

DEPARTMENT OF WATER AND SANITATION

NO. 5591

29 November 2024

NOTICE FOR THE REGISTRATION OF EXISTING DAMS WITH A SAFETY RISK IN TERMS OF NATIONAL WATER ACT, 1998 (ACT NO 36 OF 1998)

I, Miss Pemmy C.P. Majodina, MP in my capacity as Minister of Water and Sanitation, and duly authorised in terms of section 123(1) of the National Water Act, 1998 (Act No. 36 of 1998), read with Regulation 37 of the Dam Safety Regulations R 139 of 24 February 2012, do hereby notify all owners of existing unregistered dams with a safety risk in terms of section 120 of the Act and the schedule hereto to register their dam (s) at the Department within 60 days of publication of this notice in the Gazette and for owners of existing registered dams to confirm their details.

Any enquiries or request for further information can be directed to the Specialist Unit: Dam Safety Regulation at damsafety@dws.gov.za or alternatively contact Ms Mokgadi Modipane at 082 802 7092 or Ms Makgano Tlaka at 083 412 2649.

The Government Notice and Classification and Registration forms for dams with a safety risk can be accessed at the department's website or by following this link: www.dws.gov.za/dso/forms.



Miss Pemmy C.P. Majodina, MP
Minister of Water and Sanitation

Date: 18/10/2024

SCHEDULE**NATIONAL WATER ACT, 1998
REGULATIONS REGARDING THE SAFETY OF DAMS IN TERMS OF SECTION
123(1)****1. Definitions**

“**dam with a safety risk**” is defined as a dam with a storage capacity of more than 50 000 m³ whether that water contains any substance or not and which has a wall of a vertical height of more than 5m. Measured as the vertical difference of the lowest between lowest downstream, ground elevation on the outside of the dam wall and the non-overspill crest level or the general top level of the dam wall.

“**the Act**” means the National Water Act, 1998 (Act No. 36 of 1998).

2. Area of applicability

This notice is applicable to all dam owners with a dam, with a safety risk within South Africa.

3. Submission of Registration and Classification Forms

Within sixty (60) days of the notice's publication, anybody who owns or rents property with a dam with a safety risk meeting the above definition are required to verify the dam's registration status with the Department.

Should the dam be registered, one should ensure that the contact details are updated. This also applies to those that the ownership of the dams with a safety risk have changed.

Should the dam in question not be registered with the Department in terms of Section 120 of the National Water Act, 1998 the owner shall be required to submit registration and classification forms to ensure compliance.

- a) Only official registration forms may be used.
- b) The following Classification and Registration forms should be used:
 - DW692E: Application form for the classification of a new dam, or enlargement or alteration of an existing dam.
 - DW693E: Registration of an existing dam.
- c) Classification and Registration forms for dams with a safety risk can be found on the department's website or by following this link: www.dws.gov.za/dso/forms.
- d) The classification and registration forms must be submitted within sixty (60) days of publication of this notice in the Gazette.

4. Cost of Registering and Classification of Dams

No charge will be payable for an application to register dam with a safety risk.

Should a dam not appear on the register the dam will need to be classified first by the Department. Classification of a dam with a safety risk is based on its size and hazard potential to determine the level of control over the safety of the structure that is applicable in terms of the Regulations R. 139 of 24 February 2012.

5. Failure to Register

A person who contravenes or fails to comply with any provision of this notice, the National Water Act and Dam Safety Regulations R. 139 of 24 February 2012 is guilty of an offence and liable, on conviction to a fine or imprisonment for a period not exceeding five years, or to both a fine and such imprisonment.