ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

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

Showing the Law as at 15 December 2014

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

Regulation	Citation	Page
WELLS REGULATIONS *Consolidates R.A. 42/2013, in force 11 November 2013*	R.R.A. W3-1 *(15/12/2014)*	3

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Revised Regulations of Anguilla: W3-1

WATER AND WELLS ACT (R.S.A. c. W3)

WELLS REGULATIONS

Note: These Regulations are enabled under section 8 of the Water and Wells Act, R.S.A. c. W3.

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WELLS REGULATIONS

PART 1

PRELIMINARY

Definitions

1. In these Regulations—

"abandoned", in relation to a well, means a well that has not been used for a period of 2 years or more;

"Act" means the Water and Wells Act;

"alter", in relation to a well, means to extend, recondition or modify the well and includes any drilling associated with the extension, reconditioning or modification;

"authorised well driller" means a person who has the prescribed authorisation;

"authorised well pump installer" means a person who has the prescribed authorisation;

"brackish groundwater lens" means that portion of an aquifer that consists of brackish groundwater;

"completion", in relation to a well, means that the drilling, disinfection and yield testing of the well has been done in accordance with these Regulations;

"development", in relation to a well, means the steps to render the well usable after the well has been drilled and pump tested;

"dollar" or "$" means Eastern Caribbean dollar;

"drill", in relation to a well, means to drill, bore, excavate or otherwise make or construct a well and includes all activities necessary or advisable in relation to the installation or construction of equipment, buildings, structures and appurtenances forming part of the well;

"inactive", in relation to a well, means a well that has not been used for a period of at least 18 months;

"permit" means a permit to drill or alter a well referred to in section 2(1)(b);

"Plan" means the Groundwater Resources Management Plan referred to in section 4(1) of the Act;

"owner" means the registered owner of an estate in fee simple in the land or of a lease of more than 2 years;

"reclaim", in relation to a well, means restore the site of the well to the condition that it was in just before the well was drilled;

"recondition" means to flush, clean, recase, reline, rescreen or redevelop an existing well to improve water production or water quality.

PART 2

REGISTRATION AND QUALIFICATION

Register of authorised well drillers and authorised well pump installers

2. (1) The Technical Officer Utilities shall—

(a) establish and maintain—

(i) a register of well drillers who are authorised to operate in Anguilla, and

(ii) a register of well pump installers who are authorised to operate in Anguilla;

(b) issue a permit to each person who is—

(i) an authorised well driller, or

(ii) an authorised well pump installer;

(c) make readily available to the public during normal working hours, or available in electronic form on the Government of Anguilla's website, a list of authorised well drillers and authorised well pump installers whose names are in the register;

(d) remove from the register of authorised well drillers or the register of authorised well pump installers, any person who—

(i) fails to meet a requirement for registration,

(ii) is no longer working as a well driller or well pump installer, or

(iii) is deceased.

(2) The registers referred to in subsections 2(1)(a)(i) and (ii) may list authorised well drillers and authorised well pump installers as belonging to a particular class of authorised well drillers or authorised well pump installers.

Registration and Qualifications - Authorised well driller

3. (1) A person may apply for registration as an authorised well driller by submitting to the Technical Officer Utilities a completed application in Form 1 of Schedule 1.

(2) Paying the application fee set out in Schedule 2.

(3) The application for registration under subsection (1) shall provide with the application, proof satisfactory to the Technical Officer Utilities that the applicant—

(a) is at least 18 years of age; and

(b) holds one of the following—

(i) a certificate of qualifications as a water well driller or equivalent issued by a recognised technical or tertiary institution, or

(ii) a certification as a ground water drilling technician or equivalent issued by a recognised technical or tertiary institution.

(4) On approving the application, the Technical Officer Utilities shall register the person as an authorised well driller and issue a permit to him or her in Form 2 of Schedule 1.

(5) A permit referred to in subsection (4) shall not be issued unless the fee set out in Schedule 2 is paid in full.

Registration and Qualifications - Authorised well pump installer

4. (1) A person may apply for registration as an authorised well pump installer by—

(a) submitting to the Technical Officer Utilities a completed application in Form 1of Schedule 1; and

(b) paying the application fee set out in Schedule 2.

(2) The application for registration under subsection (1) shall provide with the application, proof satisfactory to the Technical Officer Utilities that the applicant—

(a) is at least 18 years of age, and

(b) holds one of the following—

(i) a certificate of qualifications as a well pump installer issued by a recognised technical or tertiary institution, or

(ii) a certification as ground water pump technician issued by a recognised technical or tertiary institution.

(3) On approving the application, the Technical Officer Utilities shall register the person as an authorised well pump installer and issue a permit to him or her in Form 2 of Schedule 1.

(4) A permit referred to in subsection (3) shall not be issued unless the fee set out in Schedule 2 is paid in full.

Notice to Technical Officer Utilities

5. A person listed as an authorised well driller or an authorised well pump installer in the register maintained by the Technical Officer Utilities or referred to in section 2(1)(a), must advise the Technical Officer Utilities in writing within 60 days of—

(a) any changes to the information included in the register; or

(b) if the person is no longer actively working as a well drill or well pump installer.

PART 3

PERMITS TO DRILL OR ALTER WELLS

Prohibition on drilling or altering wells without a permit

6. (1) No person shall drill or alter a well, or cause or permit a well to be drilled or altered, unless he or she—

(a) holds a permit that is not suspended that authorises the person to drill or alter the well; and

(b) complies with the terms and conditions of the permit.

(2) No person shall act as a driller of a well unless he or she—

(a) is named in the permit to drill or alter the well or is approved to drill or alter the well by the Technical Officer Utilities;

(b) is, or does so for the person who holds the permit;

(c) complies with the terms and conditions of the permit; and

(d) is an authorised well driller.

Application for permit

7. (1) A person may apply for a permit by—

(a) submitting to the Technical Officer Utilities a completed application in Form 3 of Schedule 1; and

(b) paying the application fee set out in Schedule 2.

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

Issuance of permit

8. (1) The Technical Officer Utilities may issue a permit if—

(a) the applicant satisfies the requirements of these Regulations with respect to the application; and

(b) the applicant pays the fee for the issuance of the permit set out in Schedule 2; and

(c) the Technical Officer Utilities is satisfied that the issuance of the permit is in accordance with the Plan.

(2) The permit shall be in Form 4 of Schedule 1.

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

Terms and conditions

9. (1) A permit is subject to the following terms and conditions—

(a) the permit holder shall comply with the provisions of—

(i) Part 4 except where a variation of a provision is authorised under that Part and made by the Technical Officer Utilities, in which event the permit holder shall comply with provision as varied; and

(ii) Part 5;

(b) no pump shall be installed in the well that exceeds the pumping capacity specified in the permit;

(c) the permit holder shall comply with any order in relation to the well under section 6 of the Act; and

(d) any other terms or conditions that the Technical Officer Utilities considers appropriate.

(2) The terms and conditions referred to in paragraph (1)(d) may include a requirement that a security deposit be made in an amount that, in the opinion of the Technical Officer Utilities, is reasonably sufficient to ensure the due completion or reclamation of the well in accordance with the terms and conditions of the permit.

(3) The terms and conditions of a permit, other than those set out in a notice under section 10(2), shall be set out in the permit.

Notice of refusal of permit

10. (1) When a permit 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 5 of Schedule 1.

Suspension of permit

11. (1) The Technical Officer Utilities may suspend a permit when he or she has reasonable grounds to believe that the permit holder is in contravention of or has contravened a term or condition of the permit.

(2) When a permit is suspended under subsection (1), the Technical Officer Utilities shall give notice in writing of the suspension to the permit 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 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 permit.

(3) The notice under subsection (2) may be in Form 6 of Schedule 1.

(4) The time permitted for rectification of a condition or conditions may be extended in writing by the Technical Officer Utilities, whether or not the time permitted in the notice has expired.

Cancellation of permit

12. (1) The Technical Officer Utilities may cancel a permit when—

(a) the permit has been suspended under section 11 and the condition or conditions that led to the suspension are not rectified within the time permitted under section 11(2)(b) or any extension under section 11(4); or

(b) the permit holder is in contravention of, or has contravened, the permit or a term or condition of the permit, and the Technical Officer Utilities is of the opinion that the contravention is so serious that the permit should be cancelled without first being suspended.

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

(3) The notice under subsection (2) may be in Form 7 of Schedule 1.

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

Amendment of permit

13. (1) The Technical Officer Utilities may, on application by the permit holder or, when the Technical Officer Utilities considers it appropriate, on his or her own initiative—

(a) when a variation of a provision of Part 4 is authorised, amend or further amend the provision for the purposes of a term or condition referred to in section9(1)(a)(i);

(b) vary the capacity of a pump specified for the purposes of a term or condition referred to in section 9(1)(b); or

(c) amend, add, delete or replace a term or condition referred to in section 9(1)(d).

(2) An application by a permit holder shall be in the form the Technical Officer Utilities requires and shall be accompanied by the fee, or proof of payment of the fee, prescribed in Schedule 2.

(3) The Technical Officer Utilities may issue an amended permit if—

(a) the applicant satisfies the requirements of these Regulations with respect to the application; and

(b) the applicant pays the fee set out in Schedule 2 for the issuance of the amended permit; and

(c) the Technical Officer Utilities is satisfied that the issuance of the amended permit is in accordance with the Plan.

(4) Sections 8(2) and (3) apply, with necessary changes, to the issue of an amended permit under this section.

(5) When an action under subsection (1) is taken on the initiative of the Technical Officer Utilities or when the Technical Officer Utilities refuses an application by the permit holder, the Technical Officer Utilities shall give notice in writing of the action or the refusal to the permit holder and shall state his or her reasons for taking the action.

Transfer of permit

14. (1) A permit is not transferable without the consent in writing of the Technical Officer Utilities.

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

(a) submitting to the Technical Officer Utilities a completed application containing the information required by the Technical Officer Utilities, which 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 permit holder and the transferee or proposed transferee—

(a) whether the Technical Officer Utilities consents or refuses to consent to the transfer of the permit;

(b) if the transfer of the permit is refused, stating the reason for the refusal; and

(c) if the transfer is consented to, of the conditions, if any, to which the transfer is subject.

Replacement of permit

15. (1) A permit holder whose permit has been lost or destroyed or has become illegible may apply for a replacement permit by—

(a) submitting an application in the form required by the Technical Officer Utilities; and

(b) paying the fee prescribed in Schedule 2.

(2) When the Technical Officer Utilities is satisfied that the permit 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 permit.

Register of permits

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

(a) particulars of each permit and, in respect of the permit—

(i) actions under section 11 or 12, and

(ii) actions under section 13;

(b) particulars of each transfer of the permit under section 14; and

(c) orders issued under section 6 of the Act in respect of the permit.

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

Permit is Government property

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

Production of permit

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

PART 4

OBLIGATIONS RESPECTING DRILLING AND ALTERING WELLS

Records during drilling

19. During the drilling of a well or the alteration of a well—

(a) the permit holder shall maintain a legible current record on a daily basis of the progress of the drilling of the well (including a record of the depth at which there is a strata change and the composition of each stratum) and of the testing of the well, including a lithologic log unless the well driller does so, in which event the permit holder is deemed to have complied with this subsection; and

(b) the permit holder shall have the record available for inspection by the Technical Officer Utilities at the site of the well unless the well driller does so, in which event the permit holder is deemed to have complied with this subsection.

Drilling reports

20. (1) During the drilling of a well or the alteration of a well, the permit holder shall make a written report of each of the following without delay after it occurs and furnishes such particulars of the occurrence as the Technical Officer Utilities requires—

(a) evidence that the well may cause an adverse effect on the groundwater environment, human health, property or public safety;

(b) the fact that the well cannot be completed because of a construction problem, inadequate water yield or other cause,

and shall give the report to the Technical Officer Utilities without delay, unless the well driller does so, in which event the permit holder is deemed to have complied with this section.

(2) Not later than 30 days after the completion of the drilling or altering of a well or after the time that a determination is made not to proceed with the development of the well, the permit holder shall—

(a) complete a drilling report in writing in the form required by the Technical Officer Utilities containing the following information—

(i) the number of the permit authorising the drilling or alteration of the well,

(ii) the name of the permit holder,

(iii) the recommended pumping rate of the well, if the well is completed,

(iv) the name of the well driller,

(v) particulars of the drilling or alteration of the well, including—

(A) the complete lithologic log,

(B) the length of time it took for the well to be drilled,

(C) the length of the screen,

(D) grouting,

(E) gravel packing, if any, and

(F) particulars of the tests conducted and their results; and

(b) give it to the Technical Officer Utilities,

unless the well driller does so, in which event the permit holder is deemed to have complied with this section.

Well site specifications

21. (1) A well shall be so situated that—

(a) the well is accessible for cleaning, treatment, repair, testing, maintenance and inspection;

(b) the area immediately surrounding the well may be kept in a sanitary condition; and

(c) surface water does not collect or form a pond in the vicinity of the well.

(2) A well shall not be located in a pit.

Pump house

22. (1) A well shall not be located in a building other than in a pump house that houses only the well and the pump.

(2) A pump house shall be so constructed that water does not collect on the pump house floor.

Minimum distance of wells from buildings and roads

23. A well shall not be located within—

(a) 6 feet of a building eave or its foundation; or

(b) 20 feet of a road edge.

Minimum distance of wells from sources of contamination

24. (1) Subject to subsections (2) and (3), a well shall not be located within—

(a) 250 feet of a sewage treatment facility or a septic tank, cesspit, pit privy or other place where human waste is disposed of but, if the well is cased to a depth of 50 feet below the water table, the well may be located within 100 feet of the sewage treatment facility, septic tank, cess pit, pit privy or other place where human waste is disposed of; or

(b) 500 feet of a dump, landfill, place where pesticides, fuel, heavy metals or other contaminants are stored or other source of contamination.

(2) When a well is proposed to be located in an area that in the opinion of the Technical Officer Utilities has very porous rock, the Technical Officer Utilities may vary a distance referred to in subsection (1)

by increasing it to such greater distance as in his or her opinion is necessary to eliminate the risk of contaminated groundwater being abstracted from the well or to reduce it to an acceptable level.

(3) The Technical Officer Utilities may vary a distance referred to in subsection (1) by reducing it if he or she is satisfied that the reduction will not materially increase the risk of contaminated groundwater being abstracted from the well.

Minimum distance of wells for household purposes from other wells

25. (1) A well intended to be used for the abstraction of brackish groundwater for household purposes shall not be located within—

(a) 1500 feet of a well used or intended to be used for the abstraction of brackish groundwater by the Government or a government agency; or

(b) 500 feet of a well used or intended to be used for the abstraction of groundwater by a person authorised by licence to abstract brackish groundwater for other than household purposes.

(2) The Technical Officer Utilities may, in respect of a well intended to be used for the abstraction of brackish groundwater for household purposes, vary the distance—

(a) referred to in paragraph (1)(a) if the Technical Officer Utilities is satisfied that the variation will not materially affect the yield of a well used or intended to be used for the abstraction of brackish groundwater by the Government or a government agency; or

(b) referred to in paragraph (1)(b) if the Technical Officer Utilities is satisfied that the variation will not materially affect the yield of a well used or intended to be used for the abstraction of brackish groundwater by a person authorised by licence to abstract brackish groundwater for other than household purposes.

Maximum distance of salt wells from high tide mark or pond

26. (1) Subject to subsection (2), a well intended for the abstraction of salt groundwater shall be located within 1000 feet of the high tide mark or the edge of a pond.

(2) The Technical Officer Utilities may vary the distance provided in subsection (1) by not more than 100 feet if he or she is satisfied that the variation will not create a condition in which the well can or might be used for the abstraction of brackish groundwater.

New and approved materials to be used

27. No materials shall be used in the drilling or alteration of a well unless the materials are new and uncontaminated and are approved by the Technical Officer Utilities.

Construction requirements

28. (1) A well shall meet the following requirements—

(a) subject to subsection (2), the well must be designed and constructed so that surface water or other substances cannot enter any aquifer;

(b) if the well is for the abstraction of groundwater, the well must be designed and drilled so as to allow production consistent with the permit holder's water requirements, taking into account the production potential of the aquifer being used;

(c) the well must be constructed so that the casing extends not less than 2 feet above—

(i) the pump house floor or the established ground surface, whichever is the higher, if the well is in a pump house, or

(ii) the established ground surface, if the well is not in a pump house;

(d) in the case of a well intended to be equipped with a submersible or independent jet pump for abstraction of groundwater, the well must be constructed so that the casing has an inside diameter of at least 4 inches from the top of the well to below the optimum pump intake depth;

(e) when non-metallic pipe is used as casing, the well must be protected at the ground surface by steel casing that is firmly anchored in the ground;

(f) the annulus of the well must be sealed from the ground surface to a point at least 4 feet below the ground surface using suitable cement, grout, concrete, bentonite or equivalent commercial slurry, or using clay slurry, impervious well cuttings or impervious overburden materials;

(g) the well must be capped to the satisfaction of the Technical Officer Utilities;

(h) a well that is bored or dug must be provided with a cover that has at least a 2 inches overlap and does not allow water to enter through the top.

(2) Paragraph (1)(a) does not apply to water that is permitted under an Act or regulation to be used to recharge an aquifer or to waste water or storm water that is permitted under an Act or regulation to be injected into or deposited in the aquifer through a well that is constructed for that purpose.

Covering of wells

29. A well that is being drilled and is left unattended shall be securely covered to prevent the entry of surface water and foreign objects or materials into the well and to prevent persons or animals from falling into the well.

Fluids and substances in drilling operations

30. No substance or equipment shall be used in drilling or altering a well that may cause an adverse effect on the groundwater environment, human health, property or public safety.

Casing joints

31. All joints in the casing of a well shall be made so as to prevent entry into the well of any substance that may cause an adverse effect on the groundwater environment, human health, property or public safety.

Non–corrosive casing and screen below water table or within 3 feet above water table

32. No well casing or screen, other than a well casing or screen of PVC, fibreglass, stainless steel or other corrosion-resistant material, shall be used below the water table or in the zone 3 feet above the water table.

Casing of wells for salt groundwater abstraction

33. When salt groundwater is intended to be abstracted by a well from an aquifer in which there is a brackish groundwater lens, the well casing shall be a minimum distance of 50 feet below the brackish-saltwater interface.

Screening at water-bearing horizon

34. A well intended to pump yields of 3 Imperial gallons per minute or more of groundwater shall be screened at the water bearing horizon with a minimum screened section of 10 feet in length.

Test pumping requirements

35. (1) A well shall be pump tested for a minimum period of 24 hours in accordance with conditions set by the Technical Officer Utilities.

(2) Conditions for test pumping include the measurement of water quality and the determination of safe yield.

Disinfection of well

36. When a well has been drilled and yield tested—

(a) the well shall be disinfected so that a concentration of 200 milligrams of chlorine per litre of water is present throughout the water in the well; and

(b) the concentration prescribed in paragraph (a) shall be maintained in the well for a period of at least 12 hours.

Protection from sediment

37. A well shall be completed in a manner that ensures that the pumping system, plumbing and fixtures are not damaged by sediment in the water.

Installation of pumping equipment

38. The pumping equipment in a well shall be so installed that—

(a) the pump, well and its surroundings can be kept in a sanitary condition; and

(b) the pump is not placed in an unsupported open hole.

Reclamation when well not developed

39. (1) If the development of a well is not proceeded with or cannot be proceeded with by reason of the fact that the drilling or alteration of the well has created an adverse effect or is likely to create an adverse effect on the groundwater environment, human health, property or public safety or is the subject of an order of reclamation under section 6 of the Act, the permit holder shall without delay reclaim the well or cause it to be reclaimed in accordance with this section.

(2) Reclamation of a well shall be done by or under the supervision of the well driller named in the permit for the drilling of the well or by another well driller approved by the Technical Officer Utilities.

(3) When a well is to be reclaimed—

(a) the well must be thoroughly flushed and cleaned of all foreign materials;

(b) the well shall be disinfected with a concentration of at least 200 milligrams of chlorine per litre of water in the well;

(c) all equipment and materials, including casing, liner and riser pipe, must—

(i) be removed, or

(ii) if removal of the equipment or materials is impracticable, be cut off at least 20 inches below ground surface; and

(d) the well shall be filled full length so that vertical movement of groundwater within the well bore is effectively and permanently prevented.

(4) Material used to fill a well under paragraph (3)(d) shall be—

(a) free of any substance that may cause an adverse effect on the groundwater environment, human health, property or public safety;

(b) suitable cement, grout, concrete, bentonite or equivalent commercial slurry, or clay slurry, impervious well cuttings or impervious overburden materials;

(c) introduced at the bottom of the well and placed progressively upwards, unless it is designed and manufactured for the purpose of being introduced into the well from the ground surface; and

(d) put in place by the use of drill pipe, grout pipe or tremie pipe, cement bucket or dump bailer in such a way as to avoid segregation or dilution of the sealing materials.

(5) The uppermost 20 inches of the borehole to the ground surface in the well shall be backfilled with material appropriate for the intended use of the land.

(6) All equipment used for the reclamation of a well shall be free of any substance that may cause an adverse effect on the groundwater environment, human health, property or public safety.

(7) Without delay after completion of reclamation, the permit holder shall—

(a) prepare or cause to be prepared a reclamation report setting out the material particulars of what was done in the course of reclaiming the well; and

(b) give the report to the Technical Officer Utilities,

unless the well driller does so, in which event the permit holder is deemed to have complied with this subsection.

PART 5

ONGOING OBLIGATIONS RESPECTING WELLS

Reclamation after completion

40. (1) If a well is abandoned or not used for 2 years after completion, the owner of the land on which the well is located shall without delay after the abandonment or end of the 2-year period reclaim the well or cause the well to be reclaimed.

(2) Sections 39(2) to (7) apply, with necessary changes, to the reclamation of a well by the owner of the well under subsection (1) as they apply to the permit holder under section 39.

(3) If the Technical Officer Utilities has reason to believe that there is or may be—

(a) a threat of contamination entering a well, ground water or the environment; or

(b) a threat to property or public safety,

the Technical Officer Utilities may order the owner to alter the well, or to reclaim the well in accordance with sections 39(5) to (6)

Inactive wells

41. (1) If a well is temporarily not in use but is not abandoned, the owner of the land on which the well is located shall ensure that the well is—

(a) thoroughly flushed and cleaned of all foreign materials;

(b) disinfected with a concentration of at least 200 milligrams of chlorine per litre of water in the well; and

(c) securely capped with a sealing device that prevents the entry of any substance into the well that may cause an adverse effect on the groundwater environment.

(2) The owner of the well shall ensure that the sealing device referred to in subsection (1) is maintained in place at all times until the well is reclaimed or put back into active service.

Continuing duties of owner of well

42. The owner of land on which a completed well is located shall—

(a) maintain the well and the well site in a manner that will prevent the entry of surface water or other foreign materials into the well;

(b) maintain the area immediately surrounding the well in a sanitary condition;

(c) if non-metallic pipe is used as casing, ensure that the well is protected at ground surface by steel casing firmly anchored in the ground; and

(d) protect the well at ground surface from any physical damage and repair any physical damage without delay.

PART 6

MISCELLANEOUS

Information returns

43. (1) The Technical Officer Utilities may give a written notice to a person requesting that information specified in the notice that pertains to a well 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 subsection (3).

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

Offences

44. A person who—

(a) knowingly makes a false or misleading application;

(b) furnishes any information, documentation or report under these regulations that he or she knows to be false or misleading; or

(c) contravenes sections 6, 17, 18, 19(a) and (b), 20(1) and (2), 39, 40, 41, 42 or 43(2),

is guilty of an offence.

Giving notice, etc.

45. (1) In this section, "document" means a notice, report or information return that is required under these Regulations 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 an adult person in charge of the office of the Technical Officer Utilities; or

(c) sent by prepaid registered mail 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 an adult 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 an adult 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 an adult 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).

Transitional: permits issued before 11 November 2013

46. Subject to section 8(2), no permit is required under these Regulations for a well that, on 11 November 2013, is in the process of being drilled under a permit issued before 11 November 2013,

Transitional: alteration of wells completed before 11 November 2013

47. Notwithstanding anything in these Regulations—

(a) when application is made for a permit to alter a well that was completed before 11 November 2013 or was in the process of being drilled under a permit referred to in section 8(1) and, in the opinion of the Technical Officer Utilities, the well has caused, is causing or is likely to cause an adverse effect on the groundwater environment, human health, property or safety, he or she may refuse the permit; and

(b) when a permit is issued for the alteration of a well that was completed before 11 November 2013 or was in the process of being drilled under a permit referred to in section 45 on 11 November 2013,

the Technical Officer Utilities may, when it is not reasonably practicable in the opinion of the Technical Officer Utilities for the permit holder to comply with specified provisions of Part 3, may, to the extent that those provisions are not reasonably practicable, waive compliance with those provisions and impose terms and conditions requiring the permit holder to comply with the remainder of the provisions of Part 3.

Transitional: wells commenced but not developed before 11 November 2013

48. (1) Sections 39(2) to (6) apply, with necessary changes, to a well that, before 11 November 2013, was commenced but the development of which was not proceeded with.

(2) The owner of land on which is located a well that, before 11 November 2013, was commenced but the development of which was not proceeded with, shall without delay comply with subsection (1).

Transitional: wells completed before 11 November 2013

49. Subject to section 48, sections 34, 37, 38, 39, 40, 41 and 42 apply to a well that was completed before 11 November 2013.

Exemption for wells of historic significance

50. (1) The Minister may, after consultation with Executive Council, exempt by certificate a well that in his or her opinion is of historical significance from the requirements of these Regulations in relation to reclamation and the certificate shall without delay be published in the *Gazette*.

(2) The Minister may, after consultation with Executive Council, amend, add to or revoke a certificate under subsection (1).

Transitional: information returns

51. Section 43 applies in relation to any well, whether in existence before or after or partly before and partly after 11 November 2013 and whether or not the development of the well was proceeded with.

Citation

52. These regulations may be cited as the Wells Regulations, Revised Regulations of Anguilla, R.R.A. W3-1.

SCHEDULE 1

FORMS

<table>
<tr><td colspan="2">FORM 1</td></tr>
<tr><td colspan="2">WATER AND WELLS ACT

WELLS REGULATIONS

(Sections 3 and 4)

APPLICATION FOR REGISTRATION AS AN AUTHORISED WELL DRILLER/
AUTHORISED WELL PUMP INSTALLER</td></tr>
<tr><td>1. (a) Applicant’s Name:
……..</td><td>(b) Applicant’s mailing address and Phone No.:
……..
……..</td></tr>
<tr><td>(c) Applicant’s email address:
……..
……..</td><td>(d) Social Security Number/National ID Number:
……
…….</td></tr>
<tr><td>2. (a) Business name:
……..
……..
……..

(c) Business email address
……..
……..</td><td>(b) Business mailing address and Phone No.
……..
……..
……..</td></tr>
<tr><td></td><td></td></tr>
<tr><td colspan="2">3. Type of license for which application is being made.

NB “Water Well” allows you to drill all types

*(a) Well Driller ☐

*(b) Water Wells ☐

*(c) Well Pump Installer ☐

*(d) Monitor Wells ☐

*(e) Requesting a limited license ☐

Limited by: _____ and/or _____

*Check appropriate items.</td></tr>
<tr><td colspan="2">4. Describe well drilling equipment you have operated:</td></tr>
</table>

5. Do you intend to work for a contractor? ☐ Yes ☐ No If yes, give name and address of contractor:

6. REFERENCES: Persons who have personal knowledge of applicant's experience as a water well driller A minimum of four references must be shown. List **ONLY** 2 references from the same company. Please note incomplete reference contact information will result in the immediate rejection of your application.

(Attach separate page if necessary.)

Each reference must be able to verify a minimum of one year of well drilling experience.

Reference Name: Employer:

Mailing Address

7. If applicant is currently licensed in another country, give name of country, license number, date issued and address of the country or state authority:

8. EXPERIENCE: Please be sure to fill out this portion of the application completely.

IMPORTANT: Experience must be complete and must include the following information. Lack of sufficient information may result in rejection of your application. Attach additional sheet if necessary. You must show at least 2 years of experience.

(a) Beginning with your most current experience, give a complete record of all your employment.

(b) For "your duties" describe completely the kind of work you did and your responsibilities. Show the number of persons supervised. Be sure to state your reason for leaving.

Length of employment: From _____ To _____

Employer: City/State/Country:

Name of immediate supervisor: Reason for leaving

No. of wells drilled: Your duties in detail including number and type of wells drilled (Attach separate page if necessary.)

Length of employment: From _____ To _____

Employer: City/State/Country:

Name of immediate supervisor: Reason for leaving

No. of wells drilled:

Your duties in detail including number and type of wells drilled

_____

Length of employment: From _____ To _____

Employer: City/State/Country:

Name of immediate supervisor: Reason for leaving

No. of wells drilled:

Your duties in detail including number and type of wells drilled

_____

Length of employment: From _____ To _____

Employer: City/State/Country:

Name of immediate supervisor: Reason for leaving

No. of wells drilled:

Your duties in detail including number and type of wells drilled

EDUCATION	Date Attended	Highest Grade Completed	Did you graduate?
Secondary School: Indicate and location of last school attended Name: Address:	From: (Year) To: (Year)		Yes ☐ No ☐

Secondary school equivalent: successful completion: Yes☐ No ☐ GED ☐ Other ☐

			Did you graduate?
Business or vocational school: _____ Name _____ Address	Date Attended From: (Year) To: (Year)	Credits earned _____	Yes ☐ No ☐
College or University: _____ Name _____ Address	Date Attended From: (Year) To: (Year)	Credits earned _____	Yes ☐ No ☐
Graduate Schools _____ Name _____ Address	Date Attended From: (Year) To: (Year)	Credits earned _____	Yes ☐ No ☐

To the Technical Officer Utilities: I hereby make an application for a Well Driller's/Well Pump Installer permit under the provisions of the Wells Regulations and the Water and Wells Act.

Applicant's Signature:

FORM 2

WATER AND WELLS ACT

WELLS REGULATIONS

(Sections 3(4) and 4(4))

AUTHORISED WELL DRILLER'S/AUTHORISED WELL PUMP INSTALLER'S PERMIT

**Delete inappropriate term.*

Issued to: Permit Number:

Address of Permit Holder:

This permit authorizes the permit holder to be:

*(a) Well Driller *(b) Water Wells *(c) Well Pump Installer *(d) Monitor Wells

*(e) limited license

Limited by: _____ and/or _____

**Check appropriate items.*

Date of Issue: Technical Officer Utilities:

Signature:

NOTICE: THIS PERMIT MUST BE PRODUCED WITHOUT DELAY ON REQUEST BY THE TECHNICAL OFFICER UTILITIES OR A POLICE OFFICER.

FORM 3

WATER AND WELLS ACT

WELLS REGULATIONS

(Section 7(a))

APPLICATION FOR PERMIT TO DRILL OR ALTER A WELL

Notice: Please submit copies of this application to the Department of Lands and Survey in addition to the Department of Physical Planning

1. (a) Applicant's Name:

(b) Applicant's mailing address and Phone No.:

(c) Applicant's email address:

(d) Social Security Number/National ID Number:

2. Land Owner: Address and Phone No.:

Land Owner's email address

Tenant or Lessee: Address and Phone No.:

Tenant's or Lessee's email address:

3. This is an application to:

*(a) drill a new well___

*(b) alter an existing well___. The alteration of the existing well is:

*(a) an extension___ Description_____
*(b) a reconditioning___ Description_____
*(c) a modification___ Description_____

The well came into existence on _____

**Check appropriate items.*

4. Purpose of the well/proposed well is:

*(a) to abstract water for commercial sale____. The required yield is _____ Imperial gallons per day of **brackish or salt groundwater

*(b) to abstract water for household purposes____. The required yield is _____ Imperial gallons per day of **brackish or salt groundwater

*(c) to recharge an aquifer ____. The amount of the proposed recharge is_____ Imperial gallons per day and the source and quality of the water to be used to recharge is _____

*(d) to obtain data on groundwater____. Describe data sought to be obtained _____
_____

*(e) to dispose of wastewater by injection____. The amount of the wastewater proposed to be disposed of using the well is _____ Imperial gallons per month and the quality of the wastewater to be disposed of is: _____

*(f) to dispose of storm water by injection. The amount of the storm water proposed to be disposed of using the well is _____ Imperial gallons per month and the quality of the storm water to be disposed of is
_____

*Check appropriate item.

5. Name of well driller (the person who will perform the work or operates the equipment, or is responsible for supervising the performance of the work or operation of equipment, involved in drilling or altering a well):

Address:

Phone:

Experience of well driller indicating methods of drilling used:

(Attach separate page if necessary.)

6. Location of well/proposed well: Block No. Parcel

Co-ordinated position:

7. Attach the following drawings indicating their scale and showing the following:

(a) a surface plan indicating the elevation of the top of the well/proposed well relative to sea level and—

(i) the location of the well/proposed well,

(ii) the location and dimensions of any pump house built or to be built to house the well,

(iii) access to the well or pump house,

(iv) all buildings within 100 feet of the well/proposed well,

(v) all roads within 20 feet of the well/proposed well,

(vi) all sewage treatment facilities, septic tanks, cesspits, pit privies and other places where human waste is disposed of within 250 feet of the well/proposed well,

(vii) all dumps, landfills, places where pesticides, fuel or other contaminants are stored and other sources of contamination within 500 feet of the well/proposed well,

(viii) all other wells within 1500 feet of the well/proposed well,

(ix) the high tide mark and the edge of any pond if the well is for the abstraction of salt water and is within 1000 feet of the landward limit of the highwater mark or the edge of a pond; and

(b) a cross-section showing the depth of the well/proposed well, the size and depth of the casing and screen and the dimensions of the screen.

8. Particulars of well/proposed well:
   (a) diameter of opening_____
   (b) casing diameter_____
   (c) casing material_____
   (d) depth_____
   (e) screen dimensions_____
   (f) screen material_____

9. This application
   *(a) will require drilling____
   *(b) will not require drilling_____

If this is an application involving drilling, the method of drilling is:
   *(a) rotary drilling_____
   *(b) percussion drilling____
   *(c) jetting____
   *(d) driven well point_____
   *(e) open excavation_____

Source and disposal of water to be used in connection with items (a), (b), (c) or (d);

*Check appropriate item.

10. Nature of soil or rock expected to be encountered:

11. Proposed date of commencement of work_____

Proposed date of completion of work_____

12. Particulars of proposed testing:

Details of pump to be used for test pumping:

Date: Signature_____

NOTICE: TO DRILL A WELL AND TO ABSTRACT WATER FROM IT, YOU MAY NEED OTHER PERMITS, LICENCES OR APPROVALS IN addition TO THIS PERMIT.

FOR OFFICIAL USE

Application Received:
Applicable Fee Paid:
Permit Issued:
Permit Refused:

FORM 4

WATER AND WELLS ACT

WELLS REGULATIONS

(Section 8(2))

PERMIT TO *DRILL OR ALTER A WELL

**Delete inappropriate term.*

Issued to: Permit Number:

Address of Permit Holder:

This permit authorises the permit holder to *drill/alter a well located at:

Co-ordinated position:

Block No. Parcel

If this is a permit for an alteration of an existing well the :

*(a) an extension___ Description_____
*(b) a reconditioning___ Description_____
*(c) a modification___ Description_____

**Check appropriate items.*

The purpose of the well/proposed well is:

*(a) to abstract water for commercial sale____. The maximum yield authorised is _____ Imperial gallons per day of *brackish or salt groundwater

*(b) to abstract water for household purposes____. The maximum yield authorised is _____ Imperial gallons per day of *brackish or salt groundwater

*(c) to recharge an aquifer ____. The maximum amount of the recharge authorised is_____ Imperial gallons per day and the source and quality of the water to be used to recharge is
_____

*(d) to obtain the following data on groundwater_____
_____

*(e) to dispose of waste water by injection____. The amount of the wastewater authorised to be disposed of using the well is _____ Imperial gallons per day and the quality of the wastewater authorised to be disposed of is:
_____

*(f) to dispose of storm water by injection. The amount of the storm water authorised to be disposed of using the well is _____ Imperial gallons per day and the quality of the storm water authorised to be disposed of is:
_____

*Check appropriate items.

The well driller authorised to drill or alter the well is _____

Address_____
Telephone_____

**Delete inappropriate term.*

This Permit is subject to the following terms and conditions:

(a) the permit holder and the well driller will comply with Part 3 of the Regulations, except for the following variations:

(i) *[See sections 24(2) and (3), 25(2) and 26]*

(b) if the permit holder is the registered owner of the land on which the well is located or to be located, the permit holder will comply with Part 5 and section 41;

(c) the pump installed shall not exceed a capacity of _____

(d) the permit holder complies with any order under section 6 of the Act in relation to the well/proposed well;

(e) any other terms and conditions the Technical Officer Utilities considers appropriate, including any of the following:

(i) the following requirements:
maximum diameter of opening_____
maximum casing diameter_____
casing material_____
maximum depth_____
maximum screen dimensions_____
screen material_____
other_____

(ii) the well shall be drilled using the _____method;

(iii) the well shall be tested as follows_____

Date of Issue: Technical Officer Utilities:

Signature:

NOTICE: THIS PERMIT MUST BE PRODUCED WITHOUT DELAY ON REQUEST BY THE TECHNICAL OFFICER UTILITIES OR A POLICE OFFICER.

_____

FORM 5

WATER AND WELLS ACT

WELLS REGULATIONS

(Section 10, 13(5))

NOTICE OF REFUSAL OF PERMIT TO *DRILL OR ALTER A WELL

**Delete inappropriate term.*

To:

Your application dated _____in respect of a permit to drill or alter a well is hereby refused under the Wells Regulations for the following reason(s):

Date:	Technical Officer Utilities: Signature:

NOTICE: THE APPLICANT MAY APPEAL THIS REFUSAL IN ACCORDANCE WITH THE APPEALS REGULATIONS UNDER THE WATER AND WELLS ACT.

_____

FORM 6

WATER AND WELLS ACT

WELLS REGULATIONS

(Section 11(2))

NOTICE OF SUSPENSION OF PERMIT TO *DRILL OR ALTER A WELL

**Delete inappropriate term.*

To:

Your Permit number_____, is hereby suspended under the Wells Regulations effective the ___ day of _____, 20__ for the following reason(s):

You are permitted until_____, or any extension thereof 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 permit.

Date:	Technical Officer Utilities: Signature:

NOTICE: THE PERMIT HOLDER MAY APPEAL THIS SUSPENSION IN ACCORDANCE WITH THE APPEALS REGULATIONS UNDER THE WATER AND WELLS ACT.

_____

FORM 7

WATER AND WELLS ACT

WELLS REGULATIONS

(Section 12(2))

NOTICE OF CANCELLATION OF PERMIT TO *DRILL OR ALTER A WELL

**Delete inappropriate term.*

To:

Your Permit number_____ is hereby cancelled under the Wells Regulations effective the ___ day of _____, 20__ for the following reason(s):

Date:	Technical Officer Utilities: Signature:

NOTE: THE PERMIT HOLDER MAY APPEAL THIS CANCELLATION IN ACCORDANCE WITH THE APPEALS REGULATIONS UNDER THE WATER AND WELLS ACT.

_____

FORM 8

WATER AND WELLS ACT

WELLS REGULATIONS

(Section 13(5))

NOTICE OF AMENDMENT OF TERMS AND CONDITIONS OF PERMIT TO *DRILL OR ALTER A WELL

**Delete inappropriate term.*

To:

The terms and conditions in Permit number_____ are hereby amended under section 9 of the Wells Regulations as follows:

The reason for taking the above action is as follows—

This change takes effect when it is given to the permit holder.

Date Notice Given to Permit Holder:	Technical Officer Utilities: Signature:

NOTICE: THE PERMIT HOLDER MAY APPEAL THE ACTION REFERRED TO IN THIS NOTICE IN ACCORDANCE WITH THE APPEALS REGULATIONS UNDER THE WATER AND WELLS ACT.

_____

SCHEDULE 2

(Sections 3, 4, 7(b), 8(1)(b), 13(2), 13(3)(b), 14(2)(b) and 15(1)(b))

FEES

Fee for application for registration under section 3 ……..	$150
Fee for issuance of permit under section 3 ……	$100
Fee for application for registration under section 4 ……..	$100
Fee for issuance of permit under section 4 ……	$50
Fee for application for permit under section 7 ……...	$300
Fee for issuance of permit under section 8 ……	$100
Fee for application fee to amend permit under section 13 ….…….....	$100
Fee for issuance of amended permit under section 13 ……	$100
Fee for application to transfer a permit under section 14 …..…..……...	$100
Fee for replacement of permit under section 15 ...……..……	$100