

Law No. (15) of 2008
Concerning
Protection of Groundwater in the Emirate of Dubai¹

We, Mohammed bin Rashid Al Maktoum, Ruler of Dubai,

After perusal of:

Law No. (3) of 2003 Establishing the Executive Council of the Emirate of Dubai; and
Law No. (18) of 2006 Concerning Management and Realisation of the Public Funds of the Government of Dubai, and

With the aim of protecting groundwater in the Emirate of Dubai from Contamination, Overdraft, and Salinisation; and maintaining a strategic water reserve to meet emergencies,

Do hereby issue this Law.

Article (1)

This Law will be cited as "Law No. (15) of 2008 Concerning Protection of Groundwater in the Emirate of Dubai".

Article (2)

In implementing the provisions of this Law, the following words and expressions will have the meaning indicated opposite each of them unless the context implies otherwise:

Emirate: The Emirate of Dubai.

Executive Council: The Executive Council of the Emirate of Dubai.

DM: The Dubai Municipality.

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¹Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.

DEWA:	The Dubai Electricity and Water Authority.
Person:	A natural person or a public or private legal person.
Owner:	A Person in whose name the land within which a Well is located is registered, or the owner of a project which uses the water of that Well.
Groundwater:	Water that exists naturally underground and is extracted through a Well. This does not include salt water which emerges during excavations at construction sites; or water stored in man-made reservoirs, ponds, or basins.
Groundwater Basin:	A body of Groundwater whose area extends between the two farthest points which the water reaches due to its movement around the centre of that waterbody.
Well:	Any pit or hole through which Groundwater is extracted from underground to the ground surface. The facilities set up around that pit or hole and the equipment and machinery used for this purpose are deemed part of the Well.
Extraction:	Drawing or lifting Groundwater to the ground surface by any means whatsoever.
Overdraft:	Extracting Groundwater from Groundwater Basins in amounts exceeding the Groundwater recharge rates, which would lead to depletion or Salinisation of the Groundwater.
Contamination:	Any change in the natural physical, chemical, or biological properties of Groundwater in a Groundwater Basin to the extent that such water becomes unsuitable for its intended use.
Salinisation:	An increase in the concentration of total dissolved salts in Groundwater in a Groundwater Basin, beyond the normal limits.
Water Balance:	The difference between the amount of extracted Groundwater and the amount of recharged Groundwater.

Prohibited Area: A geographical area demarcated by the DM in which it is not allowed to drill Wells or conduct any activities that would affect the Groundwater beneath that area.

Impact Area: The area which extends between the farthest point that the Groundwater reaches and the centre of the Groundwater Basin, and in which Well water may mix with the water of adjacent Groundwater Basins or of any underground or surface recharge sources.

Article (3)

The provisions of this Law will apply to all Groundwater Basins and Wells located in the Emirate, with the exception of the Wells of DEWA.

Article (4)

In coordination with relevant federal and local government entities in the Emirate, the DM will:

1. locate Groundwater Basins in the Emirate and categorise them according to their geohydrologic characteristics;
2. determine Prohibited Areas and areas where the Extraction of Groundwater is permitted;
3. establish the environmental and engineering standards and requirements for using Groundwater sources in the Emirate, and determine its use and the rules for rationalising that use;
4. conduct geophysical and geohydrologic analysis of Groundwater Basins and Wells; and establish the criteria and rules necessary to prevent the Contamination, Salinisation, or Overdraft of Groundwater;
5. determine the number of Wells from which the Extraction of Groundwater is permitted in each geographic area, and determine their depths and dimensions and the distances separating them;
6. issue permits for drilling or maintaining Wells; for increasing their capacity; or for changing their permitted uses, provided that the permit applicants obtain no-objection certificates from DEWA;

7. issue approvals for the licensing of companies and establishments operating in the field of drilling Wells in the Emirate; and
8. determine the daily or yearly amounts of water permitted to be extracted from a Well based on the Water Balance level in the area, the concentration of chemical elements dissolved in the Well, and the permitted use of that Well.

Article (5)

No Person may drill any Well in the Emirate for Extraction of Groundwater; increase its a Well depth or diameter; or make any modifications to it or to its equipment or machinery without first obtaining a permit from the DM in accordance with the requirements and conditions prescribed in the implementing bylaw of this Law.

Article (6)

The permit referred to in Article (5) of this Law will state the location, depth, and diameter of the Well. The permit will also state:

1. the purpose of Extraction of Groundwater;
2. the maximum amount of Groundwater permitted to be extracted daily from the Well;
3. the specifications and capacity of the water pump of the Well;
4. the specifications of the water meter installed on the Well to measure the amount of extracted water; and
5. the facilities that may be set up around the Well.

Article (7)

1. An Owner must install on the Well a water meter approved by the DM in order to measure the amount of Groundwater extracted from the Well. The meter will be periodically inspected by the DM in order to verify its functionality and working condition.
2. When installing a meter, the DM will take the necessary technical measures to prevent manipulation of the meter reading, replacing the meter with another, or making any modifications to it in a manner that precludes measuring the amount of extracted water accurately.

Unless proven otherwise, the meter reading will constitute sufficient evidence of the amount of water extracted from the Well.

Article (8)

1. No Person may conduct the activity of Well drilling in the Emirate without first obtaining the relevant permit from the DM.
2. No Person may possess a drilling rig or use it to drill Wells in the Emirate unless it is registered with the DM.

Article (9)

The DM may revoke a permit granted pursuant to paragraph (1) of Article (8) of this Law where it is established to the satisfaction of the DM that the permit holder has drilled or has commenced drilling a Well before the Owner of the Well has obtained the relevant drilling permit.

Article (10)

The Groundwater extracted from a Well will undergo quality control by the DM, which includes conducting chemical, microbiological, and other necessary analyses of water to verify that it is suitable for its intended use and purposes.

Article (11)

The DM may shut down any Well if the amount of water extracted from that Well exceeds the permitted amount; or if it is established to the satisfaction of the DM that the Well is contaminated or that there is an increase in the concentration of dissolved salts in the Well which exceeds the normal rates accepted in accordance with the criteria adopted in this respect.

Article (12)

An Owner must keep a special record in which all data related to the Well, such as the date of drilling the Well, its depth, and the daily amount of water extracted from the Well, are entered. The Owner must always keep this record at the site of the Well for purposes of control and inspection by the DM.

Article (13)

No Person may perform any of the following acts without obtaining a written approval of the DM:

1. selling or trading in Groundwater for purposes of irrigating commercial agricultural crops;
2. storing any hazardous materials or conducting any activity on the ground surface or underground near Groundwater sources or within Groundwater Basin areas.

Article (14)

The following acts are prohibited within the areas of Groundwater Basins, Impact Areas, and Prohibited Areas:

1. dumping, collecting, or burying any of the materials determined by the DM which would change the physical or chemical properties of Groundwater; and
2. establishing cemeteries or burying animal carcasses.

Article (15)

A Person who discovers Groundwater when conducting any excavations must notify the DM within one (1) week from the date of discovery of the same.

Article (16)

Upon the lapse of three (3) months from the date on which this Law comes into force, all permits issued by the DM for Wells located within the Prohibited Areas, as prescribed by this Law, will be deemed revoked.

Article (17)

In return for any of the services it provides or permits it issues in accordance with this Law, the DM will collect a fee of no less than one hundred Dirhams (AED 100.00) and no more than twenty thousand Dirhams (AED 20,000.00).

The implementing bylaw of this Law will determine the fee for each of these services or permits.

Article (18)

1. Without prejudice to any stricter penalty stipulated in any other legislation, a Person who violates the provisions of this Law, its implementing bylaw, or the resolutions issued in pursuance hereof will be punished by a fine of no less than one hundred Dirhams (AED 100.00) and no more than five hundred thousand Dirhams (AED 500,000.00). Upon repetition of the same violation within one (1) year, the amount of the fine will be doubled.
2. In addition to the prescribed fines, the DM may take one or more of the following measures against the violating Person:
 - a. revoking the permit or suspending it for no more than one (1) month;
 - b. shutting down the Well;
 - c. seizing the equipment and machinery used in committing the violation until that violation is remedied;
 - d. selling, by public auction, the equipment and machinery used in committing the violation to collect the fines incurred in respect of the violation, where the violating Person fails to pay these fines; and
 - e. destroying the equipment, machinery, and materials that are non-compliant with the prescribed requirements.
3. The implementing bylaw of this Law will determine the acts that constitute violations of its provisions and the penalties prescribed for each violation.

In any event, a violating Person who causes damage to Groundwater resources will be liable to remedy that damage or pay the relevant compensation in accordance with the rules and requirements prescribed by the implementing bylaw of this Law.

Article (19)

If a violator fails to remedy a violation, or the damage resulting therefrom, within the time frame prescribed by the DM, the DM may take the necessary action to remedy the damage and require the violator to pay the costs of remedy in addition to twenty-five percent (25%) of these costs as administrative fees.

Article (20)

Owners of Wells existing in the Emirate on the date on which this Law comes into force, Persons conducting the business of drilling Wells, and owners of drilling rigs must comply with the provisions of this Law within three (3) months from its effective date.

Article (21)

The employees and inspectors of the DM who are appointed by the Director General for such purpose will have the capacity of law enforcement officers to record the acts committed in breach of the provisions of this Law, its implementing bylaw, and the resolutions issued in pursuance hereof. For this purpose, they may access Well sites, Groundwater Basin areas, and any other places governed by the provisions hereof; review their records and registers; impound, seize, inspect, or analyse non-compliant equipment, machinery, and materials or those used in committing violations; and issue the necessary violation reports.

Article (22)

For the purpose of implementing the provisions of this Law, its implementing bylaw, and the resolutions issued in pursuance hereof, the DM may seek assistance from public departments, authorities, and corporations in the Emirate, including police forces. Upon request, these entities must provide assistance as soon as practicable.

Article (23)

The DM will draft the implementing bylaw of this Law, which will be submitted to the Chairman of the Executive Council for approval.

Article (24)

Any provision in any other legislation will be repealed to the extent that it contradicts the provisions of this Law.

Article (25)

This Law will be published in the Official Gazette and will come into force on the day on which it is published.

Mohammed bin Rashid Al Maktoum

Ruler of Dubai

Issued in Dubai on 14 August 2008
Corresponding to 13 Shaban 1429 A.H.