUNDWATER (EXPLORATION AND DRILLING)
LICENSING REGULATIONS, 2013

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PART I

PRELIMINARY PROVISIONS

Citation	1. These Regulations may be cited as the Groundwater (Exploration and Drilling) Licensing Regulations, 2013.
Interpre- tation	2. In these Regulations, unless the context otherwise requires– “Act” means the Water Resource Management Act,2009; “applicant” means a person who applies for licenses issued under these regulations;
Gap. 331	“Basin Water Officer” means an officer appointed under section 24(1) of the Act; “client” means any person who seeks or engage a person for provision of groundwater drilling services;
Gap. 331	“Director” means the Director of Water Resources appointed under section 15(1) of the Act; “driller” means a person who possess license issued under Regulation 21; “Guidelines” refers to guidelines prepared by Director under Regulation 38 of these regulations; “Qualified Geoscientist” means a person possessing minimum qualification of Bachelor of Science in Geology or Geophysics or its equivalent;
Gap. 331	“foreign applicant” for the purpose of application of Driller’s License means a person who is not citizen of Tanzania, and for the purpose of application of other licenses means a foreign company or entity as defined under the Companies Act.

PART II

GROUNDWATER EXPLORATION LICENSE

Ground- water Explora- tion License	3.-(1) There shall be issued Groundwater Exploration Licence for any person who carries out groundwater exploration activities. (2) The License shall be issued by the Director after receipt of an application from applicant.
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Groundwater (Exploration and Drilling) Licensing

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<p>4.-(1) A person who wishes to undertake groundwater exploration activities shall make an application for ground water exploration licence to the Director.</p> <p>(2) An application shall be in a prescribed form provided for in form A in the First Schedule to these Regulations.</p> <p>(3) An application shall be determined within thirty days from the date of the receipt of the application.</p> <p>5.-(1) The Director shall notify the applicant of the decision to grant or refuse an application within thirty days from the date of receipt of the application.</p> <p>(2) The Groundwater Exploration License shall be in the prescribed form provided for in form B in the First Schedule to these Regulations.</p> <p>6. The License shall be valid for the duration of one year and may be renewed upon such terms and conditions as may be prescribed by the Director.</p> <p>7. There shall be paid by the applicant the application fee and annual license fee in respect of the groundwater exploration license issued under these Regulations as prescribed in the Fifth Schedule to these Regulations.</p> <p>8. The methods to be employed in ground water exploration activities shall be:</p> <p>(a) geological or hydro geological;</p> <p>(b) at least two geophysical methods one of which should be vertical electrical resistivity method;</p> <p>(c) exploratory drilling; and</p> <p>(d) any other method as may be approved by the Director.</p> <p>9.-(1) A person who intends to undertake groundwater exploration shall consult the respective Basin Water Board prior to commencing of exploration regarding to suitability of a proposed site for exploration of groundwater.</p> <p>(2) A person engaged to undertake groundwater exploration pursuant to sub regulation (1) shall prior to the commencement of exploration, notify the Basin Water Board, of the intention to conduct exploration in the respective Basin.</p>	<p>Applica- tion and proce- dure for the ground- water explora- tion license</p> <p>Determi- nation of applica- tion</p> <p>Duration of the license</p> <p>Applica- tion and licensing fees</p> <p>Methods of ground- water explora- tion</p> <p>Consulta- tion of the Basin Water Board</p>
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Groundwater (Exploration and Drilling) Licensing

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- Condi-
tions for
grant of
Ground-
water
explora-
tion
License
- (3) A person referred to under sub regulation (1) shall pay to the Basin Water Board a consultation fee to be determined by such Board.
10. A person may be granted Groundwater Exploration License if the person-
- (a) possess the following instruments:
 - (i) geophysical equipment at least a Resistivity meter; and
 - (ii) global positioning system (GPS);
 - (b) employs at least one qualified geoscientist who has at least three years of experience; and
 - (c) engages a hydrogeology technician.
- Annual
progres-
sive
report
- 11.-(1) The licensee shall prepare and submit to the Director annual progressive report in respect of the groundwater exploration activities.
- (2) In addition to annual progressive report the licensee shall prepare a report in respect to every task undertaken; and the original copy shall be submitted to the client and a copy to Basin Water Office and Director.

PART III

GROUNDWATER DRILLING LICENSE

- Ground
Water
Drilling
License
- 12.-(1) There shall be issued Groundwater Drilling License for any person who is involving in Groundwater Drilling activities.
- (2) The License shall be issued by the Director after receipt of application from applicant.
- Applica-
tion and
Proce-
dure for
ground
water
drilling
license
- 13.-(1) A person who wishes to undertake groundwater drilling activities shall make an application for Ground Water Drilling License to the Director.
- (a) An application shall be in the prescribed form provided for in form A in the Second Schedule to these Regulations;
 - (b) Application will be determined within thirty days from the date of the receipt of the application.

Groundwater (Exploration and Drilling) Licensing

G.N.No. 219 (contd.)

14.-(1) A person may be granted the Ground Water Drilling Licence upon possession and production of the following equipments and documents:

Conditions
for the
Grant of
Ground
Water
Drilling
License

- (a) at least one drilling rig;
- (b) a compressor;
- (c) at least one test pumping unit;
- (d) Certificate of Registration from Contractor Registration Board, where applicable;
- (e) business TIN Number; and
- (f) evidence of registration as a Drilling Company or any other drilling entity as the case may be.

(2) Employment of at least one Driller and at least one employed or part time hydro geologist or qualified hydrogeology technician from a recognized Institution provided that at every time the rig is in operation it must be operated by a Driller.

15.-(1) The Director shall notify the applicant of the decision to grant or refuse an application within thirty days from the date of receipt of the application.

Determi-
nation of
Application

(2) The Ground Water Drilling License shall be in the prescribed form provided for in form B in the Second Schedule to these Regulations.

16. The Ground Water Drilling License shall be valid for the duration of one year and may be renewed subject to Regulation 14 of these Regulations.

Duration
of
Ground
Water
Drilling
license

17. The Ground Water Drilling License shall be in the following classes determined by the depth of the well:

Classes
of
Ground
Water
Drilling
License

- (a) Class one with a capacity to drill a borehole of more than 100 metres;
- (b) Class two with a capacity to drill a borehole of up to 100 metres.

18. There shall be paid by the Applicant the Application fee in respect to the Groundwater Drilling License issued under these Regulations as prescribed under the Fifth Schedule to these Regulations.

Application
Fees for
Ground-
water
Drilling
License

Groundwater (Exploration and Drilling) Licensing

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Annual license fee 19. There shall be paid by the Applicant the annual license fee in respect to the Groundwater Drilling License issued under these Regulations as prescribed under the Fifth Schedule to these Regulations.

Ground-water Permit GN. 190 of 2010 20.-(1) A Client intending to undertake groundwater drilling shall obtain Groundwater Permit from the Basin Water Board prior to commencement of drilling pursuant to provision of section 54 of the Act and the Water Abstraction, Use and Discharge Regulations.

(2) Any person engaged to undertake groundwater drilling activity under these Regulations shall notify Basin Water Board, prior to commencement of drilling, of the intention to conduct drilling in the respective Basin.

PART IV

DRILLER LICENSE

Driller's License 21.-(1) There shall be issued a license for a Driller.

(2) The License will be issued by the Director after receipt of application from applicant.

Application procedure for the driller's license 22. Any person who wishes to be a Driller shall make an application for the grant of Driller Licence to the Director.

(a) An application shall be in the prescribed form provided for in form A in the Third Schedule to these Regulations.

(b) Application will be determined within thirty days from the date of the receipt of the application.

Conditions for grant of Drillers License 23. The Driller License shall be granted to individuals possessing at least hydrogeology and water well drilling certificate or its equivalent from the recognized institutions and have at least six months experience of drilling activities.

Provisional License 24.-(1) There shall be issued provisional license by the Director for applicants who do not have the requisite experience required for grant of Driller License.

(2) After six months the Provisional License Holder shall be entitled to Driller License upon proof acquiring experience in drilling activities.

(3) Applicant for the Provisional License shall pay application fee prescribed in the Fifth Schedule to these Regulations.

Groundwater (Exploration and Drilling) Licensing

G.N.No. 219 (contd.)

25.-(1) The Director shall notify the applicant of the decision to grant or refuse an application within thirty days from the date of receipt of the application.

Determination of Application for Driller's License

(2) The Driller License shall be in prescribed form provided for in form B in the Third Schedule to these Regulations.

26. The Driller License shall be valid for the duration of one year with an option to renew subject to Regulation 22 of these Regulations.

Duration of Drillers license

27. There shall be paid by the Applicant the Application fee and annual license fee in respect to the Driller License issued under these Regulations as prescribed under the Fifth Schedule to these Regulations.

Application and Annual License Fee

PART V

CANCELLATION, SUSPENSION, REVIEW AND APPEAL

28.-(1) The Director may cancel or suspend license issued under these Regulations if he is satisfied that:

Cancellation and Suspension of licenses

- (a) Terms or conditions prescribed in the license have been violated;
- (b) Licensee in whatever circumstances have ceases to exist;
- (c) Licensee willfully used wrong information for the purpose of obtaining the license;

(2) Notice of cancellation or suspension shall be in the prescribed form provided for in form B of the fourth schedule to these Regulations.

29. Where the applicant is not satisfied with the decision of the Director in respect to grant license under Regulation 3, 12, and 20, he may apply to the Director for review of his earlier decision.

Application for review

30.-(1). Any applicant who is not satisfied with the decision of the Director and does not wish to apply for review, may appeal to the Minister within fourteen days from the date of receipt of the decision by giving notice in the prescribed form provided for in form C of the Fourth Schedule to these Regulations.

Appeal against refusal to grant

(2) For the purpose of sub regulation 1 the Minister may establish an Appellate Authority which shall be composed of a Chairman, who shall be of or above the rank of Director, Secretary who shall be a Lawyer

Groundwater (Exploration and Drilling) Licensing

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and two Members from the relevant private sectors, provided that the Director shall not be a member of that Authority.

Appeal
against
cancellation
or
suspension

31. The provisions of Regulation 28 and 29 shall apply *mutatis mutandis* to the decision of the Director to cancel or suspend licenses issued under these Regulations.

Refusal
to grant
license

32.-(1) The Director may refuse to grant licenses under these Regulations by giving notice of refusal in prescribed form provided for in form A of the Fourth schedule to these Regulations.

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(2) Any refusal to grant Ground Water Drilling licence shall be accompanied by reasons for such refusal pursuant to section 15(3) of the Act.

PART VI

OFFENCES AND PENALTIES

Operating
without
ground
water
exploration
license

33. Any person who carries out ground water exploration activities without license commits an offence and upon conviction shall be liable to fine not less than one million shillings or imprisonment for the term not exceeding five months or to both.

Operating
without
ground
water
drilling
license

34. Any person who carries out ground water drilling activities without license commits an offence and upon conviction shall be liable to fine not less than five million shillings or imprisonment for the term not exceeding one year or to both.

Operating
without
driller's
license

35. Any person who operates as a Driller without a license issued under these Regulations commits an offence and upon conviction shall be liable to a fine not less than one hundred thousand shillings or to imprisonment for the term not exceeding three months or to both.

General
penalty

36. Any offence committed against these Regulations for which no penalty is expressly provided for shall be punishable by fine not less than one hundred thousand shillings or for the imprisonment of term not exceeding one month or to both.

PART VII

MISCELLANEOUS PROVISIONS

37.-(1) Existing Drillers who are not qualified under these Regulations shall undergo training in the recognized institution and after twenty four months from the date of coming into force of these Regulations be operating in accordance to requirements of these Regulations.

Transitional provisions

(2) The Basin Water Boards shall proceed to carry out ground water exploration activities for clients and shall be exempted from requirements of these Regulations.

(3) The Basin Water Offices shall cease to undertake these activities when the Director declares.

38.-(1) The Director shall cause to be prepared operational guidelines for effective operationalization of provisions of these Regulations.

Operational guidelines

(2) The Director shall, indicate the year and month of publication and revision.

39.-(1) There shall be fees paid to the Director in respect of all applications and licenses issued under these Regulations as prescribed in the Fifth Schedule to these Regulations.

Application and Annual licensing fees

(2) All fees payable under these Regulations shall be non refundable remitted to the Director and may be reviewed from time to time as the Minister directs.

Groundwater (Exploration and Drilling) Licensing

G.N.No. 219 (contd.)

FIRST SCHEDULE

FORM A
THE WATER RESOURCES MANAGEMENT ACT,
(CAP. 331)

The Ground Water (Drilling and Exploration) License Regulations, 2013

APPLICATION FOR GROUND WATER EXPLORATION LICENSE

(Made under Regulation 4(2))

(To be completed in quintuplicate)

To: The Director:.....
Postal Address:.....
Email:
Fax:.....
Telephone No:

1. Name of applicant:
(a) Postal Address:
(b) Email:
(c) Fax:.....
(d) Telephone:
(e) Street:.....
(f) District:
(g) Region:

5. Purpose of which exploration is required.....

6. Particulars of exploration License for which application is made.....

Date:

Signature of Applicant:

Groundwater (Exploration and Drilling) Licensing

G.N.No. 219 (contd.)

FORM B

THE WATER RESOURCES MANAGEMENT ACT,
(CAP. 331)

The Ground Water (Drilling and Exploration) License Regulations, 2013

GROUND WATER EXPLORATION LICENSE

(Under Regulation 5(2))

1. Name of Licensee:
 - (a) Postal Address:
 - (b) Street:
 - (c) Email:
 - (d) Fax:
 - (e) Telephone:
-
2. Particulars of License in respect of which is made-
 - (a)
 - (b):
 - (c)
 - (d)(etc)

This License is hereby given to carry out the ground water exploration in the country however you are required to comply with the applicable Ground Water Exploration Regulations and Guidelines. .

The License is valid for a period of one year from.....to.....with an option to renew.

.....
For: Director of Water Resources

Groundwater (Exploration and Drilling) Licensing

G.N.No. 219 (contd.)

SECOND SCHEDULE

FORM A

THE WATER RESOURCES MANAGEMENT ACT,
(CAP.331)

The Ground Water (Drilling and Exploration) License Regulations, 2013

APPLICATION FOR GROUND WATER DRILLING LICENSE

(under Regulation 13(1) (a))

(To be completed in quintuplicate)

To: The Director:.....

Postal Address:

Email:

Fax:.....

Telephone No:

1. Name of applicant:

(a) Postal Address:

(b) Email:

(c) Fax:.....

(d) Telephone:

(e) Street:.....

(f) District:

(g) Region:

5. Purpose of which Drilling is required.....

6. Particulars of Drilling License for which application is made.....

Date:

Signature of Applicant:

Groundwater (Exploration and Drilling) Licensing

G.N .No. 219 (contd.)

FORM B
THE WATER RESOURCES MANAGEMENT ACT,
(CAP.331)

The Ground Water (Drilling and Exploration) License Regulations, 2013

GROUNDWATER DRILLING LICENSE

(under Regulation 15(2))

1. Name of Licensee:
- (a) Postal Address:.....
- (b) Street:
- (c) Email:
- (d) Fax:.....
- (e) Telephone:
- (f) District:.....
- (g) Region:.....

2. Particulars of License in respect of which is made-
- (a)
- (b):
- (c)
- (d)(etc)

This License is hereby given to carry out the ground water drilling in the country. However you are required to comply with the applicable Ground Water Drilling Regulations and Guidelines.

The License is valid for a period of one year from.....to..... with an option to renew.

.....
For: Director of Water Resources.

Groundwater (Exploration and Drilling) Licensing

G.N .No. 219 (contd.)

THIRD SCHEDULE

FORM A
THE WATER RESOURCES MANAGEMENT ACT,
(CAP.331)

The Ground Water (Drilling and Exploration) License Regulations, 2013

APPLICATION FOR DRILLER LICENSE

(under Regulation 21)

(To be completed in quintuplicate)

To: The Director:.....
Postal Address:
Email:
Fax:.....
Telephone No:

1. Name of Applicant:
(a) Postal Address:.....
(b) Street:
(c) Email:
(d) Fax:.....
(e)Telephone:

2. Particulars of Applicant in respect of which application is made-
(a)
(b):
(c)
(d).....(etc)

3.

Date:

Groundwater (Exploration and Drilling) Licensing

G.N .No. 219 (contd.)

Signature of Applicant:

FORM B

THE WATER RESOURCES MANAGEMENT ACT, 2009

The Ground Water (Drilling and Exploration) License Regulations, 2012

DRILLER LICENSE
(Under Regulation 20)

1. Licensee:
- (a) Postal Address:.....
- (b) Street:
- (c) Email:
- (d) Fax:
- (e) Telephone:

2. Particulars of License in respect of which is made-
- (a)
- (b)
- (c)
- (d)(etc)

This License is hereby given to engage in drilling activities in the country however you are required to comply with the applicable Ground Water Drilling Regulations and Guidelines.

The License is valid for a period of one year fromto.....with an option to renew

Groundwater (Exploration and Drilling) Licensing

G.N.No. 219 (contd.)

.....
For: Director of Water Resources.

FOURTH SCHEDULE

FORM A

THE WATER RESOURCES MANAGEMENT ACT,
(CAP.331)

The Ground Water (Drilling and Exploration) License Regulations, 2013

NOTICE OF REFUSAL TO GRANT A LICENSE /PERMIT

(under regulation 31)

(To be completed in quintuplicate)

To: The Applicant,

.....

I take notice that the License/Permit ofas aCompany, is refused on the ground that.....

You may appeal to the if not satisfied within a period of fourteen days from the date of this notice.

Dated this.....day of.....20.....

Groundwater (Exploration and Drilling) Licensing

G.N.No. 219 (contd.)

For: Director of Water Resources.

FORM B

THE WATER RESOURCES MANAGEMENT ACT,

(CAP. 331)

The Ground Water (Drilling and Exploration) License Regulations, 2013

NOTICE TO CANCEL / SUSPEND THE LICENSE

(under Regulation 27(2))

To: The Applicant,

.....

I hereby give you notice that the License /Permit known as is
cancelled /suspended on the ground that.....

Dated thisday of 20.....

Groundwater (Exploration and Drilling) Licensing

G.N .No. 219 (contd.)

.....
For: Director of Water Resources.

FORM C

THE WATER RESOURCES MANAGEMENT ACT,
(CAP. 331)

The Ground Water (Drilling and Exploration) License Regulations, 2013

NOTICE OF APPEAL

—————
(under Regulation 29)
—————

To: The Director,
.....
.....
.....

Take note that.....Company
Intend to appeal the decision of the Director
Dated.....

The grounds of Appeal are:-

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

We appoint (Names) as our representative(s) in the intended Appeal.

Groundwater (Exploration and Drilling) Licensing

G.N.No. 219 (contd.)

Dated this.....day of.....20.....

Appellant

Copy:

FIFTH SCHEDULE

THE WATER RESOURCES MANAGEMENT ACT,
(CAP.331)

The Ground Water (Drilling and Exploration) Licensing Regulations, 2013

APPLICATION AND ANNUAL LICENSE FEES			
<i>(under regulation 38(1))</i>			
S/No.	Type of Fee	Local Applicant (Tshs)	Foreign Applicant (US Dollars)
1	Application for Groundwater Exploration License	50.000.00	100.00
2	Annual Groundwater Exploration Licensing	100.000.00	2.000.00
3	Application for Groundwater Drilling License	100.000.00	200.00
4	Annual Groundwater Drilling licensing Class One	1.000.000.00	4.000.00
5	Annual Groundwater Drilling License Class Two	2.000.000.00	4.000.00
6	Application for Drillers Licensing	10.000.00	100.00
7	Annual Drillers License	40.000.00	200.00
8	Provisional License Application Fee	10.000.00	