

# THE FOUR CATEGORIES THAT FORM THE BASIS OF WATER USE AUTHORISATIONS



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Type	Description	Link to relevant documentation
Schedule 1 - permissible use of water	<p>A person may, subject to this Act -</p> <ul style="list-style-type: none"> <li>✓ S1(1)(a): take water for reasonable domestic use in that person's household, directly from any water resource to which that person has lawful access;</li> <li>✓ S1(1)(b): take water for use on land owned or occupied by that person, for - <ul style="list-style-type: none"> <li>✓ S1(1)(b)(i): reasonable domestic use;</li> <li>✓ S1(1)(b)(ii): domestic/ small scale gardening not for commercial purposes; and</li> <li>✓ S1(1)(b)(iii): the watering of animals (excluding feedlots) which graze on that land within the grazing capacity of that land, from any water resource which is situated on or forms a boundary of that land, if the use is not excessive in relation to the capacity of the water resource and the needs of other users;</li> </ul> </li> <li>✓ S1(1)(c): store and use run-off water from a roof;</li> <li>✓ S1(1)(d): in emergency situations, take water from any water resource for human consumption or firefighting;</li> <li>✓ S1(1)(e): for recreational purposes - <ul style="list-style-type: none"> <li>✓ S1(1)(e)(i): use the water or the water surface of a water resource to which that person has lawful access; or</li> <li>✓ S1(1)(e)(ii): portage any boat or canoe on any land adjacent to a watercourse in order to continue boating on that watercourse; and</li> </ul> </li> <li>✓ S1(1)(f): discharge - <ul style="list-style-type: none"> <li>✓ S1(1)(f)(i): waste or water containing waste; or</li> <li>✓ S1(1)(f)(ii): run-off water, including stormwater from any residential, recreational, commercial or industrial site, into a canal, sea outfall or other conduit controlled by another person authorised to undertake the purification, treatment or disposal of waste or water containing waste, subject to the approval of the person controlling the canal, sea outfall or other conduit.</li> </ul> </li> </ul>	<p><a href="https://www.dws.gov.za/iwqs/nwa/tmp_Schedule_1.html">https://www.dws.gov.za/iwqs/nwa/tmp_Schedule_1.html</a></p>
Existing Lawful Use	<p>Existing Lawful Water Use (ELU) means the use of water authorization by or under any law that took place at any time for a period of two years before the commencement of the NWA, 1998. These ELU descriptions can be found within the National Water Act – Section Number 32 – 35. These sections refer to the following:</p> <ul style="list-style-type: none"> <li>✓ 32.: Definition of existing lawful water use</li> <li>✓ 33.: Declaration of water use as existing lawful water use</li> <li>✓ 34.: Authority to continue with existing lawful water use</li> <li>✓ 35.: Verification of existing water uses</li> </ul> <p>An Existing Lawful Water Use, with any conditions attached, is recognized but may continue only to the extent that it is not limited, prohibited or terminated by this Act.</p> <p>No license is required to continue with an Existing Lawful Water Use until a responsible authority requires a person claiming such an entitlement to apply for a license. If a license is issued it becomes the source of authority for the water, use. If a license is not granted the use is no longer permissible.</p>	<p><a href="http://www.energy.gov.za/files/policies/act_nationalwater36of1998.pdf">http://www.energy.gov.za/files/policies/act_nationalwater36of1998.pdf</a></p>

## Type

## Description

## Link to relevant documentation

### General Authorisation

There is a Government Notice (GN) for each water use activity which sets the limits and conditions for which a water use is permissible under general authorisation (GA).

A general authorisation replaces the need for a water user to apply for a full water use licence in terms of Section 21 of the NWA.

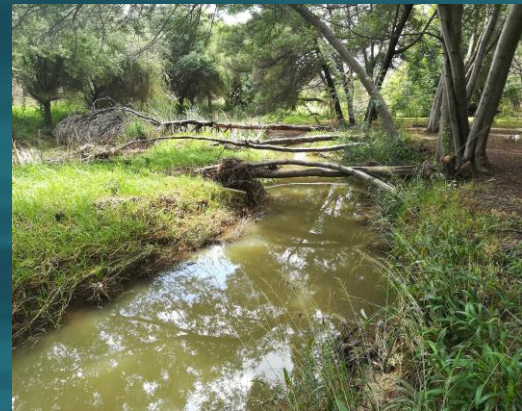
There are several documents which refer to the GA processes and offer advice on when an activity constitutes as a GA. These factors may vary depending on the type of operation, impact of the activity, area and quaternary catchment the specific operation fall within.

The links to all the relevant GN notices are added in the column to the right.

GN538 - <https://cer.org.za/wp-content/uploads/2010/05/National-Water-Act-1998-36-1998-Revision-of-General-Authorisation-for-the-taking-20160902-GGN-40243-00538.pdf>

GN509 - <https://cer.org.za/wp-content/uploads/2010/05/General-Authorisation.pdf>

GN665 - <https://cer.org.za/wp-content/uploads/2010/05/General-Authorisation.pdf>



Section 21 of the NWA lists all water use activities that require a water use license (WUL) and are subject to a water use license application (WULA) process and is required if:

- ✓ the water use exceeds the parameters of Schedule 1;
- ✓ the water use took place or is planned to take place after 1998 (new water use);
- ✓ the water use exceeds the parameters set out in the General Authorisation Government Notice.
- ✓ The impacts of the activity in question has a medium to high impact rating (DWS Risk Matrix).

The water use License process is generally done according to the following 3 steps:

#### Step 1 - Pre-Application process:

This is done when your pre-application enquiry is received. This is a step where the Department determines and advises you on the information required to compile a water use license application technical report to support the application. The determination of information requirements will be based on the information contained on the form or the site inspection, if required. Applicants may be requested to advertise the proposed water use, or to invite interested and affected parties to comment. You will be required to provide a complete application on the day of submission which includes the [application fee](#) (R 115.00).

#### Step 2 - Screening:

This is the screening of the Technical Report resulting in the acceptance or rejection thereof.

#### Step 3 - Processing and Finalising:

This includes the assessment of the Technical Report where the information is evaluated by specialist groups and recommendation to the Delegated Authority for a decision. After considering all the relevant information, the Delegated Authority will decide on whether to approve the application.

The Regional Office starts with the implementation of the license, including issuance and highlighting any conditions that might be attached to the water use license. An application for a water use license can take up to 90 days to process, depending on the complexity of the application, its benefits to the nation, and its possible impacts. Generally, low impact, high value license applications will be processed quicker.

\*All information included in this document was sourced from the links provided.

[https://www.gov.za/sites/default/files/gcis\\_document/201409/a36-98.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a36-98.pdf)

