

[Chap7203]CHAPTER 72:03

WATER RESOURCES

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15 of 1969

29 of 1970

9 of 1979

20 of 1987

An Act to make provision for the control, conservation, apportionment and use of the water resources of Malawi and for purposes incidental thereto and connected therewith

[3RD NOVEMBER 1969]

PART I

PRELIMINARY

[Ch7203s1]1. Short title

This Act may be cited as the Water Resources Act.

[Ch7203s2]2. Interpretation

In this Act, unless the context otherwise requires—

“domestic purposes” includes the provision of water for household and sanitary purposes and for the watering and dipping of stock;

“easement” means a right to enter on the land of another for the purpose of constructing or maintaining works thereon, or storing the water thereon or carrying water under, through or over such land, or for all or any of such purposes;

“existing right” means any right to public water—

(a) which at the commencement of this Act has been lawfully acquired, is possessed by, and is being beneficially exercised by, any person; or

(b) lawfully acquired by any person before the commencement of this Act for the purpose of supplying water to the public;

“natural resources” means land, soil and water in their physical aspects together with the natural vegetation associated therewith, and the normal balance between them;

“public water” means all water flowing over the surface of the ground or contained in or flowing from any river, spring or stream or natural lake or pan or swamp or in or beneath a watercourse and all underground water but excluding any stagnant pan or swamp wholly contained within the boundaries of any private land;

“underground water” means water naturally stored or flowing below the surface of the ground and not necessarily apparent on the surface of the ground;

“water right” subject to the provisions of section 8 includes any existing right;

“works” includes canals, channels, reservoirs, embankments, weirs, diversions, dams, wells (other than hand operated wells), boreholes, pumping installations, pipelines, sluice gates, filters, sedimentation tanks or other works constructed for or in connexion with the impounding, storage, passage, drainage, control, use or abstraction of public water, or the development of water power, or the filtration or purification of public water, or the protection of rivers and streams against erosion or siltation, or the protection of any work or in connexion with or for flood control or the conservation of rain water.

PART II

OWNERSHIP OF AND INHERENT RIGHT TO THE USE OF WATER

[Ch7203s3]3. Ownership and control of public water

(1) The ownership of all public water is vested in the President.

(2) The control of all public water is vested in the Minister and such control shall be exercised in accordance with the provisions of this Act.

[Ch7203s4]4. Water Resources Board

(1) There is hereby established a Board, to be known as the Water Resources Board, which shall, subject to any special or general directions of the Minister, exercise such powers and perform such duties as are conferred or imposed on it by this Act, or as the Minister may, for the better carrying out of the purposes of this Act, by writing under his hand, delegate to it.

(2) Any of the powers conferred or duties imposed on the Water Resources Board under this Act, may, unless the Minister otherwise directs, by resolution of the Board, be delegated to any member of the Board or to any committee, body, authority or person.

(3) The provisions of the Schedule hereto shall have effect as to the constitution and proceedings of, and otherwise in relation to the Board. Schedule

[Ch7203s5]5. Prohibition of use of water except with lawful authority

(1) Subject as hereinafter provided, no person shall divert, dam, store, abstract or use public water or for any such purpose construct or maintain any works except in accordance with a water right granted or deemed to be granted under this Act:

Provided that nothing in this section shall prevent the taking of public water for fighting fires.

(2) Any person who diverts, dams, stores, abstracts or uses public water or who, for any such purpose constructs or maintains any works except under and in accordance with the provisions of this Act and of any other written law shall be guilty of an offence.

[Ch7203s6]6. Right to public water for domestic purposes

(1) Subject to the provisions of subsection (2) any person having lawful access to public water may abstract and use the same for domestic purposes:

Provided that nothing in this subsection shall authorize the construction of any works.

(2) Where in the opinion of the Board the use of public water for domestic purposes at any place is causing damage to the natural resources of the area in the vicinity of that place, it may, by notice in writing served on any person making use of the water at that place, direct that such person takes such measures as may be specified in the notice for the purpose of avoiding or mitigating such damage.

(3) Without derogating from the generality of the provisions of subsection (2) a notice given in accordance with that subsection may direct that any user of water at any place shall not water more than the number of stock specified in the notice or that no more than a stated number of stock may be watered at that place or that not more than a stated gallonage may be abstracted.

(4) Any person failing to comply with a notice given in accordance with subsection (2) shall be guilty of an offence.

[Ch7203s7]7. No prescriptive rights to use of water

No person shall, after the commencement of this Act, acquire or be deemed to have acquired any right, property, privilege or interest to divert, dam, store, abstract or use any public water by reason of length of use or elapse of time, and no conveyance, lease or other instrument shall be effectual to convey, assure, demise, transfer or vest in any person any property or right or any interest or privilege in respect of any public water, and from and after such commencement no such property, right, interest or privilege shall be acquired otherwise than in accordance with this Act.

PART III

RECORDING OF EXISTING RIGHTS

[Ch7203s8]8. Notification of existing rights

(1) Every person claiming an existing right may, within six months from the day on which this Act comes into operation, notify the Minister of such claim.

(2) Every existing right shall determine if the person entitled thereto fails to notify the Minister in accordance with subsection (1) of the existence of that right before the expiration of the period allowed for notification:

Provided that such notification shall not be required in the case of a subsisting water licence issued by the Minister since the 1st April, 1967, which licence shall be deemed to be a water right issued under this Act.

[Ch7203s9]9. Minister to record existing rights

(1) On the receipt by the Minister of a notification under section 8 he shall, after making such investigation as he considers advisable, and if he is satisfied that an existing right has been proved to exist, record such right and issue a certificate in respect thereof.

(2) On the recording of an existing right in accordance with subsection (1) the existing right shall be deemed to be a water right granted under this Act.

PART IV

GRANT OF WATER RIGHTS

[Ch7203s10]10. Grant of water rights

(1) The Minister may grant to any person the right to divert, dam, store, abstract, or use public water from such sources in such quantity, for such period, whether definite or indefinite, and for such purpose as may be specified in the water right, subject to such terms and conditions as he may deem fit.

(2) Application for the grant of a water right shall be made to the Board which shall give notice of the same in the prescribed manner.

(3) Any interested person may notify the Board within such period as may be prescribed that he objects to the grant of a water right and shall specify the grounds of such objection, and shall, if he so requires, have a right to be heard thereon by the Board.

(4) The Board shall consider every application and any objections made to it in respect thereof and may, after consulting such persons and authorities, if any, as it may decide to consult, submit the application together with its recommendations to the Minister, and the Minister may grant or not grant the right in his discretion.

PART V

REVISION, VARIATION, DETERMINATION AND DIMINUTION OF WATER RIGHTS, POLLUTION OF PUBLIC WATER

[Ch7203s11]11. Suspension or variation of water rights on account of drought etc.

(1) Where in the opinion of the Minister the supply of public water from any source or in any area is insufficient or is likely to become insufficient, the Minister may at any time and from time to time, by notice in writing to the holders of water rights, suspend or vary all or any rights to abstract or use water from that source, or in that area, for such period as he may deem necessary, and thereupon such rights shall cease for the period of suspension or shall be exercisable only as so varied, as the case may be.

(2) No right to compensation shall arise or accrue by reason of the suspension or variation of a water right under this section.

[Ch7203s12]12. Determination or diminution of rights where water required for public purpose

(1) Where the Minister is satisfied that public water is required for a public purpose he may, by notice in writing addressed to the holder of any water right, determine or diminish that right to the extent that such water is required for the aforesaid public purpose, and thereupon the right shall cease or shall be exercisable only as so diminished as the case may be.

(2) A declaration in writing under the hand of the Minister that public water is required for a public purpose shall be conclusive evidence of that fact.

(3) The holder of any right shall be entitled to receive such compensation in respect of the loss resulting from the determination or diminution of the right under this section as may be reasonable in all the circumstances, and in the absence of agreement the High Court shall determine the amount of such compensation.

[Ch7203s13]13. Where quantity unspecified Minister may specify quantity

Where any right to the use of an unspecified quantity of public water subsists, the Minister may at any time specify the quantity which may be used, and thereafter the water right shall be deemed to be so varied:

Provided that the Minister shall, before so specifying give the holder of the right the opportunity of making representations thereon, and shall take into consideration any such representations.

[Ch7203s14]14. Determination for breach of a condition

Where the holder of a water right has failed to comply with any condition, express or implied, subject to which the right was granted, or has abstracted or used public water for a purpose not authorized by the grant, the Minister may by notice in writing addressed to the holder require him to remedy such default within such period as shall be specified in the notice, and if the holder fails or neglects to remedy the default within the period specified the Minister may declare the right to be determined.

[Ch7203s15]15. Determination or diminution for non-use

If at any time the Minister has reason to believe that the holder of a water right has not, during the preceding two years, made full beneficial use of that right, he may, after giving the holder of the right opportunity of making representations, by notice in writing addressed to such holder and having regard to the investment in capital works and the long term national interests involved in the undertaking concerned—

- (a) declare the right determined; or
- (b) declare the right diminished or modified in such respects as may be specified in the declaration.

[Ch7203s16]16. Pollution of public water

(1) Any person who, save under the authority of this Act or any other written law, interferes with or alters the flow of or pollutes or fouls any public water, shall be guilty of an offence.

(2) For the purposes of this section the polluting or fouling of public water means the discharge into, or in the vicinity of public water, or in a place where public water is likely to flow, of any matter or substance likely to cause injury whether directly or indirectly to public health, livestock, animal life, fish, crops, orchards or gardens which are irrigated by such water or any product in the processing of which such water is used or which occasions, or which is likely to occasion, a nuisance.

PART VI

MISCELLANEOUS POWERS

[Ch7203s17]17. Power to create easement

(1) Where any person who is the holder of a water right or who has applied for the grant of a water right is unable fully to enjoy the benefit of the right without an easement and has failed to secure an easement by agreement with the owner or occupier of the land over which the easement is required he may apply to the Board for the creation of such easement.

(2) Upon the receipt of any such application the Board shall serve notice of the application on the owner or occupier of the land over which an easement is sought and on any other persons known to be interested in the land.

(3) Any interested person may notify the Board that he objects to the creation of the easement under this section or that he desires to be heard on the subject of compensation.

(4) The Board shall consider any objection and shall give an opportunity of being heard to all persons who so require, and shall thereafter submit such application together with its recommendations to the Minister who may in his discretion by a certificate in the prescribed form create such easement as he considers appropriate with or without compensation, or may refuse to create an easement, or may make ancillary orders in connexion therewith.

(5) If the person enjoying the benefit of an easement fails to pay such compensation as directed or to comply with any ancillary orders made by the Board within such time as is therefore allowed by the Board, the Minister may by notice in writing to that person determine the easement.

(6) Compensation due under this section may be sued for as a civil debt.

[Ch7203s18]18. Right to call for information

The Board may, for the purpose of this Act, call upon any person to give information on such matters and in such manner as may be prescribed.

[Ch7203s19]19. Power to inspect works etc.

(1) The Board may, at all reasonable times, enter upon any land and may inspect any works constructed or under construction thereon and may ascertain or cause to be ascertained the amount of water abstracted or capable of being abstracted by means of such works or otherwise.

(2) If in the opinion of the Board any works are so constructed, maintained or used or are being so constructed as to constitute a danger to life, health or property or damage to the natural resources of the area, it may require any person for the time being enjoying the benefit of those works to carry out such demolitions or to change the use of the works in such manner as it considers necessary and may by notice in writing suspend any water right until it is satisfied that such requirements have been fulfilled and thereupon the right shall cease for the period of the suspension.

(3) No compensation shall be payable to the owner or occupier of any land by reason that entry has been made upon such land in pursuance of the provisions of subsection (1) of this section.

[Ch7203s20]20. Power to require demolition of unlawful works

(1) The Board may by notice in writing require any person—

(a) who has constructed or extended, or caused to be constructed or extended any works contrary to any provisions under which such person was required or authorized to construct or extend the same or cause them to be constructed or extended; or

(b) whose water right in respect of which any works are in existence has been determined under the provisions of this Act or has otherwise come to an end,

to modify, demolish or destroy such works within such period, not being less than thirty days, as may be specified in the notice.

(2) If the person fails to comply with a notice served on him under subsection (1), the Board may cause such works to be modified, demolished or destroyed and recover the cost of the modification, demolition or destruction from the person in default by civil suit.

(3) Any person who fails to comply with a notice given under subsection (1) shall be guilty of an offence.

[Ch7203s21]21. Power to establish-hydrometeorological stations and make surveys

(1) The Board may at all reasonable times enter upon any land for the purpose of making such investigations and surveys as the Board considers necessary in the interest of the conservation and best use of water in Malawi, and may establish and maintain or cause to be established and maintained on any such land, without other authority than this Act, hydrometeorological stations and other works for the purpose of obtaining and recording information and statistics as to the hydrometeorological conditions of Malawi.

(2) No compensation shall be payable to the owner or occupier of any land by reason that entry has been made upon such land in pursuance of the provisions of subsection (1) of this section but the owner or occupier of such land shall be entitled to such compensation for all damage done and for any land occupied for the construction of works as the Minister may determine to be reasonable in all circumstances.

(3) Any person interfering with or damaging any such station or works constructed under the provision of subsection (1) shall be guilty of an offence.

[Ch7203s22]22. Declaration of controlled area

(1) The Minister may, in the public interest declare any part of Malawi to be a controlled area for the purposes of this Act.

(2) Within a controlled area the Minister may establish a comprehensive scheme for the development of the natural resources of such area.

(3) For the purpose of establishing such a comprehensive scheme the Minister may, after giving the holder of the right opportunity of making representations, in respect of any subsisting water right within a controlled area—

(i) declare the right determined; or

(ii) declare the right diminished or modified in such respects as may be specified in the declaration;

(iii) grant the holder of such right a new water right upon such terms and conditions as the Minister may in his absolute discretion deem fit:

Provided that the holder of any right shall be entitled to receive compensation in respect of any loss resulting from the determination or diminution of the right as provided in section 12 (3).

(4) The Minister may construct and maintain, or cause to be constructed and maintained, such works as may be expedient for the better control of land and water within a controlled area.

(5) The Minister may levy charges upon the beneficiaries of any comprehensive scheme within a controlled area in order to defray expenses of such construction or maintenance or both, and of the services appertaining thereto.

(6) The Minister may create an authority for the purpose of administering the natural resources of the controlled area, and for the construction and maintenance of any necessary works, for making necessary payments and receiving revenue in connexion with the administration and betterment of the natural resources of the controlled area.

(7) The authority created under subsection (6) above shall be subject to the Minister's general and special directions.

PART VII

MISCELLANEOUS

[Ch7203s23]23. Service of notices

20 of 1987Any notice required to be given under this Act shall be deemed to be sufficiently served if sent by prepaid registered post addressed to the person to whom it is required to be given at his last known address, or if such person is a company, at its registered office or principal office or place of business in Malawi, and in the case of the Minister if addressed to him at the Ministry of Works Private Bag 316, Lilongwe 3.

[Ch7203s24]24. Regulations

The Minister may make regulations—

- (a) prescribing anything which is required to be, or which may be, prescribed under this Act;
- (b) providing for forms to be used and the fees to be paid in respect of any matter required or permitted to be done under this Act;
- (c) providing for the advertisement of applications for the use of public water and for the giving of notice to interested persons;
- (d) providing for and regulating the making of objections and the time within which such objections shall be made;
- (e) providing for the formation, functions and conduct of local associations of public water users;
- (f) in the case of a water right or existing right enjoyed by an association of persons, regulating the division and distribution of water between those persons;

(g) prescribing the matters on which and the manner in which persons may be required to give information as provided in section 18;

(h) generally for the better carrying out of the provisions of this Act.

[Ch7203s25]25. Penalties

(1) A person who is guilty of an offence under section 5 (2) shall be liable to a fine of K1,000 and to imprisonment for one year.

(2) A person who is guilty of any other offence under this Act shall be liable to a fine of K500 and to imprisonment for six months.

[Ch7203s26]26 Other laws

Notwithstanding anything contained in any other written law, any water right or right to regulate, control or interfere in any way with any public water granted or recognized by or under any other written law shall, subject to notification of the Minister under section 8, be deemed to be a right granted or recognized under this Act, and may be terminated varied or renewed in accordance with this Act, and any power or duty conferred or imposed on a Minister or any other person or authority under any written law to grant or recognize any such right or to terminate, vary, or renew any such right shall be exercised or performed only with the concurrence of the Minister responsible for Water acting on the advice of the Board.

SCHEDULE (s. 4(3))

CONSTITUTION AND PROCEEDINGS OF BOARD

1. Constitution of Board

29 of 1970, 9 of 1979, 20 of 1987 Membership of the Board shall be comprised as follows—

- (a) two representatives of the Ministry responsible for Water;
- (b) a representative of the Office of the President and Cabinet;
- (c) a representative of the Water Resources Division;
- (d) a representative of the Ministry responsible for Trade and Industry; and
- (e) not more than six other members as the Minister may determine, appointed by the Minister in his discretion.

2. Chairman and Deputy Chairman

The Minister shall appoint one of the members to be Chairman of the Board, and members of the Board shall elect one of their number to be Deputy Chairman, who shall in the absence or temporary

incapacity of the Chairman perform the functions of Chairman.

3. Tenure of office

(1) The Chairman and the members appointed under paragraph 1 (e) shall, subject to the Minister's power, for sufficient reason, earlier to terminate their appointments, hold office for three years, and shall be eligible for reappointment.

(2) Any member of the Board may at any time resign by giving notice in writing to the Minister, and from the date specified in the notice he shall cease to be a member of the Board.

(3) If any member of the Board is, without the permission of the Chairman, or in the case of the Chairman without the permission of the Minister, absent from more than three consecutive meetings of the Board, or is absent from Malawi for a period exceeding six months he shall cease to be a member of the Board.

4. Casual vacancies

Where any member of the Board ceases to be a member before the normal expiration of his term of office, the Minister may appoint another member in his place to hold office until such first named member's term of office would have expired had he not ceased to be a member as aforesaid.

5. Quorum and procedure

(1) The Board shall meet at such times and such places as may be necessary or expedient for the transaction of business.

29 of 1970, 20 of 1987(2) At any meeting of the Board one representative each from the Ministry of Works, Office of the President and Cabinet, the Water Resources Division and one other Member shall constitute a quorum.

(3) Decisions of the Board shall be in accordance with the vote of the majority of members present and voting thereon, but in the event of an equality of votes the Chairman or the person performing the functions of Chairman shall have a casting vote in addition to his deliberative vote.

(4) The Board may in its discretion invite any person to attend a meeting of the Board, and such person may, with the consent of the Chairman or the person performing the functions of Chairman, speak but shall have no power to vote at that meeting.

(5) Subject to the provisions of this paragraph and to any directions given by the Minister, the Board may regulate its own procedure.

Establishment of committees

29 of 1970(6) The Board shall have the power to appoint committees to perform such duties as the Board may delegate to them.

6. Remuneration

29 of 1970 Members of the Board and Committees may be paid out of funds provided by Parliament such expenses as the Minister may from time to time determine.

SUBSIDIARY LEGISLATION

WATER REGULATIONS

under s. 24

G.N. 230/1969

117/1971

185/1975

107/1977

40/1997

1. Citation

These Regulations may be cited as the Water Regulations.

2. Grant of water right

(1) Every application for a grant in respect of surface water shall be made in Form WRB. 1 specified in the First Schedule hereto. G.N. 107/1977

(2) A person intending to apply for a grant in respect of ground water shall, before making the application, submit a notification in Form WRB. 1A specified in the First Schedule hereto.

(3) Every application for a grant in respect of ground water shall be made in Form WRB. 2 specified in the First Schedule hereto.

(4) A grant by the Water Resources Board shall—

(a) in respect of surface water, be made in Form WRB. 3 specified in the First Schedule hereto; and

(b) in respect of ground water, be made in Form WRB. 4 specified in the First Schedule hereto.

(5) For the purposes of this Regulation, “grant” means a grant of water right under section 10 of the Act.

3. Implied covenants in grant

(1) The following covenants on the part of the grantee shall, unless otherwise expressly stated therein, be implied in every grant—

- (a) to pay the rent reserved by the grant on the day and in the manner therein provided;
- (b) to erect any works required for the abstraction of water (hereinafter called the “works”) in a substantial and workman-like manner to the satisfaction of the Minister and so as to cause no unnecessary damage or disturbance to the bed, banks or surrounds of the river or stream (hereinafter called the “said river or stream”) from which abstraction is authorized;
- (c) not to discharge or allow to be discharged into the said river or stream—
 - (i) any water of less purity than, or of a temperature sensibly differing from the water in the said river or stream; or
 - (ii) any substance or matter which prejudicially affect the said river or stream or any fish contained therein which shall be or cause a nuisance;
- (d) for the purpose of bilharzia and malaria control to keep and maintain the margin of the works and all water channels leading therefrom to an appropriate depth free of all vegetation and to do all other suitable measures that may be necessary to prevent the collection of pools of water in the vicinity of the works;
- (e) not to assign the grant without the previous consent in writing of the Minister;
- (f) to indemnify and keep indemnified the Minister against all actions, claims and demands which may be brought or made against the Minister by reason of anything done by the grantee under the authority of the grant; and
- (g) within six months after the expiration or prior termination of the grant and if requested by the Minister so to do, to remove the works and to restore the land on which the works were erected to the same or as good a state as it was immediately before the works were constructed or in default of so doing to repay to the Minister such costs and expenses as may be incurred by him in effecting such removal and restoration.

(2) For the purposes of this regulation “temperature sensibly differing” shall mean a difference in temperature which can be appreciated by the senses without the use of a thermometer.

4. Implied conditions in grant

The following conditions shall, unless expressly excluded therefrom, be implied in every grant—

- (a) a grant shall not limit in any way the exercise of the existing or future water rights vested in the Minister nor imply any guarantee that the quantity of water referred to is or will become available;

(b) the water used under a grant and returned to any stream or body of water shall not be polluted with any matter derived from the course of the water to such an extent as to be liable to cause injury or damage whither directly or indirectly to the health of the public or to livestock, animals, fish, crops, orchards or gardens by the use of consumption of or irrigation by such water or to any project in the processing of which such water is used;

(c) all reasonable precautions shall be taken by the grantee to the satisfaction of the Water Resources Board to prevent accumulation in any river, stream or watercourse of silt, sand, gravel, stones, sawdust, refuse, sewerage, waste or any other substance which may injuriously affect the use of such water; and

(d) a grant shall be revocable by the Minister at any time in the event of the non-compliance by the grantee with any of the covenants on his part therein contained or implied.

5. Implied conditions in grant for mining, etc.

The following additional conditions shall, unless otherwise expressly stated in the grant, be implied in every grant for mining, industrial purposes or generation of power—

(a) the water used shall be returned, if reasonably practicable, to the stream or body of water from which it was taken or to such other stream or body of water as the Water Resources Board may direct; and

(b) the water used shall, insofar as the use to which it is to be put allows, be returned substantially undiminished in quantity.

6. Advertisement of notice regarding application for grant etc.

(1) The Water Resources Board shall, on receipt of an application for a grant under section 10 and before making such grant, and may on receipt of any other application under the Act in respect of which in its opinion public notification should be given, cause to be published in the Gazette and in at least one newspaper circulating in Malawi in such manner as it may deem necessary a notice giving the purport of the application and inviting objections to be submitted within a period of 30 days from the date of publication.

(2) Objections made in response to a notice under subsection (1) shall be submitted in writing to the Water Resources Board within the time specified and shall state—

(a) the name and address of the objector;

(b) the matter to which objection is made;

(c) the grounds of the objection;

(d) the objector's interest in the matter; and

(e) whether the objector desires to make a personal representation to the Water Resources Board.

(3) It shall be within the discretion of the Board to adjudicate upon any objection made without hearing any personal representations.

(4) No application in respect of which a notice has been given under subregulation (1) shall be considered by the Water Resources Board until the expiration of 30 days after the publication of such notice.

7. Easement

(1) Every application for an easement shall be in form WRB.5 in the First Schedule hereto.

(2) Every certificate of easement shall be in form WRB.6 in the First Schedule hereto.

(3) When any certificate of easement has been granted a copy of such certificate shall be forwarded by the Water Resources Board to every person who is known to have an interest in the land affected by such easement and to the Deeds Registrar.

8. Lapse of easement

(1) Any certificate of easement granted by the Minister shall lapse—

(a) if the works authorized thereby are not completed and the water utilized within one year from the date of grant or within such further period as the Water Resources Board may allow;

(b) if at any time the grant is not substantially made use of in accordance with its terms for a continuous period of two years; or

(c) on the expiration (unless renewed) or prior determination of the grant for the exercise of which the easement has been granted.

(2) On the lapse of a certificate of easement under subregulation (1)—

(a) any works constructed by the grantee on the lands of another person shall, where the grantee is the sole user, if not removed by the grantee within six months from the date of expiration or termination, become the property of such other person unless otherwise decided by the Water Resources Board;

(b) the Water Resources Board shall notify all persons known to be interested in the land affected by the easement and the Deeds Registrar that the easement has lapsed.

9. Application for and grant of certificate of existing rights

(1) Every application for a certificate of existing rights under section 9 shall be in Form WRB.1 in the First Schedule hereto in respect of surface water and in Form WRB.2 in the First Schedule hereto in respect of ground water.

(2) Every certificate of existing rights shall be in Form WRB.3 in the First Schedule hereto in respect of surface water and in Form WRB.4 in the First Schedule hereto in respect of ground water.

10. Fees and rents

The fees and rents payable in respect of grants, easements, etc. shall be as are specified in the Second Schedule hereto:

Provided that—

(i) no annual rents shall be payable in respect of dams used only for conservation purposes and no water is abstracted; and

(ii) no annual rents of any kind shall be payable in respect of the abstraction of water for household purposes only at no charge to the users thereof.

FIRST SCHEDULE

FORM WRB.1

APPLICATION FOR A GRANT OF WATER RIGHT/CERTIFICATE OF EXISTING WATER RIGHTS Delete as appropriate.*

(SURFACE WATER ONLY)

This form is to be submitted in triplicate, to The Chairman of the Water Resources Board, P.O. Box 30026, Lilongwe 3.

NOTES:

(1) This form is applicable only for applications involving the diversion, extraction or use of surface water and is not applicable to ground water—application for which should be made on form WRB.2.

(2) Parts I, II and III are to be completed by all applicants. Schedules A, B, C, D, E, and F to be completed as appropriate.

(3) All applications must be accompanied by Maps/Plans (see section 18).

(4) Instructions for completing this form are given on page 28.

(5) Only Part I should be completed in respect of applications for renewals of an existing grant under identical conditions.

PART I

(1)Full name/s of applicant/s NOTE: This paragraph is only applicable to applications to record an existing right under the Act(2)Address—Residential —Postal (3)In the case of a ram omit (b), (c) and (e). Questions (f), (g) and (h) refer to the drive pump. Also complete Schedule E.*Give details of existing right. (If space is not sufficient please give details on a separate sheet attached to the application.) (4)State whether— (a)Owner (b)Manager (c)Agent If (b) or (c) give name and address of owner. (5)Name and location of farm, estate or holding for which water is required. (6)Particulars of land— (a)State freehold or leasehold (b)If leasehold give date of expiry of lease (c)Registered No. and date of registration (d)Acreage (7)Name or description and type of body of water from which the water required is to be diverted, stored or used. (8)Is the body of water described above situate in, or does it abut to, or flow in or out of Customary Land. State which. (9)Describe— (a)The point of abstraction or diversion and/or (b)The point of storage and (c)The point of use (10)State maximum amounts of water required under the various headings (Fuller details should appear in Schedules A, B, C, D and E as appropriate.)QUANTITY OF WATER

REQUIRED

GALLONS PER DAY	(a)Domestic purposes.....	(b)Public purposes.....
	(c)Industrial purposes.....	(d)Power purposes (including drive water for ram).....
	(e)Irrigation.....	(f)Other (give details).....
		TOTAL

PART II

METHOD OF DIVERSION/EXTRACTION

11.DIVERSION BY GRAVITATION (by means of a canal and/or pipe) FeetInches (a)Details of canalWidth at bottom..... Width at full supply level..... Depth of water at full supply level..... Length miles/feet Gradient, fall in 100 ft. feet Average velocity in feet per second Estimated discharge at full supply depth Materials of which canal is constructed..... (b)Details of pipelInternal diameter inches Length miles/feet Hydraulic gradient, fall in 100 feet feet Description of material of pipe and thickness thereof (c)Details of any other structures such as syphons, flumes, tunnels, etc. (d)(i)Will any of the above canals, pipes and/or structures be situated on holdings of other landowners?Yes/No (ii)If the answer to (i) is yes give details of all land or lands affected.12.DIVERSION BY PUMPING (a) Type of pump (including by means of a ramIn the case of a ram omit (b), (c) and (e). Questions (f), (g) and (h) refer to the drive pump. Also complete Schedule E.*) Fill in particulars. (b) Type of driving machine and fuel used (c) Brake horse power of (b) B.H.P. (d) Approximate elevation of pump above sea-level feet (e) How pump is connected to driving machine (f) Internal diameter of suction main inches (g) Height of suction feet (maximum) (h) Length of suction pipe

feet (i) Height to which water is to be lifted above pump feet (j) Internal diameter of delivery pipe inches (k) Length of delivery pipe feet (l) Pumping hours per day hours (m) Quantity of water to be pumped when plant is working galls. per hour (n)(i) Will the pump and its accessories be situated on holding of other landowners. Yes/No (ii) If the answer to (i) is yes give details of all other land/s affected.

PART III

13. POLLUTION Would the water now applied for be used for any purpose or in any process that will increase its burden of silt, gravel or boulders or cause it to be injurious directly or indirectly to public health, to stock, to fish, or to crops or gardens irrigated with such water? If the answer to the above is "Yes" describe fully what steps are proposed to render the effluent and the residue of it innocuous and pure before returning it to the stream. Yes/No

14. State the numbers and details of any other Grants of Water Rights held in respect of the land described in para. (6). If nil state "Nil".

15. State the estimated period of construction of the works..... Months

16. State the period after the completion of the works when it is estimated that all the water now applied for will be beneficially used.

17. State the period for which the grant is required.

18. The following Map Nos. and Plan Nos. are sent herewith in triplicate and are hereby declared to form part of the application.

19. The address(es) of the owner(s) of the land(s) which may be affected by the proposed works and whose name(s) and holding(s) is/are shown on the map referred to in paragraph (18) above is/are given in the schedule attached hereto. If no lands are affected, state "Nil".

20. The following reports and/or documents are sent herewith in support of my application

.....

.....21. I agree to supply any further information which may be required by the Water Resources Board.

22. Delete as appropriate. *I enclose herewith crossed cheque, Postal Order/Money Order No. for K2 to cover the prescribed fee for this application and undertake to pay the Malawi Government on demand the cost of insertion in the Government Gazette and in at least one newspaper circulating in Malawi of a notice requiring any person objecting to the issue of a Grant of Water Rights to lodge such a complaint with the Chairman of the Water Resources Board.

NOTE: This paragraph is not applicable to applications to record an existing right under the Act

.....Signature of applicant or

duly authorized agent

Date

Copies of the following Schedules are attached Delete as appropriate.*

- (A) Domestic purposes
- (B) Public purposes
- (C) Industrial purposes

- (D) Irrigation
- (E) Use of Water to generate power
- (F) Construction of a Dam

SCHEDULE A

DOMESTIC PURPOSES

State whether water is required for:(a)Household and sanitary use: QUANTITY OF WATER REQUIRED GALLONS PER DAY(i)No. of low density houses(ii)No. of occupants of medium density houses(iii)No. of occupants of high density houses(b)Watering stock:(i)No. of large stock(ii)Type of large stock(iii)No. of small stock (iv)Type of small stock(c)Cattle and sheep:No. of dips(d)Other essential requirements or farming operations which are not of an industrial nature. State use(s) to which water will be put

.....TOTAL.....

SCHEDULE B

PUBLIC PURPOSES

Fill in appropriate space if water is required for—QUANTITY OF WATER REQUIRED GALLONS PER DAY(a)Municipal, township and community use or supply of water to persons other than the operator in consideration of payment thereof.PRESENTFill in the number of years hence upon which your estimate is based. If applying now for a Grant covering a greater quantity of water than is at present required, the estimate of number of years should correlate to the quantity of water applied for.*

YEARS HENCE.....(b)Any other use other than (a) above or covered by another schedule.....(c)TOTAL water required for public purposes.....(d)When water is required under (a) above the following information should be supplied as far as possible—Low Density No. of HousesMedium Density No. of Occupants High Density No. of Occupants(i)Estimated population at present.....(ii)Estimated population 5 years hence.....(iii)Estimated population 10 years hence.....(iv)Estimated population 20 years hence.....(e)When water is required under(b) above give details of use to which water is to be put.(f)State whether water is to be supplied to any person, other than the applicant, in consideration of payment thereof. State “Yes” or “No”.

SCHEDULE C

INDUSTRIAL PURPOSES

State the quantity required in the appropriate space—Quantity of water required gallons per day
 The normal and maximum number of hours per day factory will be working
 Periods during the year when water will be required
 PURPOSE Normal Maximum
 (a) Steam raising, cooling and condensing water.....
 (b) Manufacture.....
 (i) Process water.....
 (ii) Dilution of effluent.....
 (c) Coffee pulping and washing.....
 (d) Other purposes.....
 (e) TOTAL water required for industrial purposes.....
 (f) If water is required for (b) or (d) above give details of use to which water is to be put.

SCHEDULE D

IRRIGATION PURPOSES

State the following—CROP AREA (ACRES) GROWING SEASON
 (a) Crops to be irrigated and area of each crop
 (1) to
 (2) to
 (3) to
 (4) to
 (b) Quantity of water required
 QUANTITY OF WATER REQUIRED GALLONS PER DAY DURING
 January May September February
 June October March July November April
 August December
 (c) Describe class of soil to be irrigated.
 (d) Describe nature of sub-soil with particular reference to its drainage possibilities.
 (e) Describe in detail any works to be constructed to drain the irrigated lands.
 (f) Where is the residue of the unused water to be disposed of?
 State name of body of water to which it is to be returned.

SCHEDULE E

USE OF WATER FOR POWER GENERATION

(Including use of water for driving rams)

State the following—
 (a) Purpose for which power is required.
 (b) Brake horse power which is to be developed.
 (i) Maximum..... B.H.P.
 (ii) Minimum..... B.H.P.
 (c) The gross fall or head available for power production at the following river stages—
 (i) At low stage..... feet
 (ii) At normal stage..... feet
 (iii) At high stage..... feet
 (Note—(c) (i) and (c) (iii) need only be answered when the power to be developed is in excess of 100 B.H.P.)
 (d) The net fall or head to be used in (b) above..... feet
 (e) The water required to develop (b) above..... gals. per day
 (f) Description and number of machines to be installed.
 (g) How water is to be returned to the river after utilization. State length of return channel if any..... feet

SCHEDULE F

CONSTRUCTION OF DAM

State the following—
 (1) (a) Nature of stream bed at site, e.g. “sound rock”, “fissured rock”, “soil”, “sand”, etc.
 (b) Nature of walls of river at site, e.g. “sand”, “soil”, etc.
 (c) Will dam be founded on sound

rock? State "Yes" or "No".(d)Will dam be founded on any material which may be eroded by underflow? State "Yes" or "No"(e)Description of type of dam, e.g. "earth", "earth with core wall" (stating kind), "concrete", "masonry", etc.(f)Length of crest of damThickness at crest.....Thickness at base.....Greatest height of dam(g)Estimated area of reservoir at spillway level. acres(h)Whether the submerged area at high flood level will be wholly within applicant's, holding(s). If not, state names of owners of land etc. affected.(i)Whether one or both banks of the stream at the site of the dam are on the applicant's holding(s). If not, state names of owners of land, etc., affected.(j)Will any other works including weirs, already constructed or being constructed be affected by the head and/or tail water level of the proposed works? State "Yes" or "No". If "Yes" give full details of works affected.(2)The following information is required if the dam exceeds 50 acre feet in capacity (14 million gallons approx.) or 15 feet in height—Catchment area— (a)Area of surface catchment..... acres(b)Maximum length of catchment..... miles/yards/feet(c)Average breadth of catchment..... miles/yards/feet(d)Ruling slope of catchment..... in degrees or expressed as 1 ft. in feet(e)Nature of ground of catchment (e.g. "rocky", "stony soil", "clay soil", etc.)(f)Vegetation of catchment (e.g. "forest", "shrub", "pasture", "crops", etc.)(3)State if flood water is to be disposed of by means of— (a)The dam acting as a weir(b)By-pass(es) or waste weir(s) on one or both flanks (c)State width and depth of by-pass(es)..... widebelow crest level of dam deep below crest level (d)If by-pass(es) or waste weir(s) to be constructed state nature of material in which they will be excavated.(e)State whether such bypass(es) or waste weir(s) are to be lined. If so state material to be used.(f)Gradient of waste weir..... feet(g)State other type of method of disposal of flood water. Give details.

INSTRUCTIONS FOR FILLING IN THE FORM

Please write distinctly.

PARTS I, II, III.

Para. 1.State the names of all persons having an interest in the application. In the case of an association, company, corporation, municipality, etc., the name of the association, company, corporation, municipality, etc. as the case may be should be stated.Para. 2.If a company state the registered office of the company in Malawi.Para. 3.Give details of grounds on which existing right is claimed. In the case of a water licence issued before 1st April, 1967, give licence number.Paras. 5If questions not applicable, e.g. in the case of municipalities, etc. give appropriate information.6Para. 7.Give a sufficient description of the spring, river, lake, etc. so that it may be identified. If unnamed give the name of the body of water (if any) to which it is tributary. The names should, if possible, correspond with those on the 1:50,000 Survey maps.Para. 9.Describe as accurately as you can the various points mentioned, for example, 9 (a) "At a point on the left bank of the river, 300 feet upstream of the confluence of Tuchila and Khonjeni River" or "At a point on the right bank of the river, 250 feet downstream of the point where the boundary of the farm intersects the Likabula River".Para. 11.If the canal or pipeline has any change of cross-section or gradient the details are to be given of each such change on a separate sheet of paper if not shown on the plan/s accompanying this application. If any structure is proposed under section (e) plan/s must be sent with the application.Para. 12.The type of pump should be stated as centrifugal, ram,

etc. with the maker's name thus for example "Braemar 6 stage centrifugal". The type of driving machine should be similarly stated, for example "Lister Diesel Engine Type S.R.1". The connexion between pump and driving machine should be stated as "Vee belts" or "Direct coupled", etc., as the case may be. Para. 17. Grants of Water Rights are not normally issued for periods in excess of five years. Para. 18. The map referred to should be to a scale of 1:50,000 (obtainable from the Map Sales Office of the Survey Department, Blantyre) and three copies are to be attached to the application. The following details should be shown where applicable: (a) The boundaries of the estate, farm, etc. for which the application is made. (b) The point of abstraction. (c) The areas to be irrigated (if applicable). (d) The site of the dam and area of the reservoir so formed. (e) The names of other holdings which might be affected by abstraction. (f) Any other detail which may be relevant to the application. Plans or drawings should be attached showing details required in paras. (11), (12) and wherever the answers to any of the questions can be better given in the form of a drawing.

SCHEDULE A

The normal quantities are as follows—

Low density houses	300 gals.per day per house	Medium density houses	50 gals.per day per occupant	High density houses	10 gals.per day per occupant	Large stock	10 gals.per head per day	Small stock	2 gals.per head per day
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SCHEDULE B

The population estimates should apply only to those members of the population to whom it is considered that water will be supplied.

SCHEDULE D

The growing season of crops is intended for crops with specific growing seasons, e.g. maize, rice, etc. not for crops such as coffee, tea, etc.

SCHEDULE

FORM WRB. 1A G.N. 107/1977

NOTIFICATION PRIOR TO AN APPLICATION FOR A GRANT OF WATER RIGHT

(GROUND WATER)

This form is to be submitted to the Chairman of the Water Resources Board, P.O. Box 30026, Capital City, Lilongwe 3.

(1) Full name of applicant

.....

.....

.....
Occupation

(2) Location of land on which borehole is to be sunk: 1:50,000 Sheet No. N.G.R.

.....

(3) Briefly describe purpose for which water will be used

.....
.....
.....
.....
.....

Date

.....

Signature of Applicant or his duly

Authorized Agent

NOTE—

This form is intended to notify the Board of the applicant's intention to drill or sink a borehole. Full details as to the purpose for which water is required will be shown in paragraph (7) of Form WRB. 2. Having known the yield of his well or borehole, the applicant will be in a position to decide whether water will be abstracted by hand or pump; and if by pump, the applicant may then fill paragraph (6) of the said Form WRB. 2 with the necessary details.

FORM WRB. 2

APPLICATION FOR A GRANT OF WATER RIGHT/ CERTIFICATE OF EXISTING RIGHTS Delete as appropriate*

(GROUND WATER)

This form to be submitted in triplicate.

To: The Chairman of the Water Resources Board, P.O. Box 30026, Lilongwe 3. (1) Full name of applicant

..... Postal address

..... Occupation

..... (2) Details of land on which borehole

Delete as appropriate*will be/has been sunk.....

.Give Registered No.(3)Give details of land where water will

be used if different from (2) above.....

.....(4)Acreage

.....(5)Description of borehole/well Diameter, Depth, etc.

.....(6)Details of pump (where hand-operated pump is used) answer only (a) and (b)(a)Type of pump(b)Type of driving machine and fuel used

.....(c)Brake horse power of (b) B.H.P.(d)Approximate elevation of pump above sea-level

..... feet(e)How pump is connected to driving machine(f)Internal diameter of suction main inches(g)Height of suction

..... feet (maximum)(h)Height to which water is to be lifted above pump

..... feet(i)Internal diameter of delivery pipe inches(j)Length of delivery pipe feet(k)Pumping hours per day

..... hours(l)Quantity of water to be pumped when plant is working gals, per hour.

(7)Purposes for which water is required: Gallons per dayDomestic.....Public.....Industrial.....Irrigation.....Any other purpose (to be stated).....Total quantity of water per day(8)Alternative source of water available to the applicant (if any).(9)The following are the existing boreholes within one half-mile of the site to which this application refers:Borehole No. (if known)Name of Farm (Reg. No.)Distance from site.....

.....(10)Delete as appropriate*I enclose herewith crossed cheque/Postal Order/Money Order No. for K2 to cover the prescribed fee for this application and undertake to pay the Malawi Government on demand the cost of insertion in the Government Gazette and in at least one newspaper circulating in Malawi of a Notice requiring any person objecting to the issue of a Grant of Water Rights to lodge such a complaint with the Chairman of the Water Resources Board.NOTE: This paragraph is not applicable to applications to record an existing right under the Act

.....

.....

.....

.....

.....

.....

Signature of applicant or duly authorized agent

Date

NOTE:

This form is to be accompanied by a sketch map, in duplicate on a scale of not less than one inch to one mile, on which must be shown the farm or holding boundaries, the approximate position of the proposed borehole and existing boreholes within one half-mile radius and the position of any body of surface water.

FORM WRB. 3

WATER RESOURCES ACT

(CAP. 72:03)

GRANT/CERTIFICATE Delete as appropriate* OF WATER RIGHT

No. of 19.....

THIS GRANT made/CERTIFICATE given Delete as appropriate* the day of 19..... BETWEEN THE MINISTER OF THE MALAWI GOVERNMENT RESPONSIBLE FOR WATER RESOURCES (hereinafter called "the Minister") of the one part and (hereinafter called "the Grantee") of the other part

WITNESSETH as follows—

(1) IN CONSIDERATION of the covenants and subject to the conditions hereinafter contained or implied the Minister hereby grants/ confirms Delete as appropriate* unto the Grantee subject to the provisions of the Water Resources Act and of the Regulations thereunder now in force or which may come into force during the continuance of this Grant/ Certificate Delete as appropriate* or any renewal thereof for the term of years from the right and liberty but not exclusively to take water from the river/stream (hereinafter called "the said river/stream") in accordance with the schedule hereto at an annual rent of K..... to be paid in advance on the first day of April in every year.

(2) THE Grantee hereby covenants with the Minister as follows—

(i) to perform, observe and comply with the covenants and conditions implied by the Regulations made by the Minister under the Water Resources Act, and with any amendments or addition thereto which may from time to time be made by the Minister;

(ii) to abstract water from the point marked on Survey Department Sketch Plan No. annexed hereto; and

(iii) to take water from the said river/stream only for the purposes and at the rates specified in the schedule hereto.

SCHEDULE

MAXIMUM QUANTITY FOR ABSTRACTION	gals, per minute	gals, per day	(a)	Domestic	(b)
Public	(c)	Irrigation	(d)	Industrial	(e)
				Power	(f)
				Other	TOTAL

Dated this day of 19.....

In witness whereof the Minister/Chairman has signed in the presence of:

Name

Address

Occupation

.....

Minister of Agriculture and Natural Resources/

Chairman, Water Resources Board

Name

Address

Occupation

FORM WRB. 4

WATER RESOURCES ACT

(CAP. 72:03)

GRANT OF WATER RIGHT/CERTIFICATE OF EXISTING RIGHTSDelete as appropriate* IN RESPECT OF GROUND WATER

BOREHOLE/WELL W.R.B. NO.WATER RESOURCES BOARD,REGISTERED NO. OF LANDP.O. Box 30026,LILONGWE 3.Date

..... of is authorizedDelete as appropriate* to construct the above borehole/wellDelete as appropriate* and to abstract water from the above borehole/wellDelete as appropriate* for the term of years from the at a rate not exceeding gallons per day for purpose/s, paying therefor the annual rent of K..... in advance on the first day of April in each year. This Grant/CertificateDelete as appropriate* is issued subject to the provisions of the Water Resources Act and of the Regulations thereunder now in force, or which may come into force during the continuance of this Grant/CertificateDelete as appropriate* or any renewal thereof.

Dated this day of 19.....

.....

Minister of Agriculture and Natural

Resources/Chairman, Water

Resources Board

FORM WRB. 5

APPLICATION FOR AN EASEMENT

This form is to be submitted in triplicate.

NOTE:

All applications must be accompanied by maps/plans to a scale of 1:50,000 (See section 14)

To: The Chairman of the Water Resources Board,

P.O. Box 30026,

Lilongwe 3.

(1)Full name of applicant/s(2)Address (a) Residential (b) Postal(3)State whether (a)Owner(b)Manager(c)Agentif (b) or (c), give name and address of owner.(4)Name and location of land over which easement is required.(5)(a)Names and addresses of all persons known to be interested in land over which easement is required.(b)Registered numbers under which such persons hold title to the land. (6)Particulars of land over which easement is required.(7)Name or description and type of body of water from which the water required is to be diverted, stored or used.(8)State reason why easement is required.(9)Description of easement (e.g. right of way, aqueduct, storage).(10)Description of works, if any, to be constructed. (11)Which of the persons detailed in 5 have refused to grant an easement? Copies of relevant correspondence to be enclosed. (12)Details of Grants of Water Rights held or applied for by the applicant relating to the land in favour of which easement is required.(13)Period for which easement is required.(14)The number of the maps and/ or plans accompanying this application.(15)Description of reports and/or documents sent in support of this application.(16)Further information relevant to this application.(17)I enclose herewith crossed cheque/Postal Order/Money Order No. for K3 to cover the prescribed fee for this application.

.....

Signature of applicant or

duly authorized agent

Dated this day of, 20.....

FORM WRB. 6

WATER RESOURCES ACT

(CAP. 72:03)

CERTIFICATE OF EASEMENT

No.

The easement described in the First Schedule hereto over or in respect of the land described in the Second Schedule hereto is hereby granted to of subject to the provisions of the Water Resources Act and of the Regulations thereunder now in force or which may come into force during the continuance of this easement.

FIRST SCHEDULE reg. 2

SECOND SCHEDULE

Dated this day of, 20.....

In witness whereof the Minister/Chairman has signed in the presence of:

NameMinister of Agriculture and Natural Resources/Chairman, Water Resources BoardAddressOccupationNameAddressOccupation

SECOND SCHEDULE reg. 2, G.N. 185/1975, 40/1997

FEES

Kt1.Application for a Grant of Water Right—(a)surface water5000(b)ground water50002.Application for Certificate of Easement50003.Drawing Fee for a certificate of easement150004.Application for Cancellation of Water Right50005.Application for Variation of Water Right50006.Application for Renewal of Water Right5000

RENTS

The rent payable annually shall be calculated as a product of the total authorized annual abstraction, the appropriate factors, A, B and C and the unit charged prescribed by the Minister.

FACTOR

A. SOURCE OF SUPPLY

Type of Source Factor(a)Lake Malawi1.4(b)Streams into Lake Malawi1.5(c)Shire River:(i)upstream of Matope including Lake Malombe1.8(ii)middle Shire between Matope and Chikwawa1.5(iii)lower Shire below Chikwawa1.2(d)Shire River tributaries and Shire Highlands streams1.0(e)Lake Chilwa1.0(f)Streams

into Lake Chilwa1.3(g)Lake Chiuta and its tributaries1.0(h)Ground water0.5(i)Storage Reservoirs owned by clients of the relevant source factor0.5

B. USE OF WATER

(a)Irrigation:(i)drip irrigation2.00(ii)flood irrigation2.30(iii)spray irrigation2.20(b)Industrial use2.60(c)Power generation2.50(d)Public water supply1.50(e)Domestic1.00(f)Conservation0.50(g)Fisheries1.20(h)Recreation1.40

C. SEASON OF USE

(a)All year round1.5× length of periodof use in days(b)Dominantly dry season2.0× length of period of use in days(c)Rainy season1.0× length of periodof use in days

Unit Charge

Unit charge prescribed by the Minister is K0.20 per unit volume (1m³) of water.

WATER RESOURCES (WATER POLLUTION CONTROL) REGULATIONS

under s. 24

G.N. 31/1978

39/1997

1. Citation

These Regulations may be cited as the Water Resources (Water Pollution Control) Regulations.

2. Minister's approval to build septic tank or pit-latrine

Except with the prior written approval of the Minister, no person shall—

- (a) build a septic tank or pit-latrine within a distance of 220 yards from a borehole; or
- (b) build any septic tank with a capacity of 5,000 gallons or more.

3. Manner of constructing boreholes and wells

Every borehole and every well, intended for use as a source of water supply to the public, shall be constructed in a manner which will prevent any deleterious matter from entering the aquifer.

4. Minister's consent to discharge water or effluent required

(1) Except with the prior written consent of the Minister granted in accordance with these Regulations, no person shall discharge or cause to be discharged into public water—

- (a) any water or effluent resulting from:

- (i) any sewage treatment works;
 - (ii) any water-borne sanitation system; or
 - (iii) the use of water for any manufacturing, mining or other industrial process; and
- (b) any storm-water sewer effluent.

(2) The provisions of subregulation (1)—

(a) shall, in respect of the waste or effluent specified in paragraph (a) thereof, apply whether the discharge of such waste or effluent is by seepage or drainage; and

(b) shall not apply where any waste or effluent specified therein has been accepted into a local authority sewer.

5. Application of regulations 2, 3 and 4

Regulations 2, 3 and 4 shall, as the case may be, apply also to—

- (a) all septic tanks and pit-latrines;
- (b) all boreholes, wells or other sources of water supply to the public; and
- (c) all waste or effluent discharges, existing at the time of the coming into operation of these regulations.

6. Application for Minister's consent

(1) Any person may apply for the Minister's consent to discharge any waste or effluent specified in regulation 4. G.N. 39/1997

(2) An application for the Minister's consent shall be made in Form WRB 7 set out in the First Schedule hereto and shall be submitted through the Board which shall, within fourteen days after receiving the application, give notice thereof in the Gazette and in at least two consecutive issues of the most frequently circulated paper in Malawi, the date of such Gazette and the date of either of such issues being not more than five days apart. Schedule (Form WRB 7)

(3) The Board shall, by notice published in the Gazette, specify the places where Form WRB 7 may be obtained.

7. Interested persons may object to an application

Where notice of an application has been published under regulation 6, any person having an interest in the matter may, within thirty days after the date of such publication in the Gazette, object to the application in writing addressed to the Board, stating—

- (a) his name and address;

- (b) his interest in the matter;
- (c) the matter in respect of which he is objecting to the application;
- (d) the grounds of his objection; and
- (e) whether or not he wishes to be heard on his objection.

8. The Board to consider applications and objections

The Board shall consider every application for the Minister's consent and any objection thereto and may consult such persons and authorities as it deems necessary for the purpose of considering such application or objection.

9. Objector's right to be heard

(1) Every person who, pursuant to regulation 7, objects to an application for the Minister's consent shall, during the consideration of his objection, be entitled to attend before the Board in person or, if such person is a body corporate, by a senior director or executive of such body corporate or to be represented thereat by a legal practitioner and shall be entitled to be heard and to adduce evidence in respect of any matter relevant to his objection.

(2) The Board shall, by letter sent by ordinary post to the address stated in the objection, notify the person objecting to an application for the Minister's consent of the date, time and place of consideration of his objection.

10. The Board to forward application, etc., to Minister

(1) Having considered an application for the Minister's consent and any objection thereto, the Board shall, without undue delay, forward the application to the Minister together with its report and recommendations thereon and such other documents in its possession as it deems relevant to the application.

(2) An applicant or any person objecting to an application for the Minister's consent shall not be entitled to a copy, or to be informed of the contents, of any report made to the Minister by the Board pursuant to subregulation (1).

11. Minister's consent

(1) The Minister, having considered an application and the report of the Board thereon and such other documents as were submitted to him under regulation 10, shall decide whether or not he should grant his consent and where he has decided so to do he shall grant his consent in Form WRB 8 set out in the First Schedule hereto. G.N. 39/1997, Schedule (Form WRB 8)

(2) The Board shall notify the applicant and any person objecting to an application for the Minister's consent of the Minister's decision made pursuant to subregulation (1) and where the

Minister's consent has been granted the Board shall forward to the applicant a signed copy of the consent.

(3) In every consent granted under subregulation (1), the Minister—

(a) shall specify the period for which such consent shall remain valid, but such consent may be renewed thereafter, at the discretion of the Minister, for any further period;

(b) may specify any conditions upon which such consent has been granted.

(4) The determination of the period specified under subparagraph (a) and the conditions specified under subparagraph (b) of subregulation (3) shall lie solely in the discretion of the Minister.

12. Person granted consent to do certain things

(1) A person to whom the Minister's consent has been granted shall—

(a) pay such fees and rents, and in such manner, as the Minister may specify in the consent;

(b) erect, in such workmanlike manner as shall satisfy the Minister, works which are required for the discharge of waste or effluent into any public water, and in this case the works shall be erected in a manner which shall ensure that the effluent does not cause any unnecessary damage or disturbance to the bed, banks or surroundings of such public water nor collect into pools within the vicinity of the works;

(c) if so required by the Minister, erect, in such workmanlike manner as shall satisfy the Minister, works which are required for the sampling and testing of any waste or effluent capable of being discharged by such person;

(d) not assign the consent to any other person, unless the Minister has first agreed in writing to such assignment; and

(e) comply with every condition specified in the consent.

(2) Any person authorized by the Board may, at any time and without prior notice to any person, enter upon any land for the purpose of testing, or taking samples of, the waste or effluent capable of being discharged by means of the works erected pursuant to paragraph (b) of subregulation (1), but no compensation shall be payable by such authorized person or the Board to any person in respect of any damage done to such land by reason of such entry.

13. Government to be indemnified

A person to whom the Minister's consent has been granted shall indemnify the Government against any loss which it has suffered arising out of any action, claim or demand brought or made against it in respect of anything done by such person under the authority of the consent.

14. Government to be compensated

A person who, by an act or omission committed by him, his agent or his employee in contravention of any of these Regulations, causes any loss to the Government or puts the Government to any expense shall, if so required by the Minister, pay to the Government such sums as shall adequately compensate the Government for such loss or expense.

15. Analysis of waste or effluent

Where the Minister requires him so to do, an applicant for the Minister's consent or a person to whom the Minister's consent has been granted shall, at no expense to the Minister or the Board take samples of waste or effluent in the manner which the Minister may prescribe and have such samples analysed by an analyst recognized by the Minister and furnish the results of such analysis to the Minister.

16. Minister's consent may be withdrawn

The Minister's consent granted under these Regulations may be withdrawn at any time and without prior notice—

(a) if the quantity or quality of the waste or effluent has, in the opinion of the Minister, varied significantly from that allowed in the consent;

(b) if there has been a breach of any of these Regulations; or

(c) if any requirement of the Minister or the Board made under these Regulations has not been complied with.

17. Fees and rents

The fees and rents payable in respect of the discharge of effluent, etc., shall be as are specified in the Second Schedule. G.N. 39/1997

FIRST SCHEDULE reg. 6

WATER RESOURCES ACT

(CAP. 72:03)

FORM WRB 7

WATER RESOURCES (WATER POLLUTION CONTROL) REGULATIONS

(REGULATION 6)

APPLICATION FOR MINISTER'S CONSENT TO DISCHARGE WASTE OR EFFLUENT INTO PUBLIC WATER

This form is to be submitted in duplicate to the Chairman of the Water Resources Board, P.O. Box 30026, Lilongwe 3.

NOTES:

(1) This form is not to be used for applications involving discharge of waste and effluent water to a public sewer.

(2) All applications must be accompanied by maps or, failing maps, plans to a scale of at least 1:50,000, drawn or copied on good quality drawing or copying paper.

(3) A copy of any technical or engineering report relating to and explaining the proposals should be submitted as an addendum to the application for the information of the Water Resources Board.

PART A

I/We hereby apply for consent to discharge waste or effluent as described in this application and shown on the attached drawings.

I/We hereby agree to supply further information which may be required by the Water Resources Board.

I/We enclose herewith crossed Cheque/Postal Order/Money Order No(s). of K to cover the prescribed fee for this application and undertake to pay the Board on demand the cost of publication in the Government Gazette and in at least two issues of a newspaper circulating in Malawi of a notice pursuant to Regulation 6.

Date

.....

Signature of applicant or

his duly authorized agent

FOR OFFICE USE

Applicant's File No.N.G.R.NatureMax. DischargeBoard No.Consent No.

PART B

(To be completed in all cases)

1.Applicant's full name and addressTel. No.2.Agent, if any: Name and profession and address3.Details of existing and/or proposed works. (Give location, address and/or map number and six figure Grid reference on 1:50,000 Malawi series.) Attach drawings as necessary.4.Period for which works will be required (if temporary, state period).Permanent/ Temporary5.Nature of the discharge(a)Sewage effluentYes/No(b)Storm tank effluent or overflow from a foul sewerYes/No(c)Surface water sewer/drain effluentYes/No(d)Trade effluentYes/No(e)Other discharge (give details) 6.Treatment prior to discharge, if any (give details).

PART C

(To be completed for discharge of biologically treated sewage effluent)

1. Volume of discharge in dry weather $m^3/dgal./day$
2. Maximum rate of discharge $l/sgal./hr.$
3. Average daily volume of trade effluent, if any, received at the works $m^3gal.$
4. Population to be served by the works and date this will be reached
5. Method of measurement of flows from the works

PART D

(To be completed for discharge of storm tank effluents and foul sewer overflows)

1. Dry weather flow in associated sewer(s) $m^3/dgal./day$
2. Rate of flow in associated sewers at which overflow will commence $l/sgal./hr.$
3. Rate of rainfall if known at which overflow will commence $mm/hin./hr.$
4. If the overflow is situated at a pumping station state what standby equipment is to be provided

PART E

(To be completed for discharge from surface water sewer/drains)

1. Is any oil to be stored or used in the area served by the sewer/drain? If so what precautions are to be taken to prevent discharge of oil (e.g. by bunding of tanks, provision of interceptors, etc.)?
2. Are any poisonous, noxious or polluting substances to be stored or used on the premises served in such a manner that they could contaminate surface water (give brief details)?

PART F

(To be completed for discharge of trade effluent or for any other effluent)

1. Trade or process from which discharges will arise
2. Daily volume of discharge—(a) average $m^3/dgal./day$ (b) maximum $m^3/dgal./day$
3. Maximum rate of discharge $l/sgal./hr.$
4. Method of measurement of discharge
5. Maximum temperature of the discharge $^{\circ}C$
6. Maximum concentration of any contaminants known to be present in the discharge

COMMENTS (IF ANY BY THE WATER RESOURCES BOARD):

.....
.....
.....
.....
.....

FORM WRB 8

WATER RESOURCES ACT

(CAP. 72:03)

WATER RESOURCES (WATER POLLUTION CONTROL) REGULATIONS

(REGULATION 11)

MINISTER'S CONSENT TO DISCHARGE WASTE OR EFFLUENT INTO PUBLIC WATER

Applicant's File No.

Consent No.

Plot No.

N.G.R.

..... of
..... is hereby authorized to discharge waste or effluent into for a period of with effect from the day of 20..... at a rate not exceeding gallons per day or gallons per hour and at the rent of K per, paid in advance by the day of, 20.....

This consent is granted subject to the conditions stated hereunder.

Dated this day of, 20.....

.....

Minister of Agriculture and

Natural Resources

CONDITIONS

.....
.....
.....

RENEWALS

SECOND SCHEDULE G.N. 39/1997

FEES

Kt(i)Application for Minister's consent to discharge effluent25000(ii)Application for variation of Minister's consent5000(iii)Application for cancellation of Minister's consent5000(iv)Application for renewal of Minister's consent5000

RENTS

The rent payable annually shall be calculated as a product of four factors A, B, C and D, given below and also a function of a Unit Rate prescribed by the Minister.

FACTORS

A.RECEIVING WATERType of SourceFactorLakes10Stream class 3 or 51Stream class 15Stream class 2 or 410These classes are related to surface water use as follows—Stream class 1IrrigationStream class 2Potable waterStream class 3Industrial water supplyStream class 4FisheriesStream class 5Waste disposalB.CONSTITUENT OF THE EFFLUENTType of effluentFactor(1)BOD or COD or pv—(i)Less than or equal to 20 mg/l(ii)More than 20 mg/l(1/10) of BOD(2)Suspended Solids (SS)—(i)Less than or equal to 30 mg/l(ii)More than 30 mg/l(1/15) of SS(3)Total dissolved solids (TDS)—(i)Less than or equal to 500 mg/l(ii)More than 500 mg/l(1/500) of TDS(4)Toxins—(i)Less than or equal to 0.5 mg/l(ii)More than 0.5 mg/l2 × Concentration in mg/l(5)Turbidity—(i)Less than or equal to 5 NTU(ii)More than 5 NTU(1/5) of NTU(6)Colour—(i)Less than or equal to NTU1.0(ii)More than NTU(1/5) of TCU.NOTE: Effluent which are wholly storm water shall be rated 0. Also effluent in which all parameters 1–4 are factored at 1 shall be rated 0.C.QUANTITY OF EFFLUENTVolume of EffluentFactor(i)Less than 5 m³ per day(ii)More than 5 m³ (per day)1/5 dischargedD.DRY WEATHER FLOW (DWF) DILUTION(m³ per day)(i)Less than 10:1(ii)Between 10:1 and 100:10.1(iii)Greater than 100:10.01(iv)Close to lakeshore0.1(v)Deep water in lake0.001Unit ChargeUnit charge prescribed by the Minister is K5.00 per unit volume (1 m³) of effluent.

WATER RESOURCES (CONTROLLED WATER AREAS) (NDIRANDE–MUDI DAM CONTROLLED WATER AREA) ORDER

under s. 22

G.N. 10/2008

1. Citation

This Order may be cited as the Water Resources (Controlled Water Areas) (Ndirande-Mudi Dam Controlled Water Area) Order.

2. Interpretation

In this Order—

“Authority” means the authority for a controlled water area specified in the Second Schedule;

“Buffer Zone” means the area 100 metres wide immediately bordering the Mudi reservoir at its spillway level and the area 50 metres wide from both banks of the Mudi River and its tributaries;

“Built up Zone” means the area designated for housing, industries and institutions built and run by authority of Blantyre City Council;

“concession” or “licence” means a co-management of forest reserve agreement concluded and signed pursuant to sections 25 and 36 of the Forestry Act for the Authority to manage a portion, part or whole of forest reserve or plantation other than the Forestry Department; Cap. 63:01

“controlled water area” means the catchment area described in the First Schedule;

“Forest Plantation Zone” means the area designated for forest plantation, zone or inter-plantation with authorized tree species;

“Parkland Zone” means the open area above Hynde Dam, outside a Forest Plantation, Built-up and Buffer Zones;

“prohibited activity” means any activity specified in paragraph 6 (1) that is prohibited, regulated or controlled in this Order; and

“Zone” means an area designated in the catchment for the purpose of controlling and monitoring of prohibited activities described in this Order and further described in section 2 of the First Schedule.

3. Declaration of Controlled Water Area

The area of land described in the First Schedule is hereby declared to be a controlled water area for the purposes of the Act and shall be known by the name relatively assigned to it in that Schedule.

4. Controlled Water Area Authorities

(1) For the purposes of section 22 (6) of the Act, the institution specified in the First Column of the Second Schedule shall be the Authority in respect of the controlled water area relatively specified in the Second Column of that Schedule.

(2)(a) The Authority shall comprise the following—

- (i) the Regional Forestry Officer, South;
- (ii) the Chief Executive of Blantyre City Council;
- (iii) the Chief Executive of Blantyre Water Board;
- (iv) the Regional Commissioner of Lands, South;

- (v) the Regional Water Officer, South;
- (vi) the Ndirande Rehabilitation Committee Chairman;
- (vii) one person designated by CURE; and
- (viii) Secretary to the Water Resources Board or his representative, ex officio.

(b) The Secretariat of the Authority shall be the Blantyre Water Board and its Secretary shall be the Chief Executive of Blantyre Water Board or his representative.

(c) The Authority shall devise and adopt its own rules and procedures for conducting its business and its members shall elect their own Chairman and Deputy Chairman every three years.

5. Determination of existing water rights

Any water right, licence, permit, or consent granted to or enjoyed by, any person in respect of water or any water resource in a controlled water area is hereby determined without further procedure.

6. Prohibited activities

(1) Without prejudice to the generality of the provisions of this paragraph, no person shall, in the controlled water area, engage in, or do anything preparatory to engaging in, any of the activities specified in the following paragraphs under each Zone unless under a licence or permit issued by the Authority per the Third Schedule—

(a) Buffer Zone:

(i) the cutting and logging of trees, shrubs, grass, or any other growing plant, within 100 metres from the edge of the reservoir and 50 metres from the banks of the tributaries, without the written permit of the Authority;

(ii) the discharging of effluent, whether industrial, domestic, or any other form of waste, whether fluid or solid, bathing, washing of cars, clothes, into the reservoir, river or other body of water or a tributary thereof, unless authorized in writing by the Authority and acting subject to, and in accordance with such requirements as the Authority may generally or specially prescribe by written notice;

(iii) the introduction of noxious weeds and any ornamental plant the growth of which is, in the opinion of the Authority, likely to have the same or similar harmful effect to those of the noxious weeds;

(iv) entering the dam, reservoir or along the streams or other body of water for the purpose of fishing, boating, canoeing, sailing or any recreational activities unless entitled to do so under a valid licence issued under paragraph 7 of this order;

(v) diversion of water from the tributaries without a written permit from the Authority;

(vi) grazing of animals within the zone; and

(vii) burning vegetation and making gardens, or any type of cultivation within the zone.

(b) Parkland Zone:

(i) cultivation of the area within the zone;

(ii) dumping, disposal or deposit of any refuse, waste and whatsoever detrimental substances that may pollute water within the zone, tributaries, rivers and reservoirs;

(iii) carrying out of any veterinary activities, including dipping and dip-tank services, grazing of cattle, goats and other animals, and the rearing of any animal whatsoever in the zone;

(iv) construction of roads and footpaths, unless with the permission of the Authority;

(v) the application of any agro-chemicals, or other chemicals other than in accordance with the specifications and requirements prescribed or approved by the Authority; and

(vi) construction of buildings, or settlements, or any extension of the locations.

(c) Forest Plantation Zone:

(i) dumping of any refuse whatsoever within the zone;

(ii) planting of high water consumption trees, except planting of trees approved by the Authority under a written permit;

(iii) logging and other industrial activities, unless a conditional permit from the Authority is granted;

(iv) setting of fire for the purpose of hunting and other activities, unless the fire is used as a forestry management tool;

(v) the carrying out of any veterinary activities, including dipping and dip-tank services, grazing of cattle, goats and other animals, and the rearing of any animal whatsoever in the zone; and

(vi) the application of any pesticides, or other chemicals other than in accordance with the requirements prescribed or approved by the Authority.

(d) Built-Up Zone:

- (i) dumping of any refuse whatsoever within the Zone;
- (ii) construction of new septic tanks, pit latrines without the consent of the Authority;
- (iii) construction of new buildings and structures without the consent of the Authority, provided that such consent shall have conditions attached to safeguard the reservoir;
- (iv) allowance of storm and sewer water to drain directly into the streams and rivers above the reservoir; and
- (v) establishment and construction of garages, petroleum services, or any other activities that present risk of water pollution.

(2) A person who contravenes paragraph 6 (1) commits an offence and shall be liable, on conviction, to a fine of MK10,000 and to imprisonment for six months.

7. Licence or permit to engage in certain activities in a Controlled Water Area

(1) The Authority may, on application in writing by any person, issue to that person a licence or permit in the form set out in the Third Schedule, authorizing the person or persons or class of persons specified in the licence or permit to engage in certain activities which are otherwise regulated or prohibited in this Order, such as fishing, boating, canoeing, or sailing in a reservoir, river or other body of water, felling of trees, construction of roads, buildings, in a controlled water area to the provisions of this Order and to such general or special conditions as the Authority may deem appropriate to impose at any time or from time to time.

(2) A licence or permit under subparagraph (1)—

(a) shall be issued only upon payment of the fee specified in the Fourth Schedule for individual non-commercial use applications or otherwise as determined by the Authority for commercial and group licences;

(b) shall expire on the date specified on the licence issued and shall be renewed annually upon payment of the renewal fee as specified in the Fourth Schedule; and

(c) may be terminated by the Authority at any time by notice in writing to the licensee upon any ground considered by the Authority to be reasonable in the interest of the proper administration of a controlled water area.

8. Inconsistency with any control orders

This Controlled Water Area Order supersedes any other control order issued for the protection of the Ndirande-Mudi Dam Catchment Area.

DESCRIPTION OF CONTROLLED WATER AREA

1. NDIRANDE-MUDI DAM CONTROLLED WATER AREA

Comprise: that part of Mudi catchment in the Ndirande Mountain Forest Reserve described as follows—

The parcel of land comprising catchment area commencing from the centre of the spillway of the Mudi Dam at a point marked “A” with Grid Reference, hereinafter called GR 186531. Thence the boundary follows the centre of the dam wall to point “B” at the end of the dam on the right bank with GR 183534 where it continues by following the Mudi Stream watershed divide to a point marked “C” at GR 181538; thence, follows watershed divide, along the western road in north-easterly direction for a distance of 2,250 metres to a point marked “D” at GR 200555;

Thence, follows the watershed divide in the north-easterly direction for a distance of 550 metres to a point marked “E” on the peak of the Ndirande Mountain at GR 205558; thence, follows a watershed divide in the south-easterly direction passing through another peak for a distance of 850 metres to a point marked “F” at GR 210550; thence; continues following the watershed divide, in the south-easterly direction, for a distance of 650 metres to a point at Maoni Peak marked “G” at GR 215547; thence, follows a watershed divide marked line in the southerly direction to Makhetha/ Ndirande and Ndirande Mountain forest roads on point marked “H” at GR 213542; thence, follows a watershed divide marked line along the Ndirande-Makhetha roads in the south-easterly direction for a distance of 1,750 metres to a point marked “I” where it joins Blantyre-Zomba road at GR 228524; thence, follows the M3 Blantyre-Zomba road in the south-westerly direction for a distance of 1,150 meters to a point marked “J” at GR 217519; thence, follows a watershed divide along the Blantyre-Zomba road in the westerly direction to a point marked “K” at GR 202521; thence, follows the same Blantyre-Zomba road in the north-westerly direction for a distance of 500 metres to a point marked “L” at GR 199523; thence, follows the same Blantyre-Zomba road in the south-westerly direction for a distance of 1,000 metres to a point marked “M” at GR 190520; thence, follows a watershed divide in the north-westerly direction for a distance of 1,050 metres to point “A” being the point of commencement.

The piece of land herein described represents approximately 890 hectares (8.9 sq kilometres) in extent, consisting part of 1,010 hectares (10.1 sq kilometres) of Ndirande Forest Reserve and the rest from publicland under Blantyre City Council and it is more particularly delineated and shown on Department of Surveys Map Sheet No. 1535C3, at a scale of 1:50 000.

2. NDIRANDE-MUDI DAM CATCHMENT ZONING AND ZONES

Description of the Zones

There are four zones in the Ndirande-Mudi Dam catchment and each zone will be treated differently from the other zones. The following are the descriptions of the zones—

(a) Buffer Zone is that parcel of land comprising the area 100 metres wide from the shoreline of Mudi reservoir at its spillway level, and 50 metres wide from the banks of and along the Mudi River and its tributaries.

(b) Forest Plantation Zone is that piece of land commencing at Grid Reference 186531 on point marked "A" on the attached catchment zone map; thence, going round the reservoir to a point marked "B" at the end of the dam at Grid Reference 183534; thence, continues by following the watershed divide in the north-westerly direction for a distance of 450 metres to a point marked "B1" at Grid Reference 181537; thence, follows a line in the north-easterly direction for a distance of 110 metres to a point marked "C" at Grid Reference 181538; thence, follows a watershed divide in the north-easterly direction for a distance of 2,250 metres to a point marked "D" at Grid Reference 200555; to a point marked "E" passing through the other peak of Ndirande Mountain; to a point marked "F"; to a point marked "G"; to a point marked "F"; at Grid Reference 213542, as described in the First Schedule in (a); thence, follows a line along the forest reserve boundary in the south-westerly direction for a distance of 675 metres to a point marked "H1" at Grid Reference 210530; thence, follows a line in the south-westerly direction for a distance of 630 metres and crosses Mudi River to a point marked "H2" at Grid Reference 203527, thence, follows a forest road reserve in the north-westerly direction for a distance of 910 metres to a point marked "H3" at Grid Reference 197531, thence, follows a line in the south-westerly direction for a distance of 630 metres to a point marked "H4" at Grid Reference 193524 thence, follows a line in the north-westerly direction for a distance of 400 metres to point "H5" at Grid Reference 189526 thence, follows the watershed divide in the north-westerly direction for a distance of 400 metres to a point marked "A" being the point of commencement.

(c) Urban Built-up Zones are those parts of the Ndirande-Mudi Dam catchment comprising:

(i) that parcel of land commencing on the Blantyre-Zomba road at Grid Reference 190520; to a point marked "M" on Ndirande-Mudi Dam catchment, thence, follows a line in the north-westerly direction for a distance of 600 metres to a point marked "H5" at Grid Reference 189526; thence, follows a line in the south-easterly direction for a distance of 450 metres to a point marked "H4" at Grid Reference 193524; thence, follows a line in the north-easterly direction for a distance of 800 metres to a point marked "H3" at Grid Reference 197530; thence, follows a line in the south-easterly direction, along the furrow for a distance of 730 metres to a point marked "H2" at Grid Reference 203527; thence, follows a line in the south-easterly direction for a distance of 890 metres to a point marked "N" at Grid Reference 210522; thence, follows the rail line in the south-westerly direction for a distance of 225 metres to a point marked "O" at Grid Reference 209520, where it joins Blantyre-Zomba road; thence, follows the Blantyre-Zomba road in the westerly direction for a distance of 500 metres to a point marked "K", to a point marked "L", to a point marked "M" as described in the First Schedule above; being the point of commencement;

(ii) the piece of land commencing from a point marked "P" on the Blantyre-Zomba road at Grid Reference 213519; thence, follows a line in the north-easterly direction for a distance of 990 metres and meets the Blantyre-Zomba road at a point marked "R" at Grid Reference 226524; thence, follows the Blantyre-Zomba road in the south-westerly direction for a distance of 1,035 metres

to a point marked "J" at Grid Reference 217519; thence, follows the Blantyre-Zomba road in the westerly direction for a distance of 660 metres to a point marked "P" being the point of commencement;

(iii) parcel of land commencing from point marked "V" at Grid Reference 217528; thence, follows the school road in the north-easterly direction for a distance of 200 metres to a point marked "V1" at Grid Reference 217529; thence, follows a watershed divide in the south-easterly direction for a distance of 800 metres to a point marked "T" at Grid Reference 222527; thence, follows a line in the south-westerly direction for a distance of 230 metres to a point marked "U" at Grid Reference 221527; thence, follows a line in the north-westerly direction for a distance of 360 metres to a point marked "V" being the point of commencement;

(d) Parkland Zone is the parcel of land commencing at a point marked "O" at Grid Reference 209520, on the Blantyre-Zomba road; thence, follows a line along the Limbe—Blantyre rail line in the north-easterly direction for a distance of 225 metres to a point marked "N", at Grid Reference 210522; to a point marked "H2", to a point marked "H1", along the forest border road, to a point marked "S1" at Grid Reference 212536; to a point marked "S", at Grid Reference 216534; on the Ndirande-Makhetha road, to a point marked "V", to a point marked "U", to a point marked "T", at Grid Reference 223527; to a point marked "I", to a point marked "R", at Grid Reference 226523; on the Zomba-Blantyre road, then to a point marked "R1", at Grid Reference 221524; to a point marked "R2", at Grid Reference 217525; to a point marked "R3", at Grid Reference 217524, to a point marked "R4" at Grid Reference 215524; to a point marked "P", to a point marked "O", being the point of commencement.

These zones are covering a total area of 890 hectares in extent and are better delineated and shown on Department of Surveys Map Sheet No. 1535C3 at a scale of 1:50,000.

SECOND SCHEDULE para. 4

CONTROLLED WATER AREA AUTHORITY

First ColumnSecond ColumnNdirande-Mudi Dam Catchment Management CommitteeNdirande-Mudi Dam Controlled Water Area

THIRD SCHEDULE para. 7 (1)

FORM OF LICENCE/PERMIT

TO PRACTICE REGULATED ACTIVITIES IN CONTROLLED WATER AREA

Ndirande-Mudi Dam Controlled Water Area

Licence/Permit Number Issued to.....

This licence/permit authorises the holder and/or accompanying persons otherwise designated by the holder by a prior written notice to the officer of the Authority in charge of the Ndirande-Mudi Dam Controlled Water Area to enter for the following purposes—

- (a)
- (b)
- (c)
- (d)
- (e)

With the following conditions which shall be observed, satisfied or fulfilled by the holder and/or accompanying person(s) in exercising the authority given under this licence/permit—

- (a)
- (b)
- (c)
- (d)
- (e)

Given this day of in the year 20.....

Signed:

for Ndirande-Mudi Dam Catchment Management Committee

FOURTH SCHEDULE para. 7 (2)

NDIRANDE-MUDI DAM CONTROLLED WATER AREA

LICENCE/PERMIT FEES

Kt1. Upon issue of a licence/permit550002. Upon renewal of a licence/permit50000

.....

Chairman: Ndirande-Mudi Dam Catchment Management Committee