

(d) carry out a water body alteration activity,

including the installation, introduction and use of any measure or work for the purpose of undertaking or facilitating the activity.

(2) Any person who contravenes or fails to comply with subsection (1) or fails to comply with a condition specified in a licence for a water activity, shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand ringgit or to imprisonment not exceeding five years or to both, and in the case of a continuing offence, to a further fine of five hundred ringgit for every day during which the offence continues.

(3) A licence for a water body alteration activity may be expressed to expire on the completion of the alteration activity to the satisfaction of the Director, and no further licence is required unless a further proposed activity constitutes a further water body alteration activity.

(4) The Minister may, after consultation with the Council, by order published in the *Gazette* exempt any public authority from the requirement to obtain a licence for all water activities or the water activities specified in the order.

Application  
for water  
activity  
licence.

**18.** (1) Any person may apply for a licence for a water activity referred to in section 17.

(2) An application may cover more than one water activity, unless the Director requires separate applications to be made, and shall—

(a) indicate the nature of the water activity and all the works and measures necessary to undertake the activity; and

(b) be accompanied by any information or data which the Director may stipulate for the purpose of assessing the merits and effects of the application.

(3) The Director may, at any time after an application is lodged, require the applicant to provide further information of the type referred to in subsection (2).

(4) The Director shall refuse to accept an application or reject an application, if an applicant fails to comply with subsections (2) and (3), and shall notify the applicant in writing of the refusal or rejection.

**19.** (1) The Director shall, unless the activity is not required to be advertised in accordance with a declaration by the Director, publish a notice, in a local newspaper circulating in the area and in the office of the Assistant Collector of Land Revenue of the District, containing particulars of the application and the deadline for lodging objections.

Objections to applications.

(2) Any person may make an objection regarding an application for a licence which has been published by the Director.

(3) The objection shall—

- (a) be in writing;
- (b) state the grounds on which the objection is made; and
- (c) be lodged with the Director within the time required by the advertisement.

(4) The Director shall inform the applicant for a licence of the grounds of any objection and shall allow the applicant a reasonable time within which to make a written response to the Director in relation to the objections.

**20.** (1) The Director shall, upon the expiration of the time referred to in subsection (3) of section 19, as the case may require, and taking into account matters referred to in section 3—

Approval of water activities and imposition of conditions.

- (a) refuse or approve the application; or
- (b) report to the Council in accordance with subsection (6).

(2) The Director shall not, except with the approval of the Council, issue a licence for a water activity which, in the opinion of the Council, has or is likely to have—

- (a) State or regional significance for water resources;
- (b) particular significance for water resources in a local area; or
- (c) significant interest to a public authority.

(3) For the purpose of ascertaining whether the Council wishes to consider an application for a licence after the Director has carried out the action set out in section 19, the Director shall refer sufficient particulars of all licence applications to the Council for its decision as to whether the water activity is of a type referred to in subsection (2).

(4) When such particulars are referred to the Council, it may delegate the power to decide whether an application should be determined by the Council, to a committee composed of members of the Council or to a specified member of the Council.

(5) The Council may issue directions regarding the types of water activity application which the Director is not required to refer for its decision.

(6) Where the Council notifies the Director that it wishes to determine an application, the Director shall, when he has carried out the action set out in section 19—

- (a) report to the Council on the application and any objections received under section 19;
- (b) recommend to the Council whether, in the Director's opinion, the application should be refused or granted and the conditions which should be applied if the application is to be granted; and
- (c) provide any further information or conduct any further investigations requested by the Council.

(7) When the Council makes a decision regarding an application for a licence referred to it, the Council shall notify the Director, who shall give effect to the decision by issuing the licence with the inclusion of any conditions set by the Council, or by notifying the applicant of the refusal of the application.

(8) The Director or the Council shall take into account the following when determining any condition to be applied to a licence—

- (a) Where the activity pre-exists this Enactment, the historical practice and benefits obtained from the water activity and associated works;
- (b) the impact of any major change imposed by the conditions of the licence on the viability of the pre-existing enterprise; and

(c) any objection made in respect of the application.

**21.** (1) A licence shall specify the activity authorised and the works or measures, if any, permitted for the purpose of enabling or facilitating the activity.

Determination of licence.

(2) The Director shall not issue a licence unless satisfied that the applicant can lawfully undertake the activity on the land on which the activity is proposed to take place.

(3) The Director shall notify the applicant in writing of his decision or the Council's decision, including, where the application is approved, the conditions.

**22.** (1) A licence may be issued for a term not exceeding 20 years.

Duration of licence.

(2) When determining the term of a licence, the Council or the Director shall consider—

(a) the nature, scale and duration; and

(b) the likely impacts on any water resources or water body,

of the proposed activity.

(3) Where a licence has been issued for a term and the holder of the licence wishes to continue the activity for a longer period of time, an application for a further licence shall be made no later than six months before the expiry of the existing licence or at a date specified by the Director, whichever is the later date.

(4) A person who fails to comply with subsection (3) shall, if called upon by the Director or an authorised person to do so, pay a penalty of a maximum of three times the normal prescribed licence fee, as the Director or authorised person may determine.

**23.** (1) A licence is to be in the form prescribed by the Minister.

Form of licence.

(2) The licence shall include a statement to the effect that, subject to this Enactment, the holder of a licence is authorised to undertake the water activity on the land described in the licence and construct any works and implement any measures in accordance with the conditions of the licence.

(3) Unless the Director specifies on the licence to the contrary, a

