

**IN THE THIRD MEETING OF THE FIRST SESSION
OF THE THIRD PARLIAMENT OF THE
FOURTH REPUBLIC OF GHANA**

**REPORT OF THE COMMITTEE ON
SUBSIDIARY, LEGISLATION**

ON THE

WATER USE REGULATIONS 2001, L.I. 1692

November 2001

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LEGISLATION ON THE WATER USE REGULATIONS 2001,
L.I. 1692**

1.0 INTRODUCTION

The Water Use Regulations 2001, L.I. 1692 were laid before the House and referred to the Committee on Subsidiary Legislation on 16th October, 2001, pursuant to Article 11 (7) of the Constitution and Standing Order 166.

2.0 REFERENCES

The following documents and enactments were examined by the Committee in considering the L.I.:

- i. The Standing Orders of Parliament
- ii. The Constitution of the Republic of Ghana
- iii. The Water Resources Commission Act, 1996, Act 522
- iv. The Water Use Regulations 2001, L.I. 1692.

3.0 BACKGROUND

The Water Resources Commission derives its authority to make these Regulations from section 35(1) of the Water Resources Commission Act 1996, Act 522 which provides among other things as follows:

“35(1) The Commission may by legislative instrument make regulations:

- a. for preserving existing uses of public water;
- b. for controlling any change in the course, current or cross-current of any contained surface water in order to obtain the most beneficial use of the water;
- c. relating to the declaration of Water emergencies;
- d. for regulating the use of contained water and ground water;
- e. for the carrying out of investigations in respect of any function of the Commission
- f. for the protection of watersheds;
- g. for the granting of permits to discharge waste into water bodies;
- h. for prescribing the acceptable levels of pollution;
- j. for the levying of charges under this Act.”

4.0 **DELIBERATION**

The Committee was assisted in its deliberation by the Executive Secretary of the Water Resources Commission and his technical team.

5.0 **OBSERVATIONS**

The instrument seeks to ensure effective and efficient management of the use of water in the country so as to protect and make water available all the time.

It was observed by the Committee that, enough consultations were made with the various stakeholders and that consensus was reached before the L.I. was laid before Parliament.


It also came to the notice of the Committee that, there is a conflict as to who is responsible for the management and control of the Volta River Basin since

section 2(1) of Act 522 establishing the Water Resources Commission makes it responsible for the regulation and management of the utilisation of water resources and for the co-ordination of any policy in relation to them whilst at the same time section 10(1) of Act 46 establishing the Volta River Authority makes it responsible for the planning, execution, management and development of the Volta River Basin.

The Committee therefore recommends that the Attorney General's Department tries to resolve the problem that may arise when the Water Resources Commission takes steps to impose fees on the Volta River Authority for the use of the water from the Volta Basin.

5.0 RECOMMENDATION/CONCLUSION

The Committee finds L.I. 1692 consistent with the Parent Act and the Constitution and accordingly recommends that, Parliament allows it to come into force with the passage of time.


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HON. AMOS BUERTEY
CHAIRMAN, COMMITTEE ON
SUBSIDIARY LEGISLATIONS


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ROSEMARY ARTHUR
CLERK TO THE COMMITTEE