

Law No. (15) of 2008

Concerning Protection of Groundwater in the Emirate of Dubai

We, Moahmmmed Bin Rashid Al Maktoum, Ruler of Dubai

Upon review of Law No. (3) of 2003 Concerning Establishing the Executive Council of the Emirate of Dubai;

Law No. (18) of 2006 Concerning Management and Realization of Public Properties of the Government of Dubai; and

With the view to protect the Groundwater in the Emirate of Dubai from Pollution, Drain and Salinization, and in order to maintain strategic stock of the Groundwater for meeting emergencies,

Hereby issue the following Law:

Article (1)

This Law shall be called “Law No. (15) of 2008 of Protection of Groundwater in the Emirate of Dubai”.

Article (2)

In applying the provisions of this Law the following terms and words shall, unless otherwise required by the contents, have the meanings set forth against them respectively:

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| Emirate | Emirate of Dubai |
| Executive Council | The Executive Council of the Emirate |
| Municipality | Dubai Municipality |
| Authority | Dubai Electricity and Water Authority |
| Person | Nature or corporate, private or public person |
| Owner | The person in whose name the plot in which the Well is located or the owner of the project which utilizes the water of the Well |
| Groundwater | Water existing naturally underground which is extracted through a Well, excluding saline water which appears on excavation for performance of construction works, or artificial reservoirs, ponds or Basins established for storage of water in them. |
| Water Basin | Any gathering of Groundwater with an area between the most distant two points reached by the Groundwater as a result of its movement |

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| Well | around the gathering center. Any hole or pit through which Groundwater is extracted and flowing on the surface of the ground. The facilities constructed on it and the equipment used for this purpose are considered part of the Well. |
| Extraction | Suction or lifting of Groundwater to the surface of the ground by any means. |
| Drain | Extraction of Groundwater from Water Basins in quantities exceeding alternative feeding rates which would cause the possibility of depletion or Salinization. |
| Pollution | Any change to the natural physical, chemical or biological properties of Groundwater in the Water Basin to the extent to which such water becomes unfit for the intended use. |
| Salinization | Increase of concentration of the dissolved salts in Groundwater beyond the natural limits in the Water Basin |
| Water Balance | The difference between the quantity of the extracted Groundwater and the quantity of renewable Groundwater |
| Restricted Area | The geographic area designated by the Municipality as an area in which no Wells may be established and no activities may be undertaken which may affect the Groundwater existing in it. |
| Impact Area | The area extending between the end point to which the Groundwater reaches and the center of the Water Basin at which the Well water may mix with the waters of the other neighboring basins or with any underground or surface feeding resources. |

Article (3)

The provisions of this Law shall apply to all Water Basins and Groundwater Wells in the Emirate, excluding the Wells of the Authority.

Article (4)

The Municipality, in coordination with the concerned federal and local government authorities in the Emirate, shall:

1. Designate the locations of the Water Basins in the Emirate and classify them according to their Geo-hydrological status.
2. Designate the Restricted Areas and the areas in which extraction of Groundwater is permitted.

3. Establish the environmental and engineering standards and conditions required for utilization of Groundwater resources in the Emirate, and shall specify the aspects of their use and the control of rationalization of their consumption.
4. Carry out geo-physical and geo-hydrological studies on Water Basins and Wells, and shall establish the standards and controls required for preventing Groundwater Pollution, Salinization or Drain.
5. Designate the number of Wells permitted to be established for extraction of Groundwater in a geographical area, and shall designate the depth, dimensions and distances between them.
6. Issue licenses for drilling, increasing capacity or maintenance of Wells or for changing their uses subject to obtaining a no objection certificate from the Authority.
7. Issue approval for licensing companies and establishments operating in drilling of Wells in the Emirate.
8. Designate the quantities of water allowed to be extracted from the Well on a daily or annual basis according to the Water Balance ratio at the site and concentration of the chemical elements dissolved in the Well and the purpose of using it.

Article (5)

No Person shall be allowed to drill a Well in the Emirate for extraction of Groundwater or to increase the depth or diameter of a Well or to make any change to it or to the equipment and instruments installed on it without obtaining license for the same from the Municipality in accordance with the requirements and conditions specified by the Implementing Regulations of this Law.

Article (6)

The license referred to in Article (5) of this Law shall include the location, the depth and diameter of the Well and shall include:

1. The purpose of extraction of Groundwater
2. The maximum limit of the Groundwater allowed to be extracted from the Well per day
3. Specifications and capacity of the pump used for suction of water from the Well
4. Specifications of the meter installed on the Well for measurement of the extracted quantities of water

5. The facilities that may be established on the Well.

Article (7)

1. The Owner shall install on the Well water meter approved by the Municipality for measurement of the quantities of Groundwater extracted from the Well. This meter shall be subject to periodical inspection by the Municipality for verifying its validity and sound operation.
2. On installation of the meter the Municipality shall take the necessary technical measures to prevent manipulation of readings or replacement of the meter or making any change to it that would prevent accurate measuring of the extracted quantities of water.

Unless otherwise is established, the readings of the meter shall be sufficient evidence on the quantity of water extracted from the Well.

Article (8)

1. A Person shall not practice drilling of Wells in the Emirate except upon obtaining license from the Municipality to do so.
2. Drills which are not registered with the Municipality may not be possessed or used for drilling of Wells in the Emirate.

Article (9)

The Municipality may cancel the license issued pursuant to Article 8(1) if it is found that the licensed Person has drilled or proceeded with drilling a Well before obtaining the necessary license for drilling by the Well Owner.

Article (10)

The Groundwater extracted from the Well shall be subject to quality control by the Municipality including carrying out chemical, bacterial and other tests as may be necessary for ensuring validity of the water for the purposes and uses for which they are extracted.

Article (11)

The Municipality may close any Well if the quantities of water extracted from the Well exceed the allowable limit, in case of Pollution of the Well, in case that the concentration of the dissolved salts in the Well escalate to exceed the natural rates of allowable for their increase in accordance with the standards approved in this respect.

Article (12)

The Owner shall keep a special register in which all the details relating to the Well shall be entered such as the date of drilling and the depth of the Well and the quantity of water extracted from it per day. The register shall be kept at the Well location permanently for the purposes of inspection and control by the Municipality.

Article (13)

A Person shall not, without prior written approval of the Municipality:

1. Use the Groundwater for sale or trade in Groundwater for irrigation of commercial agricultural products.
2. Store any hazardous materials or exercise any activity on the ground or underground near the Groundwater or within the Water Basin areas.

Article (14)

The following shall not be allowed within the Water Basin areas, the Impact Areas and the Restricted Areas:

1. Throwing, compiling or burial of any materials, designated by the Municipality, which would change the natural or chemical properties of the Groundwater.
2. Establishing cemeteries or burying dead animals.

Article (15)

A Person who in the process of drilling discovers Groundwater shall give notice to the Municipality of the same within not later than one week from the date of finding the water.

Article (16)

All Well licenses issued by the Municipality in areas which are determined pursuant to the provisions of this Law to be Restricted Areas after three months from the date on which this Law comes into effect.

Article (17)

The Municipality shall charge on the services and licenses provided or issued under this Law a fee of not less than Dirhams one hundred (Dirhams 100) at least and of not more than Dirhams twenty thousand (Dirhams 20,000).

The Implementing Regulations of this Law shall specify the fee payable for each type of such services and licenses.

Article (18)

1. Without prejudice to any more severe penalty provided by any other legislation, any Person who violates the provisions of this Law, its Implementing Regulations or the resolutions issued under it by payment of a fine in the amount of not less than Dirhams one hundred (Dirhams 100) and not more than Dirhams five hundred thousand (Dirhams 500,000). The original amount of the fine shall be doubled on repeating the same violation in one year.
2. The Municipality may- in addition to the determined fine – take against the violating Person one or more of the following measures:
 - a. Cancellation of the license or suspension of the license for not more than one month.
 - b. Closing of the Well.
 - c. Withholding the equipment and tools used in committing the violation pending remedy of the violation.
 - d. Sale in public auction of the equipment and tools used in committing the violation for settlement of the fines arising from the violation in case of failure of payment of the same.
 - e. Destruction of the equipment, tools and materials which are inconsistent with the approved conditions.
3. The Implementing Regulations to this Law shall specify the violations and the penalties determined for each of them.

However, the violator who causes damage to Groundwater shall be liable for rectifying or indemnifying such damage in accordance with the controls and conditions specified in the Implementing Regulations to this Law.

Article (19)

In case of failure of the violator to remedy the cause of violation or the damage arising from the violation within the time specified for the same by the Municipality, the Municipality may take the necessary action to make good such damage and may demand the violator to pay the cost of the same in addition to (25%) of such cost as administrative fees.

Article (20)

As of the date of enforcement of this Law Owners of Wells existing in the Emirate, Persons who carry on Well drilling and Owners of drills shall amend their status in accordance with the provisions of this Law within three months from the date on which this Law comes into effect.

Article (21)

Employees and inspectors of the Municipality delegated by the Director General for the purpose shall have the capacity of investigation officers in proving the acts committed in violation of the provisions of this Law and its Implementing Regulations and the resolutions issued under it. To this end they shall have the right to enter the Well sites, Water Basin areas and all areas governed by the provisions of this Law, and to inspect their records and books, to seize, withhold, test and analyze any equipment, tools and materials which are violating or which are used in committing the violation and to issue the necessary seizure minutes.

Article (22)

In implementing the provisions of this Law and its Implementing Regulations and the resolutions issued under it the Municipality may seek assistance of departments, entities and public corporations in the Emirate including the police force. The said entities shall extend assistance as soon as they receive request for the same.

Article (23)

The Municipality shall issue and submit to the Chairman of the Executive Council for approval the implementing regulations of this Law.

Article (24)

Any provision in any other legislation shall be cancelled to the extent to which such provision is inconsistent with the provisions of this Law.

Article (25)

This Law shall be published in the Official Gazette and shall come into effect as of the date of publication.

Mohammed Bin Rashid Al Maktoum

Ruler of Dubai