

**Regulations of Anguilla: 27/2024**

**Gazette Dated: 4<sup>th</sup> October , 2024**

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WATER AND WELLS ACT R.S.A. C. W3

**GROUNDWATER AND SEAWATER ABSTRACTION REGULATIONS, 2024**

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Regulations made by the Governor in Council under section 8 of the Water and Wells Act, R.S.A. c. W3.

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PART 1

INTERPRETATION AND EXEMPTIONS

**Definitions**

1. In these Regulations—

“Act” means the Water and Wells Act;

“brackish groundwater” means groundwater that contains less than 15,000 milligrams but more than 4000 milligrams per litre of total dissolved solids;

“dollar” or “\$” means Eastern Caribbean dollar;

“fresh groundwater” means groundwater that contains less than 4000 milligrams per litre of total dissolved salt;

“household purposes”, in relation to fresh groundwater, brackish groundwater, salt groundwater or seawater, means the use of water, directly or ultimately, for—

- (a) drinking by humans and pets;
- (b) cooking, cleaning, washing or flushing sanitary facilities;
- (c) fire protection;
- (d) watering trees, lawns and plants and any garden the produce of which is consumed or intended to be consumed primarily by members of the household served by the well; and
- (e) other similar domestic purposes;

“licence” means a licence to abstract brackish groundwater, fresh groundwater, salt groundwater or seawater;

“point of abstraction” means a point of abstraction of seawater;

“salt groundwater” means groundwater that contains 15,000 milligrams per litre or more of totally dissolved salt;

“seawater” means water taken from the sea;

“water meter” means a meter to measure brackish groundwater, fresh groundwater, salt groundwater or seawater.

**Exemptions**

2. (1) Subject to subsection (2), these Regulations do not apply to the abstraction of—

- (a) brackish groundwater or salt groundwater by means of a bucket from a well that—
  - (i) is hand dug, and
  - (ii) exists on the coming into force of these Regulations; or
- (b) seawater used for the purpose of extinguishing a fire.

(2) The Technical Officer Utilities may give the person who owns the land on which a well referred to in paragraph (1)(a) is located notice in writing that he or she is required to cover the well and install a hand or other pump specified in the notice in the manner and within the time specified in the notice or any extension thereof under subsection (3).

(3) The Technical Officer Utilities may in writing extend the time specified in the notice, whether or not the time has expired.

(4) If the owner of the well fails to comply with the notice within the time specified in the notice or any extension thereof under subsection (3), the well ceases to be exempt.

## PART 2

### PROHIBITION ON ABSTRACTION WITHOUT A LICENCE

#### **Prohibition on abstracting brackish groundwater, fresh groundwater, salt groundwater or seawater without licence**

3. No person shall abstract brackish groundwater, fresh groundwater, salt groundwater or seawater unless he or she—

- (a) holds a licence that is not suspended authorising the abstraction of brackish groundwater, fresh groundwater, salt groundwater or seawater; and
- (b) complies with the terms and conditions of the licence.

#### **Application for licence**

4. (1) A person may apply for a licence by—

- (a) submitting to the Technical Officer Utilities a completed application in Form 1 of Schedule 1; and
- (b) paying the application fee set out in Schedule 2 for the licence applied for.

(2) The applicant shall furnish any other information and documentation that the Technical Officer Utilities may require.

(3) A separate application must be made for each well or point of abstraction from which brackish groundwater or fresh groundwater, salt groundwater or seawater will be abstracted.

#### **Procedure before issuing licence to abstract brackish groundwater, or fresh groundwater, salt groundwater or seawater without licence for other than household purposes**

5. (1) After making an application for a licence to abstract brackish groundwater, or fresh groundwater, salt groundwater or seawater for other than household purposes, the applicant shall publish in a newspaper of general circulation in Anguilla a notice of the application in the form approved by the Technical Officer Utilities containing—

- (a) the full name and address of the applicant;
- (b) a statement to the effect that the applicant has made an application to the Technical Officer Utilities for a licence to abstract brackish groundwater, or fresh groundwater, or salt groundwater or seawater and describing with reasonable accuracy the location of the well from which the brackish groundwater, or fresh groundwater, or salt groundwater or seawater is to be abstracted;

- (c) the location of the place where, and the days and times when, the application can be viewed; and
  - (d) a statement to the effect that any person who wishes to object to the issue of the licence to abstract brackish groundwater, or fresh groundwater, or salt groundwater or seawater must give a written and signed notice of objection setting out the basis of his or her objection to the Technical Officer Utilities at his or her office, not later than 14 days after the day the notice of application is published in the newspaper.
- (2) The applicant for the licence to abstract brackish groundwater, or fresh groundwater, or salt groundwater or seawater shall file with the Technical Officer Utilities proof of the publication of the application in accordance with subsection (1) in the form the Technical Officer Utilities requires.
- (3) The Technical Officer Utilities shall cause to be published a notice of the application on the Government of Anguilla's website.
- (4) The Technical Officer Utilities shall, not later than 7 days before the day on which he or she determines whether or not to issue a licence to abstract brackish groundwater, or fresh groundwater, or salt groundwater or seawater, give to the applicant—
- (a) a copy of every written and signed notice of objection that was given to the Technical Officer Utilities not later than 14 days after the day the notice of application was published in the newspaper; and
  - (b) a written statement of any other objection that the Technical Officer Utilities proposes to take into consideration.
- (5) Before determining whether to issue a licence to abstract brackish groundwater, or fresh groundwater, or salt groundwater or seawater to the applicant, the Technical Officer Utilities shall—
- (a) consider every written and signed notice of objection that was given to the Technical Officer Utilities not later than 14 days after the day the notice of application was published in the newspaper;
  - (b) give the applicant a reasonable opportunity to make representations with respect to the notices of objection given to, or objections otherwise taken into consideration by, the Technical Officer Utilities; and
  - (c) consider whether, if the licence to abstract brackish groundwater, or fresh groundwater, or salt groundwater or seawater were issued, the licence holder would satisfy the requirements of these Regulations.

#### **Issuance of licences**

6. (1) After section 5 has been complied with, the Technical Officer Utilities may issue a licence to abstract brackish groundwater, or fresh groundwater or salt groundwater, or seawater for other than household purposes to the applicant if—
- (a) he or she considers that, having regard to the amount of water abstracted by existing users and the amount likely to be required by future users, the use of the aquifer will be sustainable in the event that the licence is issued; and
  - (b) the applicant has paid, in respect of the first year of the licence, the licence charge, if any, determined under Schedule 3 to be paid for a licence to abstract brackish groundwater, or fresh groundwater, or salt groundwater or seawater for other than household-purposes.

(2) The Technical Officer Utilities may issue a licence to abstract brackish groundwater or fresh groundwater, or salt groundwater, or seawater for household purposes or to abstract brackish groundwater, fresh groundwater, salt groundwater or seawater for household or other than household purposes to an applicant if—

- (a) the applicant satisfies the requirements of these Regulations; and
- (b) the applicant has paid, in respect of the first year of the licence, the licence charge, if any, specified or determined under—
  - (i) Schedule 3 to be paid for a licence to abstract brackish groundwater or fresh groundwater for household-purposes,
  - (ii) Schedule 5 to be paid for a licence to abstract—
    - (A) salt groundwater for household purposes or for other than household purposes, or
    - (B) seawater for household purposes or for other than household purposes.

(3) A licence under subsection (1) or (2) shall specify the location and the co-ordinated position of the well or point of abstraction from which the water is to be abstracted.

(4) When the Technical Officer Utilities issues a licence, he or she may do so as originally contemplated in the application or with modifications.

(5) The licence shall be in Form 2 of Schedule 1.

#### **Term of licence**

- 7. (1) A licence is valid for the period, which shall not be more than 3 years, specified in the licence.
- (2) A licence shall be issued for a year and multiples of a year.

#### **Terms and conditions of licence to abstract brackish and fresh groundwater**

8. (1) A licence to abstract brackish groundwater or fresh groundwater is subject to the following terms and conditions—

- (a) the brackish groundwater or fresh groundwater authorised to be abstracted under the licence must be abstracted from the well in respect of which the licence is issued;
- (b) if the licence provides that the brackish groundwater or fresh groundwater abstracted under the licence is to be used for household purposes, it must not be used for any other purpose;
- (c) the brackish groundwater or fresh groundwater abstracted under the licence must not, in any one day, exceed the daily rate of abstraction set out in the licence;
- (d) the licence holder must, not later than the first anniversary date of the issuance of the licence and each subsequent anniversary date, pay, in respect of the following 1 year period of the licence, the licence charge, if any, determined under Schedule 3 to be paid for a licence to abstract brackish groundwater or fresh groundwater for household purposes or for other than household purposes, as the case may be;
- (e) the licence holder must, not later than 30 days after the first day of each month, pay royalties, in respect of the previous month, at the rate determined under Schedule 4 to be paid under the licence for brackish groundwater or fresh groundwater abstracted for household purposes or for other than household purposes, as the case may be;

- (f) the licence holder must, for every 30 days or part thereof that it remains unpaid, pay a penalty of 1.5% on any amount owing under paragraph (d) or (e);
  - (g) the licence holder must comply with these Regulations;
  - (h) the licence holder must not use a pump with a pumping capability greater than that specified in the licence;
  - (i) the licence holder shall comply with any order under section 6 of the Act in relation to the abstraction of brackish groundwater or fresh groundwater or the terms and conditions of the licence;
  - (j) any other terms and conditions the Technical Officer Utilities considers appropriate.
- (2) The terms and conditions shall be set out in the licence to abstract brackish or fresh groundwater.

**Terms and conditions of licence to abstract salt groundwater**

9. (1) A licence to abstract salt groundwater is subject to the following terms and conditions—
- (a) the salt groundwater authorised to be abstracted under the licence must be abstracted from the well in respect of which the licence is issued;
  - (b) if the licence provides that the salt groundwater abstracted under the licence is to be used for household purposes, it must not be used for any other purpose;
  - (c) the salt groundwater abstracted under the licence must not, in any calendar month, exceed the monthly rate of abstraction set out in the licence;
  - (d) the licence holder must, not later than the first anniversary date of the issuance of the licence and on each subsequent anniversary date, pay, in respect of the following 1 year period of the licence, the licence charge, if any, determined under Schedule 5 to be paid for a licence to abstract salt groundwater for household purposes or for other than household purposes, as the case may be;
  - (e) the licence holder must, not later than 30 days after each monthly billing date of the licence, pay royalties, in respect of the previous month, at the rate specified in Schedule 6 to be paid under the licence for salt groundwater abstracted for household purposes or for other than household purposes, as the case may be;
  - (f) the licence holder must, for every 30 days or part thereof that it remains unpaid, pay a penalty of 1.5% on any amount owing under paragraph (d) or (e);
  - (g) the licence holder must comply with these Regulations;
  - (h) the licence holder must not use a pump with a maximum pumping capability greater than that specified in the licence;
  - (i) the licence holder shall comply with any order under section 6 of the Act in relation to the abstraction of salt groundwater or the terms and conditions of the licence;
  - (j) any other reasonable terms and conditions the Technical Officer Utilities considers appropriate.
- (2) The terms and conditions shall be set out on the licence to abstract salt groundwater.

**Terms and conditions of licence to abstract seawater**

10. (1) A licence to abstract seawater is subject to the following terms and conditions—
- (a) the seawater authorised to be abstracted under the licence must be abstracted from the point of abstraction in respect of which the licence is issued;
  - (b) if the licence provides that the seawater abstracted under the licence is to be used for household purposes, it must not be used for any other purpose;
  - (c) the seawater abstracted under the licence must not, in any calendar month, exceed the monthly rate of abstraction set out in the licence;
  - (d) the licence holder must, not later than the first anniversary date of the issuance of the licence and on each subsequent anniversary date, pay, in respect of the following 1 year period of the licence, the licence charge, if any, determined under Schedule 5 to be paid under the licence for seawater abstracted for household purposes or for other than household purposes, as the case may be;
  - (e) the licence holder must, not later than 30 days after each monthly billing date of the licence, pay royalties, in respect of the previous month, at the rate specified in Schedule 6 to be paid for a licence to abstract seawater for household purposes or for other than household purposes, as the case may be;
  - (f) the licence holder must, for every 30 days or part thereof that it remains unpaid, pay a penalty of 1.5% on any amount owing under paragraph (d) or (e);
  - (g) the licence holder must comply with these Regulations;
  - (h) the licence holder must not use a pump with a pumping capability greater than that specified in the licence;
  - (i) the licence holder shall comply with any order under section 6 of the Act in relation to the abstraction of seawater or the terms and conditions of the licence;
  - (j) any other terms and conditions the Technical Officer Utilities considers appropriate.
- (2) The terms and conditions shall be set out on the licence to abstract seawater.

**Notice of refusal of licence**

11. (1) When a licence is refused, the Technical Officer Utilities shall give notice in writing of the refusal to the applicant and shall state in the notice the reason for the refusal.
- (2) The notice under subsection (1) may be in Form 3 of Schedule 1.

**Suspension of licence**

12. (1) The Technical Officer Utilities may suspend a licence when he or she has reasonable grounds to believe that the licence holder is in contravention, or has contravened a term or condition, of the licence.
- (2) When a licence is suspended under subsection (1), the Technical Officer Utilities shall give notice in writing of the suspension to the licence holder and shall state in the notice—
- (a) the reason for the suspension;
  - (b) the time permitted for the rectification of the condition or conditions that led to the suspension; and

- (c) that the failure to rectify the condition or conditions within the time permitted, or any extension thereof in writing by the Technical Officer Utilities, may lead to the cancellation of the licence.

(3) The notice under subsection (2) may be in Form 4 of Schedule 1.

(4) The time permitted for rectification shall be reasonable in the circumstances and may be extended in writing by the Technical Officer Utilities, whether or not the time permitted in the notice has expired.

(5) The suspension of a licence is effective when the notice under subsection (2) is given to the licence holder.

#### **Cancellation of licence**

**13.** (1) The Technical Officer Utilities may cancel a licence when—

- (a) the licence has been suspended under section 12(1) and the condition or conditions that led to the suspension are not rectified within the time permitted under section 12(2) or any extension thereof under section 12(4); or
- (b) the licence holder is in contravention of, or has contravened the licence or a term or condition of the licence, and the Technical Officer Utilities is of the opinion that the contravention is so serious that the permit should be cancelled with first being suspended.

(2) When a licence is cancelled under subsection (1)(a) or (b), the Technical Officer Utilities shall give notice in writing of the cancellation to the licence holder and state in the notice the reason for the cancellation.

(3) The notice under subsection (2) may be in Form 5 of Schedule 1.

(4) The cancellation of a licence is effective when the notice under subsection (2) is given to the licence holder.

(5) Notwithstanding anything in these Regulations, the Technical Officer Utilities may, on written application by the licence holder, cancel a licence.

(6) This section does not apply to a cancellation of a licence under section 14, 15 or 16.

#### **Amendment or cancellation of licence to abstract brackish groundwater for insufficiency or deterioration of aquifer**

**14.** (1) When the supply of brackish groundwater in a brackish groundwater lens—

- (a) is or is likely to become insufficient to meet the requirements of licence holders entitled to abstract brackish groundwater from that lens;
- (b) has deteriorated or is likely to deteriorate in quality by reason of the abstraction of excessive quantities or at excessive rates or from any other cause; or
- (c) is such that both paragraphs (a) and (b) apply;

the Technical Officer Utilities may, subject to this section, approve a proposal with respect to licences for the abstraction of brackish groundwater from that lens to prevent or minimise the insufficiency or deterioration or both.

(2) A proposal under subsection (1) may provide for—

- (a) the re-allocation of available brackish groundwater as among the licence holders;
- (b) the cancellation of the licence to abstract brackish groundwater of some or all of the licence holders; or
- (c) both paragraphs (a) and (b).

(3) A proposal shall take into account—

- (a) the history of the abstraction of brackish groundwater by the licence holders and the use or uses made by the licence holders of that brackish groundwater; and
- (b) to the maximum extent reasonable, the principle of proportional reduction in quantity of brackish groundwater based on the history of abstraction of groundwater by the licence holders.

(4) The Technical Officer Utilities shall cause to be published in a newspaper of general circulation in Anguilla a notice to all holders of licences abstract brackish groundwater from the groundwater lens referred to in subsection (1) setting out the names of the licence holders to whom the notice is addressed, or that the notice is addressed to all licence holders in a specified area and containing statements to the effect that—

(a) the supply of brackish groundwater in the groundwater lens—

- (i) is not or is not likely to be sufficient to meet the requirements of the licence holders and the apparent reason for the insufficiency,
- (ii) has deteriorated or is likely to deteriorate in quality and the apparent reason for the deterioration, or
- (iii) is such that both subparagraphs (i) and (ii) apply,

as the case may be;

(b) a proposal has been approved by the Governor in Council;

(c) the proposal may be viewed and a copy obtained at a specified location; and

(d) any licence holder wishing to object to the proposal must give a written and signed notice of objection setting out the basis of his or her objection to the Technical Officer Utilities not later than 14 days after the day the notice is published;

(e) the proposal shall be published on the Government of Anguilla's Website.

(5) The Technical Officer Utilities—

(a) shall consider any written and signed objections given to him or her, not later than 14 days after the notice was published; and

(b) may, in his or her discretion, give licence holders a reasonable opportunity to make oral or written representations with respect to the proposal;

and shall prepare and submit a report setting out the substance of the objections to the Minister.

(6) The Governor in Council may—

- (a) approve or amend and approve the proposal; or
- (b) replace it with another proposal.

(7) When the Governor in Council replaces a proposal with another proposal, subsections (2) to (6) apply to the other proposal.

(8) The Technical Officer Utilities shall cause to be published the approved proposal in the *Gazette* without delay.

(9) When a licence is amended or cancelled in accordance with an approved proposal, the Technical Officer Utilities shall notify the licence holder in writing and state in the notice the reason for the amendment or cancellation.

(10) The amendment or cancellation of a licence is effective when the notice under subsection (2) is given to the licence holder.

**Amendment of licence to reduce amount of brackish groundwater permitted to be abstracted; cancellation for under-utilisation**

15. (1) When, in the preceding 1 year licence period, the Technical Officer Utilities has reason to believe that a licence holder has not abstracted substantially the whole amount of brackish groundwater permitted to be abstracted under the licence, the Technical Officer Utilities may give written notice to the licence holder or call upon the licence holder to show cause why—

- (a) the terms and conditions of his or her licence should not be amended to reduce the amount of brackish groundwater permitted to be abstracted under the licence; or
- (b) the licence should not be cancelled.

(2) A notice under subsection (1) shall contain statements to the effect that—

- (a) the Technical Officer Utilities has reason to believe that the licence holder has not abstracted substantially the whole of the amount of the brackish groundwater that may be abstracted under a licence;
- (b) the licence holder is called upon to show cause why—
  - (i) the terms and conditions of his or her licence should not be amended to reduce the amount of brackish groundwater permitted to be abstracted under the licence, or
  - (ii) the licence should not be cancelled,as the case may be; and
- (c) the licence holder may make oral or written representations to the Technical Officer Utilities not later than a date and time specified in the notice.

(3) The Technical Officer Utilities shall give a reasonable opportunity to the licence holder to make oral or written representations, shall consider the representations, if any, and shall—

- (a) confirm the licence without change;
- (b) amend the licence; or

(c) cancel the licence.

(4) When a licence is confirmed, amended or cancelled under subsection (3)(a), (b) or (c), the Technical Officer Utilities shall give notice in writing to the licence holder and, in the case of an amendment or cancellation, state in the notice the reason for it.

(5) The amendment or cancellation of a licence is effective when the notice under subsection (4) is given to the licence holder.

**Amendment or cancellation of licence to abstract brackish groundwater for public purposes**

**16.** (1) When the Governor in Council considers it to be in the public interest, he or she may direct the Technical Officer Utilities—

- (a) to amend the terms and conditions of a licence to abstract brackish groundwater to reduce the maximum rate of abstraction permitted under the licence to the extent necessary to protect the public interest; or
- (b) to cancel a licence to abstract brackish groundwater.

(2) When a licence is amended or cancelled under section (1)(a) or (b), the Technical Officer Utilities shall give the licence holder notice in writing and state in the notice the reason for the amendment or cancellation.

(3) The amendment or cancellation of a licence is effective when the notice under subsection (2) is given to the licence holder.

(4) The Governor in Council may, subject to such conditions as he or she considers appropriate, make an *ex gratia* payment when—

- (a) a licence to abstract brackish groundwater is amended to reduce the amount water that is permitted to be abstracted; or
- (b) a licence to abstract brackish groundwater is cancelled.

**Amendment of licence**

**17.** (1) This section does not apply to the amendment of a licence under section 14, 15 or 16.

(2) Subject to subsection (3), the Technical Officer Utilities may, on application by the licence holder or, when the Technical Officer Utilities considers it appropriate, on his own his or her own initiative—

- (a) amend the rate of abstraction referred to in section 8(1)(c), 9(1)(c) or 10(1)(c);
- (b) amend the pumping capacity of the pump referred to in section 8(1)(h), 9(1)(h) or 10(1)(h);  
or
- (c) amend, add, delete or replace any term or condition referred to in section 8(1)(j), 9(1)(j) or 10(1)(j).

(3) In addition to subsection (2), section 5 applies, with appropriate changes, to the amendment of a licence to abstract brackish groundwater for other than household purposes if the amendment has the effect of increasing the amount of brackish water that may be taken under the licence.

(4) An application by a licence holder shall be in the form the Technical Officer Utilities requires and shall be accompanied by the fee prescribed in Schedule 2.

(5) Section 6 applies in respect of an application under subsection (2).

(6) When an action under subsection (2) is taken on the initiative of the Technical Officer Utilities or when the Technical Officer Utilities refuses an application by the licence holder, the Technical Officer Utilities shall give notice in writing to the licence holder and shall state his or her reasons for taking the action.

(7) The action is effective when the notice under subsection (6) is given to the licence holder.

#### **Transfer of licence**

18. (1) A licence is not transferable without the consent of the Technical Officer Utilities.

(2) A licence holder may apply to transfer a licence by—

- (a) writing to the Technical Officer Utilities and shall include the name, address and telephone number of the transferee;
- (b) paying the fee set out in Schedule 2 for the transfer; and
- (c) furnishing any other information or documentation that Technical Officer Utilities may require.

(3) The Technical Officer Utilities may make his or her consent to transfer subject to conditions.

(4) The Technical Officer Utilities shall give notice in writing to the licence holder and the transferee or proposed transferee—

- (a) whether the Technical Officer Utilities consents or refuses to consent to transfer of the licence;
- (b) if the transfer of the licence is refused, stating the reason for the refusal; and
- (c) if the transfer is consented to, the conditions, if any, to which the transfer is subject.

#### **Replacement of licence**

19. (1) A licence holder whose licence has been lost or destroyed or has become illegible may apply in writing to the Technical Officer Utilities for a replacement licence and pay the fee prescribed in Schedule 2.

(2) When the Technical Officer Utilities is satisfied that the licence in respect of which an application has been made has been lost or destroyed or has become illegible, he or she shall issue a replacement licence.

#### **Register of licences**

20. (1) The Technical Officer Utilities shall keep a register of licences in which shall be recorded—

- (a) particulars of each licence and, in respect of the licence—
  - (i) any actions taken under section 12 or 13,
  - (ii) if the licence is a licence to abstract brackish groundwater, any actions taken under section 14, 15 or 16, or
  - (iii) any actions taken under section 17;

- (b) particulars of each transfer of the licence; and
- (c) any order under section 6 of the Act made in respect of a licence.

(2) The register of licences may be inspected by any person during the usual business hours of the Government.

**Licence is Government property; duty to return**

21. A licence remains the property of the Government and, if it is cancelled, the license holder shall, on request by the Technical Officer Utilities, return it without delay to the Technical Officer Utilities.

**Production of licence**

22. A licence holder shall, on request by the Technical Officer Utilities or a police officer, produce his or her licence without delay.

**PART 3**

**MEASUREMENT OF WATER ABSTRACTED**

**Water meters to be installed**

23. The Government shall install or cause to be installed a water meter at each point of abstraction of brackish groundwater, fresh groundwater, salt groundwater or seawater licensed under these Regulations.

**Water abstracted to be measured by water meter**

24. (1) Subject to sections 25(4), 26 and 27, the amount of brackish or fresh groundwater, salt groundwater or seawater abstracted shall be measured by means of the water meter installed by the Government.

(2) The Government shall keep the water meters in proper working condition for accurately recording the abstraction of brackish or fresh groundwater, salt groundwater or seawater by a licence holder within the limits of error for which the meter is designed.

**Testing water meters**

25. (1) The Government shall—

- (a) provide and maintain the equipment necessary for testing water meters; or
- (b) enter into a contract or arrangement for a service provider to provide and maintain the equipment in proper working condition.

(2) The Technical Officer Utilities—

- (a) may test or cause to be tested a water meter on the premises where it is located and for the purpose use any equipment and bring any persons onto the premises that it considers appropriate; or
- (b) may remove or cause to be removed the water meter for testing and replace it with another.

(3) When a licence holder requests in writing that the Technical Officer Utilities test or cause to be tested a water meter and pays the fee set out in Schedule 2, the Technical Officer Utilities shall without delay test or cause to be tested the water meter against a properly calibrated water meter or by using equipment designed to measure the rate of flow of water and give a written report of the results of the test to the licence holder.

(4) If the report shows the water meter is registering outside the limits of error for which the meter is designed and is—

- (a) in excess of what it ought to have registered, the Technical Officer Utilities shall replace or cause to be replaced the water meter, refund the testing fee and make an allowance to the licence holder in respect of the excess amount of water registered; or
- (b) below what it ought to have registered, the Technical Officer Utilities shall replace the water meter and may surcharge the licence holder in respect of the insufficient amount of water registered.

(5) In the absence of evidence to the contrary, the water meter is deemed to have registered erroneously—

- (a) for 2 months before it was tested; or
- (b) from the day it was last replaced;

whichever is the shorter, and to have done so until the day the meter is replaced.

**Measurement of brackish or salt groundwater or fresh groundwater or seawater abstracted when unable to gain access**

26. (1) When the Technical Officer Utilities is unable to gain access to the premises of a licence holder to read the water meter, the Government may, for each monthly period during which the Technical Officer Utilities is unable to gain access, bill the licence holder for the highest amount of brackish groundwater, fresh groundwater, salt groundwater or seawater abstracted, as the case may be, in any of the billing periods before the billing period when the Technical Officer Utilities was unable to gain access.

(2) When the Technical Officer Utilities obtains a reading of the water meter, he or she shall without delay adjust the amount charged to reflect the actual amount of brackish or fresh groundwater or salt groundwater or seawater abstracted by the licence holder.

**Measurement of brackish or fresh groundwater or salt groundwater or seawater abstracted but not registered on water meter**

27. (1) When there is evidence that a water meter has not registered, or has not registered all, the brackish groundwater, fresh groundwater, salt groundwater or seawater abstracted by a licence holder from a point of abstraction, whether because of mechanical or other defect in the water meter or by reason of its having been tampered with, disconnected, bypassed, damaged or removed or for any other reason, the Technical Officer Utilities may, having regard to the pump used by the licence holder and other relevant circumstances, establish the amount of brackish or fresh groundwater or salt groundwater or seawater that should have been registered, and, subject to subsection (2), the amount so established is due and owing by the licence holder to the Government.

(2) Before finalising the amount due and owing under subsection (1), the Technical Officer Utilities shall give the licence holder an opportunity to be heard in respect of the amount established.

**PART 4**

**OFFENCES AND INFORMATION RETURNS**

**Tampering with, disconnection of or damage to water meters**

28. No person shall, without the authorisation of the Technical Officer Utilities, wilfully or recklessly tamper with, disconnect, bypass, damage or remove a water meter installed by the Government or permit any person to tamper with, disconnect, bypass, damage or remove, a water meter installed by the Government.

**Use of water contrary to licence**

29. No licence holder shall knowingly use, or permit another to use, fresh groundwater, brackish or salt groundwater or seawater for other than household purposes if the licence pursuant to which the fresh groundwater brackish or salt groundwater or seawater was abstracted provides that the water is to be used only for household purposes.

**Information returns**

30. (1) The Technical Officer Utilities may give a written notice to a person requesting that information relating to the abstraction of brackish groundwater, fresh groundwater, salt groundwater or seawater in the person's possession and that is specified in the notice be given to the Technical Officer Utilities in writing within the time specified in the notice.

(2) The person shall comply with the notice within the time specified in the notice or any extension thereof under section (3).

(3) The Technical Officer Utilities may in writing extend the time specified in the notice, whether or not the time has expired.

**Offences**

31. Any person who—

- (a) knowingly makes a false or misleading application;
- (b) furnishes any information or documentation under these regulations that he or she knows to be false or misleading; or
- (c) contravenes section 3, 21, 22, 28, 29 or 30(2);

is guilty of an offence.

**PART 5**

**MISCELLANEOUS**

**Giving notice, etc.**

32. (1) In this section, "document" includes a notice, copy of a notice or report that is required under this Act to be in writing.

(2) This section does not apply to a provision of these Regulations that specifies how a document is to be given.

(3) A document is deemed to be sufficiently given to the Technical Officer Utilities by a person if it is—

- (a) personally given to the Technical Officer Utilities;
- (b) given to the person in charge of the office of the Technical Officer Utilities; or
- (c) sent by registered mail postage prepaid addressed to the Technical Officer Utilities at his or her office address and the Technical Officer Utilities or an authorised public officer has acknowledged receipt of the document in writing.

- (4) A document is deemed to be sufficiently given to an individual if it is—
- (a) personally given to the individual or a person who holds a power of attorney from the individual under which the attorney is authorised to accept service of the document;
  - (b) given to a person at the individual's residence or in charge of the office or place of business of the individual; or
  - (c) sent by prepaid registered mail addressed to the individual at his or her last address known to the person sending the document and the individual has acknowledged receipt in writing.
- (5) A document is deemed to be sufficiently served on a corporation or association if it is—
- (a) personally given to a director or officer of the corporation or association;
  - (b) given to a person in charge of the office or place of business of the corporation or association;
  - (c) in the case of a company, served in any manner in which the company may be served under the applicable Act, in the case of a company incorporated or registered under an Act of the Legislature; or
  - (d) given to a person who holds a power of attorney from the company or association under which the attorney is authorised to accept service of the document.
- (6) A document is deemed to be sufficiently served on a partnership if it is—
- (a) given to a person in charge of the office or place of business of the partnership;
  - (b) given to a person who holds a power of attorney from the partnership under which the attorney is authorised to accept service of the document on behalf of the partnership;
  - (c) served on a partner who is an individual in accordance with subsection (4); or
  - (d) served on a partner who is a corporation or association in accordance with subsection (5).

#### **Citation**

33. These Regulations may be cited as the Groundwater and Seawater Abstraction Regulations, 2024..

#### **Transitional provisions: pre-Act licences**

34. (1) In this section, "pre-Act licence" means a licence to either abstract brackish groundwater, fresh groundwater, salt groundwater or seawater issued before the coming into force of these Regulations and subsisting on the day these Regulations come into force.

(2) These Regulations do not apply to the holder of a pre-Act licence until the expiry of 90 days after the coming into force of these Regulations.

**SCHEDULE 1**

(Sections 4(1)(a), 6, 11,12, 13)

**FORMS**

**FORM 1**

WATER AND WELLS ACT, R.S.A. c. W3

GROUNDWATER AND SEAWATER ABSTRACTION REGULATIONS, 2024

(Section 4(1)(a))

**APPLICATION FOR LICENCE TO ABSTRACT \* BRACKISH GROUNDWATER/FRESH  
GROUNDWATER/ SALT GROUNDWATER/SEAWATER**

Applicant's Name: \_\_\_\_\_ Applicant's mailing address: \_\_\_\_\_

Applicant's Trade Name: \_\_\_\_\_ Applicant's Phone Number: \_\_\_\_\_

Applicant's email address: \_\_\_\_\_ Social Security Number/National ID Number: \_\_\_\_\_

This is an application to abstract:

\*brackish groundwater/ fresh groundwater/salt groundwater/seawater for:

\*\* (a) household purposes

\*\* (b) other than household purposes

Specify purpose \_\_\_\_\_

\*\*Delete inappropriate words.

Proposed maximum rate of abstraction of:

(a) brackish groundwater or fresh groundwater is \_\_\_\_\_ imperial gallons per day;

(b) salt groundwater or seawater is \_\_\_\_\_ imperial gallons per month.

Location of \*well/ proposed well:

\*Location / proposed location on the land: \_\_\_\_\_  
(Attach sketch, if necessary)

Legal description of parcel of land: \_\_\_\_\_

Location of point of abstraction/ proposed point of abstraction:

\_\_\_\_\_ (Attach sketch, if necessary)

\*Delete inappropriate words.

Proposed duration of licence:

*(A year or multiples of a year but not more than 5 years.)*

Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_

**NOTICE: IN ORDER TO ABSTRACT GROUNDWATER, YOU MAY NEED OTHER  
LICENCES, PERMITS OR APPROVALS IN ADDITION TO THIS LICENCE.**

**NB: It is the responsibility of the applicant to ascertain all the other permissions and licences required for this activity are in order.**

FORM 2

WATER AND WELLS ACT, R.S.A. c. W3

GROUNDWATER AND SEAWATER ABSTRACTION REGULATIONS, 2024

(Section 6)

**LICENCE TO ABSTRACT \*BRACKISH GROUNDWATER/FRESH GROUNDWATER/SALT GROUNDWATER/SEAWATER**

*\*Delete inappropriate words.*

Issued to: \_\_\_\_\_ Number: \_\_\_\_\_

Trade Name: \_\_\_\_\_

Address of licence holder: \_\_\_\_\_

This licence authorises the holder to abstract:

\*brackish groundwater/fresh groundwater/salt groundwater/seawater for:

\*(a) household purposes only

\*(b) other than household purposes

Specify purpose \_\_\_\_\_

from a well/ point of abstraction at the following location:

Legal description of parcel of land: \_\_\_\_\_

*\*Delete inappropriate words.*

This licence is subject to the following additional terms and conditions:

- (a) the \*brackish groundwater/fresh groundwater/salt groundwater authorised to be abstracted under the licence must be abstracted from the well in respect of which the licence is issued;

OR

- (a) the seawater authorised to be abstracted under the licence must be abstracted from the point of abstraction in respect of which the licence is issued;
- (b) if the licence provides that the \*brackish groundwater/fresh groundwater/salt groundwater/seawater abstracted under the licence is to be used for household purposes, it must not be used for any other purpose;
- (c) The rate of abstraction shall not exceed:
- \*(i) \_\_\_\_\_ imperial gallons per day, in the case of brackish groundwater/fresh groundwater;
- or
- \*(ii) \_\_\_\_\_ imperial gallons per calendar month, in the case of salt groundwater or seawater;
- (d) the licence holder must, not later than the first anniversary date of the issuance of the licence and each subsequent anniversary date, pay, in respect of the following 1 year period of the licence, the licence charge, if any, determined under \*[Schedule 3 or 5] of the Groundwater and Seawater Abstraction Regulations, 2024 to be paid for a licence to abstract the \*brackish groundwater/fresh groundwater/salt groundwater/seawater;
- (e) the licence holder must, not later than 14 days after first working day of each month, pay royalties, in respect of the previous month, at the rate determined under \*[Schedule 4 or 6] of the Regulations to be paid under this licence for \*brackish groundwater/fresh groundwater/salt groundwater/seawater abstracted for household purposes or for other than household purposes, as the case may be;

- (f) the licence holder must, for every 30 days or part thereof that any amount owing under paragraph (d) or (e) remains unpaid, pay a penalty of 1.5% on the amount;
- (g) the licence holder must comply with the Regulations; and
- (h) the licence holder must not use a pump with a pumping capability greater than \_\_\_\_\_; and
- (i) *[any other terms and conditions the Technical Officer Utilities considers appropriate]*.

*\*Delete inappropriate words.*

THIS LICENCE IS VALID UNTIL \_\_\_\_\_ UNLESS IT IS SOONER SUSPENDED OR CANCELLED.

Date of Issuance: \_\_\_\_\_ Technical Officer Utilities: \_\_\_\_\_

Signature: \_\_\_\_\_

**THIS LICENCE MUST BE PRODUCED ON REQUEST BY THE TECHNICAL OFFICER UTILITIES.**

**NB: It is the responsibility of the applicant to ascertain all the other permissions and licences required for this activity are in order.**

FORM 3

WATER AND WELLS ACT, R.S.A. c. W3  
GROUNDWATER AND SEAWATER ABSTRACTION REGULATIONS, 2024  
(Section 11)

**NOTICE OF REFUSAL OF LICENCE TO ABSTRACT \*BRACKISH GROUNDWATER/FRESH  
GROUNDWATER/SALT GROUNDWATER/SEAWATER**

*\*Delete inappropriate words.*

To: \_\_\_\_\_

Your application in respect of [*a licence to abstract \*brackish groundwater/fresh groundwater/salt groundwater/seawater*] \_\_\_\_\_ is hereby refused under the Groundwater and Seawater Abstraction Regulations, 2024 for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*\*Delete inappropriate words.*

Date: \_\_\_\_\_

Technical Officer Utilities: \_\_\_\_\_

Signature: \_\_\_\_\_

**NOTE: THE APPLICANT MAY APPEAL THIS REFUSAL IN ACCORDANCE WITH THE  
APPEALS REGULATIONS, 2024 UNDER THE WATER AND WELLS ACT, R.S.A. c. W3.**

FORM 4

WATER AND WELLS ACT, R.S.A. c. W3  
GROUNDWATER AND SEAWATER ABSTRACTION REGULATIONS, 2024

(Section 12)

**NOTICE OF SUSPENSION OF LICENCE TO ABSTRACT \*BRACKISH GROUNDWATER/  
FRESH GROUNDWATER/SALT GROUNDWATER/SEAWATER**

*\*Delete inappropriate words.*

To: \_\_\_\_\_

Your licence number \_\_\_\_\_ is hereby suspended under the Groundwater and Seawater Abstraction Regulations, 2024 on and from the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are permitted until \_\_\_\_\_, or any extension thereof made in writing by the Technical Officer Utilities, to rectify the condition or conditions that led to the suspension.

Failure to do so may lead to cancellation of your licence.

Date: \_\_\_\_\_ Technical Officer Utilities: \_\_\_\_\_

Signature: \_\_\_\_\_

**NOTE: THE APPLICANT MAY APPEAL THIS SUSPENSION IN ACCORDANCE WITH THE  
UNDER THE WATER AND WELLS ACT, R.S.A. c. W3.**

FORM 5

WATER AND WELLS ACT, R.S.A. c. W3  
GROUNDWATER AND SEAWATER ABSTRACTION REGULATIONS, 2024

(Section 13)

**NOTICE OF CANCELLATION OF LICENCE TO \*ABSTRACT BRACKISH GROUNDWATER/  
FRESH GROUNDWATER/SALT GROUNDWATER/SEAWATER**

To: \_\_\_\_\_

Your licence number \_\_\_\_\_ is hereby cancelled under the Groundwater and Seawater Abstraction Regulations, 2024 on and from the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Technical Officer Utilities: \_\_\_\_\_

Signature: \_\_\_\_\_

**NOTE: THE APPLICANT MAY APPEAL THIS CANCELLATION IN ACCORDANCE WITH  
THE RELEVANT LEGISLATION, UNDER THE WATER AND WELLS ACT, R.S.A. c. W3.**

**SCHEDULE 2**

(Sections 4(1)(b), 17(4), 18(2)(b), 19(1)(b) and 25(3))

**FEES**

**Application fee**

1. The fee for filing an application under section 4(1)(a) for a licence to abstract brackish groundwater, fresh groundwater, salt groundwater or seawater:

(a) for household purposes is.....\$300.00

(b) for other than household purposes is.....\$500.00

**Licence transfer fee**

2. The fee for the transfer under section 18(2)(b) of a licence to abstract brackish groundwater, fresh groundwater, salt groundwater or seawater:

(a) for household purposes is.....\$300.00

(b) for other than household purposes..... \$500.00

**Amendments, etc. under section 17(4)**

3. The fee for an action under section 17(4) in respect of a licence to abstract brackish groundwater, fresh groundwater, salt groundwater or seawater:

(a) for household purposes is.....\$150.00

(b) for other than household purposes is.....\$250.00

**Licence replacement fee**

4. The fee for the replacement under section 19(1)(b) of a licence to abstract brackish groundwater, fresh groundwater, salt groundwater or seawater:

(a) for household purposes is.....\$150.00

(b) for other than household purposes is.....\$250.00

**Requesting testing of water meter**

5. The fee for the testing of a water meter under section 25(3) is.....\$500.00.

**SCHEDULE 3**

(Section 6(1)(b) and 8(1)(d))

**LICENCE CHARGES TO ABSTRACT BRACKISH OR FRESH GROUNDWATER**

**Annual licence charge to abstract brackish or fresh groundwater for household purposes**

1. The licence charge to abstract brackish or fresh groundwater for household purposes for any 1 year period is \$250.00.

**Licence charge to abstract brackish or fresh groundwater for other than household purposes**

2. (1) The licence charge to abstract brackish or fresh groundwater for other than household purposes for the first year of the licence and each subsequent 1 year period of the licence is the amount arrived at when the following formula is applied—

$$C = \frac{M \times 365 \times R}{1,000}$$

where—

- C = the licence charge in dollars for that 1 year period;
- M = the daily rate of abstraction in imperial gallons of brackish or fresh groundwater set out in the licence;
- R = the rate of licence charge in dollars per 1,000 imperial gallons of brackish or fresh groundwater as that rate stands on the first day of the first year of the licence or each anniversary date of the licence, as the case may be, as that rate is set out in section 3.

(2) The licence charge is not refundable.

**Rate of licence charge for brackish or fresh groundwater**

3. The rate of licence charge is \$5.00 per 1,000 imperial gallons of brackish or fresh groundwater abstracted.

**SCHEDULE 4**

(Section 8(1)(e))

**ROYALTIES TO ABSTRACT BRACKISH OR FRESH GROUNDWATER**

**Royalty to abstract brackish or fresh groundwater for household purposes**

1. (1) A royalty to abstract brackish or fresh groundwater for household purposes in a month is payable in the amount arrived at when the following formula is applied—

$$A = \frac{(V - 150) \times R}{1,000}$$

where—

- A = the amount of royalty payable in the month;
- V = volume of brackish or fresh water in imperial gallons abstracted in the month;
- N = the number of days in the month;
- R = the rate of royalty per 1,000 imperial gallons on brackish or fresh water abstracted set out in subsection (2).

(2) The rate of royalty is \$ 11.00 per 1,000 imperial gallons of brackish or fresh groundwater abstracted.

**Royalty to abstract brackish or fresh groundwater for other than household purposes**

2. (1) A royalty to abstract brackish or fresh groundwater for other than household purposes in a month is payable in the amount arrived at when the following formula is applied—

$$A = \frac{V \times R}{1,000}$$

where—

- A = the amount of royalty payable in the month;
- V = volume of brackish or fresh water in imperial gallons abstracted in the month;
- R = the rate of royalty per 1,000 imperial gallons on brackish or fresh water abstracted set out in subsection (2).

(2) The rate of royalty is \$12.00 per 1,000 imperial gallons of brackish or fresh groundwater abstracted.

**SCHEDULE 5**

(Section 9(1)(d), 10(1)(d))

**LICENCE CHARGES TO ABSTRACT SALT GROUNDWATER OR SEAWATER**

**Annual licence charge to abstract salt groundwater or seawater for household purposes**

1. The licence charge to abstract salt groundwater or seawater for household purposes for any 1 year period is nil.

**Licence charge to abstraction of salt groundwater or seawater for other than household purposes**

2. (1) The licence charge to abstract salt groundwater or seawater for other than household purposes for the first year of the licence and each subsequent 1 year period of the licence is the amount arrived at when the following formula is applied—

$$C = \frac{M \times 365 \times R}{1,000}$$

where—

- C = the licence charge in dollars for that 1 year period;
- M = the rate of abstraction in imperial gallons of salt groundwater or seawater set out in the licence;
- R = the rate of licence charge in dollars per 1,000 imperial gallons of salt groundwater or seawater on the first day of the first year of the licence or each anniversary of the licence, as the case may be, as that rate is set out in section 3.

- (2) The licence charge is not refundable.

**Rate of licence charge for salt groundwater or seawater**

3. The rate of licence charge is \$4.00 per 1,000 imperial gallons of salt groundwater or seawater abstracted.

**SCHEDULE 6**

(Section 9(1)(e) and 10(1)(e))

**ROYALTIES TO ABSTRACT SALT GROUNDWATER OR SEAWATER**

**Royalty to abstract salt groundwater or seawater for household purposes**

1. (1) A royalty to abstract salt groundwater or seawater for household purposes in a month is payable in the amount arrived at when the following formula is applied—

$$A = \frac{(V - 1,500) \times R}{1,000}$$

where—

- A = the amount of royalty payable in the month;  
V = volume of salt groundwater or seawater in imperial gallons abstracted in the month;  
R = the rate of royalty per 1,000 imperial gallons of salt groundwater or seawater abstracted set out in subsection (2).

(2) The rate of royalty is \$ 7.00 per 1,000 imperial gallons of salt groundwater or seawater abstracted.

**Royalty to abstract salt groundwater or seawater for other than household purposes**

2. (1) A royalty to abstract salt groundwater or seawater for other than household purposes in a month is payable in the amount arrived at when the following formula is applied—

$$A = \frac{V \times R}{1,000}$$

where—

- A = the amount of royalty payable in the month;  
V = volume of salt groundwater or seawater abstracted in the month;  
R = the rate of royalty on per 1,000 imperial gallons of salt groundwater or seawater abstracted as set out in subsection (2).

(2) The rate of royalty is \$8.00 per 1,000 imperial gallons of salt groundwater or seawater abstracted.

Made by Her Excellency the Governor this       day of October, 2024

\_\_\_\_\_  
Julia Crouch, OBE  
GOVERNOR OF ANGUILLA

**SCHEDULE 5**

(Section 9(1)(d), 10(1)(d))

**LICENCE CHARGES TO ABSTRACT SALT GROUNDWATER OR SEAWATER**

**Annual licence charge to abstract salt groundwater or seawater for household purposes**

1. The licence charge to abstract salt groundwater or seawater for household purposes for any 1 year period is nil.

**Licence charge to abstraction of salt groundwater or seawater for other than household purposes**

2. (1) The licence charge to abstract salt groundwater or seawater for other than household purposes for the first year of the licence and each subsequent 1 year period of the licence is the amount arrived at when the following formula is applied—

$$C = \frac{M \times 365 \times R}{1,000}$$

where—

C = the licence charge in dollars for that 1 year period;

M = the rate of abstraction in imperial gallons of salt groundwater or seawater set out in the licence;

R = the rate of licence charge in dollars per 1,000 imperial gallons of salt groundwater or seawater on the first day of the first year of the licence or each anniversary of the licence, as the case may be, as that rate is set out in section 3.

(2) The licence charge is not refundable.

**Rate of licence charge for salt groundwater or seawater**

3. The rate of licence charge is \$4.00 per 1,000 imperial gallons of salt groundwater or seawater abstracted.

## SCHEDULE 6

(Section 9(1)(e) and 10(1)(e))

## ROYALTIES TO ABSTRACT SALT GROUNDWATER OR SEAWATER

## Royalty to abstract salt groundwater or seawater for household purposes

1. (1) A royalty to abstract salt groundwater or seawater for household purposes in a month is payable in the amount arrived at when the following formula is applied—

$$A = \frac{(V - 1,500) \times R}{1,000}$$

where—

- A = the amount of royalty payable in the month;  
 V = volume of salt groundwater or seawater in imperial gallons abstracted in the month;  
 R = the rate of royalty per 1,000 imperial gallons of salt groundwater or seawater abstracted set out in subsection (2).

(2) The rate of royalty is \$ 7.00 per 1,000 imperial gallons of salt groundwater or seawater abstracted.

## Royalty to abstract salt groundwater or seawater for other than household purposes

2. (1) A royalty to abstract salt groundwater or seawater for other than household purposes in a month is payable in the amount arrived at when the following formula is applied—

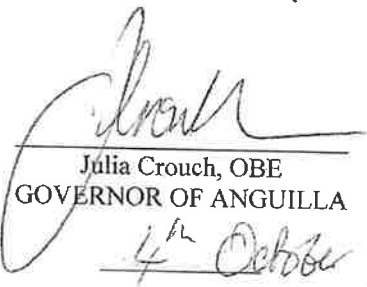
$$A = \frac{V \times R}{1,000}$$

where—

- A = the amount of royalty payable in the month;  
 V = volume of salt groundwater or seawater abstracted in the month;  
 R = the rate of royalty on per 1,000 imperial gallons of salt groundwater or seawater abstracted as set out in subsection (2).

(2) The rate of royalty is \$8.00 per 1,000 imperial gallons of salt groundwater or seawater abstracted.

Made by Her Excellency the Governor this 4<sup>th</sup> day of October, 2024

  
 Julia Crouch, OBE  
 GOVERNOR OF ANGUILLA

4<sup>th</sup> October 2024