

[Legal Notice No. 50]

THE RIVER WATERS ACT

(Cap. 96)

THE RIVER WATER (DIVERSION OF WATER) (FEES)
REGULATIONS 1998

IN exercise of the powers conferred by section 19 of the River Waters Act, the Minister hereby makes the following regulations -

1. These Regulations may be cited as the River Waters (Diversion of Water) (Fees) Regulations 1998. Citation.
2. (1) For the purposes of these Regulations, diversion of water for certain use shall be classified as follows - Classification.
 - (a) industrial use, which shall include the use of water for carrying on or in furtherance of any commercial or industrial enterprises and shall be categorised as -
 - (i) mining;
 - (ii) urban usage;
 - (iii) logging; and
 - (iv) industrial
 - (b) agricultural use, which shall include use of water for carrying on or in furtherance of any commercial or agricultural enterprises and shall be categorised as -
 - (i) irrigation;
 - (ii) fish farming;
 - (iii) crop and vegetable farming; and
 - (iv) others;
 - (c) domestic use, which shall include the use of water primarily for domestic purposes in any dwelling house or part thereof;

(d) other use of water not covered in sub-paragraphs (a), (b) and (c) of this paragraph, including the use of water in churches, hospitals, schools, offices and trading premises in which water is only used for the convenience of the staff employed therein.

(2) The Minister shall determine the class into which any particular supply falls, and in doing so shall have regard, so far as practicable, to the actual use of the water supply:

Provided that any person who is dissatisfied with the Minister's determination may appeal in writing, against such determination, to a Magistrate, who after making such enquiry as he thinks fit shall either confirm the Minister's determination or make such other determination as to him may seem proper.

Fees.

3. An annual fee shall be chargeable for permit to divert water for any purposes other than domestic consumption alone and that such fees are payable at any place specified by the Minister on the due date and must be paid within thirty days of the date of issue of the invoice. Such fees are categorised as follows -

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|-----|----------------------------------|---------------|
| (a) | Industrial | |
| | (i) mining | - \$25,000.00 |
| | (ii) urban usage | - \$10,000.00 |
| | (iii) logging | - \$7,500.00 |
| | (iv) industrial | - \$5,000.00 |
| (b) | Agricultural | |
| | (i) irrigation | - \$5,000.00 |
| | (ii) fish farming | - \$1,500.00 |
| | (iii) crop and vegetable farming | - \$750.00 |
| | (iv) others | - \$500.00 |

4. (1) In the event of breach of any terms and conditions of any permit issued under this Regulation the permit holder is liable for a penalty not exceeding a fine of one thousand dollars or imprisonment for six months or both such fine and imprisonment

Offences and Penalties

(2) Any person who fails to comply with section 7 of the River Waters Act shall be guilty of an offence and liable for a fine not exceeding ten thousand dollars or imprisonment not exceeding two years.

Dated at Honiara this sixth day of May 1998.

WALTON NAEZON
Minister of Energy, Mines and Minerals