

Rwanda

Ministerial Order determining the Procedure for Declaration, Authorisation and Concession for the Utilisation of Water Ministerial Order 16 of 2013

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Ministerial Order determining the Procedure for Declaration, Authorisation and Concession for the
Utilisation of Water
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Rwanda

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Ministerial Order 16 of 2013

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Commenced on 30 May 2013

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The Minister of Natural Resources,

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 as amended to date, especially in Articles 120, 121 and 201;

Pursuant to Law n° 62/2008 of 10/09/2008 putting in place the use, conservation, protection and management of water resources regulations, especially in Article 46;

After consideration and approval by the Cabinet, in its session of 14/11/2012;

HEREBY ORDERS:

Chapter One General provisions

Article One – Purpose of this Order

This Order determines the procedure for declaration, authorisation and concession for the utilisation of water

Article 2 – Scope of this Order

This Order applies on the following:

- 1° domestic utilisation of water;
- 2° activities related to water resources that are subject to declaration;
- 3° activities related to water resources that are subject to authorisation;
- 4° activities related to concession granting in water resources and related requirements.

Article 3 – Utilisation of water resources

Water resources are among general public domain of the government. Every person has the right to use water resources in accordance with provisions of this Order and other laws.

With exception of domestic use of water and in any other activities which are subject to declaration in accordance with the provisions of this Order, the use of the water resources shall be subject to authorisation issued by competent Government authorities.

Chapter II

Domestic use of water

Article 4 – Domestic use of water

Domestic use of water means the use of water for drinking, cooking, bathing, and washing, cleaning of houses and surroundings and other domestic equipment.

Water used in domestic activities may be from public wells, rivers or streams, lakes or water supplied by the Authority in charge of water treatment.

Article 5 – Conditions for fetching water for domestic use

Water used for domestic activities shall be tax free. However, a fee relating to the activities for maintenance and safeguarding water resources may be paid and the fee shall be determined by competent authorities.

Chapter III

Authorisation, concessions and activities subject to declaration

Article 6 – Application for authorization or a concession

The application for authorisation or a concession shall comprise the following:

- 1° application letter addressed to the Minister in charge of water resources through the Mayor of the District in which the activities will be carried out;
- 2° identification of the applicant and any other necessary documents to enable easy understanding of the category and activities of the applicant;
- 3° a detailed and complete description of the project;
- 4° an environment impact assessment showing the quantity of water which will be used compared to its overall quantity;
- 5° the receipt for payment of a non refundable fee provided for in this Order.

Without prejudice to the provisions of this Article, issuance of the authorisation or concession shall be subject to agreement signed by the applicant and the Minister in charge of water resources.

The Minister in charge of water resources shall respond in writing to the applicant within a period not exceeding thirty (30) days.

Article 7 – Correction of information

If after the issuance of the authorisation, there exists any false information, it shall be corrected.

However, if the applicant for the authorisation or concession provides false information, the contract may be automatically cancelled.

Chapter IV

Implementation of activities subject to declaration, authorisation and concession

Article 8 – Declaration

The declaration before the beginning of the activities shall be carried out in form of a letter addressed to the Minister in charge of water resources indicating planned activities, their duration, techniques and materials that will be used.

The owner of the activities shall submit activity progressive report to the Minister in charge of water resources in a period of thirty (30) days after the duration of the activities, and at any time that may be considered necessary.

Article 9 – Authorisation and concessions

Any person who diverts, dams, stores, obstructs or uses water from surface or underground source or who constructs or maintains any works on water shall apply for authorisation to do so.

The recipient of the authorisation or concession shall use it for the activities agreed on and in respect of the provisions of the Law and agreement he/she signed with the Minister in charge of water resources.

The recipient of the authorisation or concession must present them whenever requested to do so by authorised authorities.

Article 10 – Demarcation of boundaries of the site of the project

The site for the approved project or the concession shall be demarcated by a map bearing the description which clearly shows location from where the project will be implemented.

The map which shows the place where the project will be implemented shall be attached to the contract and the holder shall present it whenever required to do so.

Article 11 – Authorisation and concessions Register

The Authority having the water resources under its responsibilities shall maintain a register in which all issued authorisations and concession are recorded. The register contains all the information on the project under execution.

The register for authorisation and concessions shall contain the following main items:

- 1° the number of the authorisation or concession;
- 2° the recipient of the authorisation or the concession;
- 3° the authorized activity;
- 4° the duration of the authorisation or concession;
- 5° any other element that may help to understand the reason for the authorisation or concession.

Article 12 – Validity of authorisation or concession

The authorisation or the concession shall be valid for the period agreed upon by contracting parties as provided for by this Order.

However, the period shall not exceed fifteen (15) years.

Article 13 – Application for extension of the validity of the authorisation or concession

The beneficiary of the authorisation or concession may apply for the extension of its validity within the period provided for in the agreement made with the Minister in charge of water resources.

The period for the application of the extension of the validity shall be provided for in the agreement between the recipient of the authorisation or concession and the Minister in charge of water resources in consideration of the planned activities and the proposed period of the extension.

Article 14 – Mode of application for extension of validity

Any person who applies for extension of the authorisation or concession shall do so in writing to the Minister in charge of water resources indicating the proposed duration of the extension.

The applicant shall be prohibited from altering the content of the original contract.

If the application for extension of authorisation or concession is approved, the Minister in charge of water resources and the recipient of the authorisation or concession shall sign an extension addendum.

Article 15 – Transfer of contract

The contract related to authorisation and concession may be transferred between living people or for the reason of death.

If there exists any reason for the transfer of the contract, the person applying for the transfer shall address a letter to the Minister in charge of water resources showing the reasons for the transfer and the new beneficiary of the contract.

The Minister shall, in a period not exceeding thirty (30) days from the date of reception of the letter, respond to the application of the transfer of the contract by approving or rejecting the transfer.

Article 16 – Termination of the contract

If the signatory of the contract with the Minister in charge of water resources does not respect provisions of the law and the contract itself, the contract shall be terminated.

In the event of termination of the contract, the signatory to the contract with the Minister shall be required to repair the damages caused by his/her activities in relation to the authorisation or concession that was granted.

Chapter V Authorisation and concession fees

Article 17 – Application fees

Any applicant for authorisation or concession shall pay a non-refundable application fee of thirty five thousand (Rwf 35,000) Rwandan francs.

Fees mentioned in Paragraph One of this Article shall be paid on the Bank Account relating to water resource.

Article 18 – Fees paid on the basis of the quantity of water used

The recipient of the authorisation or concession shall also be required to pay forty Rwandan francs (Rwf 40) per each cubic metre of water intended for industrial and mining use, and thirty Rwandan francs (Rwf 30) per cubic metre intended for use in agriculture.

The recipient of the authorisation or concession shall be required to pay Twenty Rwandan francs (Rwf 20) per cubic metre of water intended for use in any other activities not mentioned in this Article.

Article 19 – Fees paid for issuing of documents

Fees paid for documents as may be requested by the recipient of the authorisation or concession shall be determined by relevant authorities.

Chapter VI Transitional and final provisions

Article 20 – Activities under implementation

Any person who carries out activities stipulated in this Order and which are subject to declaration, authorisation or concession shall be required to have declared his/her activities in a period of twelve (12) months from the date of commencement of this Order.

Any declarant shall present all the requirements relating to his/her activities as required by this Order if requested.

Article 21 – Repealing provision

All prior provisions contrary to this Order are hereby repealed.

Article 22 – Commencement

This Order shall come into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.