



Environmental Law

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SOUTH AFRICA

- Have you registered?
Navigating the latest water use registration requirements from the Department of Water and Sanitation



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Water scarcity, competing demands and aging infrastructure continue to place immense strain on South Africa's available water resources. In response, regulators are intensifying efforts to establish a clearer picture of who is using water, where it is being used, and for what purpose.

On 24 April 2026, the Minister of Water and Sanitation, Ms Pemmy Majodina, published Government Notice 7408 (Notice) in the *Government Gazette* (No. 54575) under the National Water Act 36 of 1998 (NWA) read with Regulation 3(b)(i) of the Water Use Registration Regulations. The Notice calls on categories of unregistered water users to register water uses falling under:

- section 21(a), being the act of taking water from a water resource (i.e. abstraction from a river, dam or borehole); and
- section 21(d), concerning the stream flow reduction activities.

The Department of Water and Sanitation (DWS) has emphasised that water use registration is essential for the DWS and Catchment Management

Agencies to understand the "who", "what" and "where" of water use. This information is central to decision-making on water allocation, sustainability planning, infrastructure development and long-term water security, so as to ensure that water allocations are both sustainable and equitable, while supporting economic growth and social equity. The Notice should therefore be of particular interest to water users engaged in agricultural, mining and industrial operations, all of whom should carefully consider the DWS's registration requirements.

Who or what is an "unregistered water user"?

The Notice identifies the following categories of water users who are now required to register their section 21(a) and 21(d) water uses with the DWS, using the prescribed forms specified in the Notice:

- water users who purchased property from a registered water user, or acquired property through a land restitution process, in circumstances where the change of ownership was not reported to the responsible authority for substitution of the registered user's details;
- lessees undertaking water uses on the property of another water user or landowner, in circumstances where the owner did not register the relevant water use;



- water users who have changed any contact details (i.e. postal address, physical address, email address, telephone or cell phone number) or their registered name, without notifying the responsible authority of such changes;
- water users operating boreholes for commercial purposes, who have failed to register such boreholes; or
- persons who have registered their agricultural water uses but have failed to register associated industrial water uses.

The categories identified in the Notice extend beyond “unlawful” water uses and include historical compliant water uses for which the administrative or registration records are outdated or incomplete.

It is important to note that all Schedule 1 water uses under the NWA (such as reasonable domestic use, small-scale gardening not for commercial purposes, and the watering of animals) are exempt from the registration requirements under the Notice. Water users who fall under the area of operation of a Water Use Association are also generally exempt, although the Notice makes clear that a water user who has a borehole used for commercial purposes must still register that borehole with the responsible authority, regardless of any Water Use Association membership.

Why does this matter?

The Notice reflects a broader regulatory trend toward improved data collection and stronger resource governance. As pressure on South Africa’s

water resources continues to grow, accurate water use information is becoming increasingly important to support the Government’s ability to allocate water fairly, monitor cumulative impacts and manage competing demands across sectors and regions.

For many businesses, landowners, agricultural operators and commercial water users, the Notice serves as an important reminder that regulatory compliance extends beyond obtaining authorisations and includes maintaining accurate and up-to-date registration records. The consequences of non-compliance are significant, and can include:

- imposition of a monetary charge per property for any registration application not submitted within the 90-day period; and
- on conviction of an offence, liability for a fine and imprisonment for a period not exceeding five years.

Beyond these direct penalties, failure to register may also expose water users to regulatory enforcement action, complications in future licensing or authorisation processes, or negative implications for commercial transactions.

What should affected water users do?

Affected unregistered water users have 90 days from the date of publication of the Notice (24 April 2026) to register their water use, meaning that registrations must be submitted no later than 23 July 2026. Registration forms are available on

the DWS website and completed forms should be submitted to the relevant provincial DWS or Catchment Management Office.

Given the breadth of the categories covered by the Notice and the potential consequences of non-compliance, water users should proactively review their current registration status, verify that all ownership and contact details held by the DWS are accurate and up to date, and where uncertainty arises, seek specialist legal and technical advice to navigate the qualification criteria and compliance requirements.

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Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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