

Law No. 1 of 1988 Regulating Groundwater Well Drilling 1 / 1988

Number of Articles: 32



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We, Khalifa Bin Hamad Al?Thani, Emir of the State of Qatar,
Having perused the Amended Provisional Constitution, in particular Articles 23, 31, 34 and 51 thereof;
Law No. 2 of 1962 regulating the fiscal policy in Qatar;
Law No. 5 of 1970 determining the powers of the ministers and the functions of the ministries, and other government bodies, and their amending laws;
Law No. 15 of 1971 promulgating the Criminal Procedure Law;
Law No. 8 of 1976 regulating tenders and auctions;
Law No. 11 of 1979 on the protection of public electric and water facilities;
Law No. 3 of 1986 regulating the Ministry of Electricity and Water and defining its functions;
The Resolution of the Council of Ministers No. 1 of 1971 regulating the drilling of artesian wells;
The Resolution of the Council of Ministers No. 10 of 1982 establishing the Department of Agriculture and Water Research, at the Ministry of In

Chapter 1

Definitions

Article 1 (Amended By Decree 29/1995)★

In implementing the provisions of this Law, the following words and expressions shall have the meanings assigned to each of them unless the context requires otherwise:

1. "Minister" means the Minister of Municipal Affairs and Agriculture.
2. "Ministry" means the Ministry of Municipal Affairs and Agriculture.
3. "Competent Department" means the Department of Agricultural and Water Research.
4. "Extraction" means to raise groundwater to the surface of the earth by any leading means.
5. "Groundwater" means water found underground which may be extracted by means of wells.
6. "Well" means any pit, trench or hole set in the ground by a tool or device for the purpose of reaching and extracting groundwater.
7. "Drilling contractor" means any natural or juristic person that conducts well drilling for the purpose of extracting groundwater, whether alone or in collaboration with others.

8. "Drilling device" means a device or tool used to drill or make a hole, break or blow up a part of the ground for the purpose of reaching groundwater or for any other purpose for which it is designed.
9. "License to undertake drilling" means a license issued by the ministry to a drilling contractor to carry out his job in accordance with the terms laid down by the ministry for this purpose.
10. "Drilling license" means a license issued by the ministry to a landlord, farm owner or the like for drilling, deepening, cleaning, or altering the specifications of a well.
11. "Productive layer" means a layer which a drilling licensee is permitted to reach to extract water according to the depth set out in the drilling license.
12. "Specifications" means specifications set out by the competent department for drilling, deepening or cleaning a well; its location and diameter; and the type of pump, its power, and the maximum amount of flow allowed.

Part 2

Licenses for Drilling of Wells; Conditions and Procedures

Article 2

No drilling of a well or extracting of groundwater therefrom shall be permitted without a licensed contractor first obtaining a drilling license.

Article 3 (Amended By Decree 29/1995)★

The minister shall issue a decision to define the conditions for obtaining a drilling license, its duration, conditions for renewal, the data required in the original or renewal application form, the supporting documents, the procedures followed to check it, and the authorities and bodies to be consulted and complied with. The decision shall also identify the templates for license application and renewal forms.

Part 3

License to Practice Drilling

Article 4

Applications for drilling licenses shall be lodged by companies that fulfill the conditions required by law to the competent department according to the defined template and supported by all necessary documents.

Article 5 (Amended By Decree 29/1995)★

Licenses to practice drilling shall be granted to six companies only and according to the minister's decision provided for in Article 3 of this Law.

Article 6

1. Prior to commencing work, the drilling contractor shall conclude a contract with the well owner as per the form prepared by the Ministry, signed by the parties or their legal representatives. Such contract shall conform to the ministry's requirements and include a declaration of the drilling license issued to the well owner and its number.
2. The technical conditions set forth in the drilling license shall be considered an integral part of any agreement between the drilling contractor and the well owner even if they are not stated therein. The drilling contractor shall be committed to implement the plans and designs defined by the competent department which accompany the drilling license.

Article 7

1. A drilling contractor shall keep a certified copy of his drilling license with the operators of the drilling site. The contractor's name and license number shall be clearly and prominently displayed in Arabic on all drilling devices on the site.
2. A ministry delegate may at any time examine and verify the validity of such licence.

Article 8

1. A drilling contractor shall take samples of the soil every three metres whenever its quality and colour changes and he shall store the samples in plastic bags or boxes.
2. The drilling contractor shall hand over the samples to the competent department and shall display on their containers his name and licence number, the date on which the samples were taken, the location of the well, and the drilling depth.

Article 9

1. The minister may stop the contractor from drilling where drilling procedures contravene the conditions of the drilling license or the usual drilling specifications.
2. Such suspension may be implemented administratively and the resumption of drilling shall be prohibited until the minister has verified the removal of the reasons for the suspension.

Article 10

A drilling contractor shall, within 15 days of the completion of drilling, supply the ministry with a report on the drilling operations according to the form set out for this purpose by the ministry. He shall also inform the ministry of the site movements of his diggers.

Part 4

Drilling Licenses

Article 11

Unless a drilling license is first obtained from the ministry, no new well may be drilled in any location in the State, whether for agricultural, drinking, industrial or other purposes, or to modify the depth or cleaning methods of a well, or to modify any device used for the purpose of increasing the amount of water permitted to be extracted from the productive layer.

Article 12 (Amended By Decree 29/1995)★

1. An application to obtain a drilling license may be lodged by the owner of agricultural land or the like to the competent department according to the template and required supporting documents decided by the minister.
2. The application shall be examined and the license issued in accordance with the procedures determined by the aforesaid decision. The applicant shall be informed of the approval or rejection of his application by registered letter and, in the case of a rejection, the reasons therefore shall be stated. Where a period of 30 days lapses without a ruling on the application, it shall be deemed rejected.
3. The applicant may appeal to the minister within 30 days of being notified of a rejection or of the lapse of the period prescribed in the preceding paragraph without a ruling. The decision of the minister on the appeal shall be final.

Article 13

1. A drilling licensee shall implement the plans, designs and technical specifications set out by the competent department, particularly relating to the site, depth, diameter and type of pump and its power. The licensee shall also fit specified water meters to measure the quantity of water released from the well. A licensee may not exceed the authorised maximum quantity of flow, or the area which he is authorised to irrigate, or the number of wells necessary for such irrigation. In addition, he shall comply with the proper operation of the irrigation system and the methods for transporting and distributing water.
2. A licensee shall bear all costs of drilling and necessary tests set out by the competent department.

Article 14

A drilling licensee shall keep his license at the site and shall submit a certified copy thereof to the drilling contractor. A delegate of the ministry may examine the license or its copy to verify its validity, either during or after drilling operations.

Part 5

Use of Water

Article 15

The competent department shall define the area of each farm authorised to be irrigated and the number and specifications of wells necessary for such irrigation. The department shall also supervise all drilling and cleaning operations, the fitting of pumps and water meters, and conducting of tests and analyses.

Article 16

A farm owner shall maintain all wells, pumps, meters, pipe plugs, distribution, canals, ponds and irrigation distributors on his farm and he shall be responsible for their safety and for the implementation of guidelines for rationing the use of water set out by the competent department.

Article 17 (Amended By Decree 29/1995) ★

The minister shall retain the right to suspend the extraction of groundwater at any time and to issue instructions and guidelines and take the necessary procedures he deems appropriate to maintain groundwater quality, to ration its use, and to prevent its waste.

Article 18

1. Groundwater of different types, found in productive layers which may be extracted by well drilling, is owned by the State.
2. Any well established on the State's land without a license shall be deemed a public water facility belonging to the State, which it shall expropriate for the public interest without any compensation paid, and it shall impose penalties prescribed by law.

Part 6

Penalties

Article 19

1. A penalty of imprisonment of not less than three months and no more than one year, or a fine of not less than ten thousand (10,000) riyals and no more than fifty thousand (50,000) riyals, or both, shall be imposed on a contractor who conducts drilling operations prior to obtaining a drilling license or after the expiration of an issued license.
2. Drilling may be suspended administratively until a license to conduct drilling is obtained or renewed.
3. The minimum and maximum limits of the fine shall be doubled where a violator resumes drilling operations prior to obtaining a license or its renewal.

Article 20

1. A penalty of imprisonment of not less than three months and no more than one year, or a fine of not less than ten thousand (10,000) riyals and no more than twenty five thousand (25,000) riyals, or both, shall be imposed each on a drilling contractor and a well owner where drilling operations are conducted without a license or after the expiration of the previously issued license.
2. Drilling may be suspended administratively until a drilling license is obtained or renewed.
3. The minimum and maximum limits of the fine shall be doubled where a contractor or well owner resumes drilling prior to obtaining a drilling license or its renewal. In addition, a drilling license issued to the contractor shall be suspended for a period not exceeding one year.

Article 21 (Amended By Decree 29/1995)★

In addition to the penalties prescribed in Articles 19 (1) and 20 (1) above, an order shall be issued for the confiscation of the tools, equipment and devices used in drilling. Such an order shall be mandatory where the penalties prescribed in Articles 19 (3) and 20 (3) above. In all cases, the drilling works shall be removed and the surrounding area restored to its original condition at the expense of the offending contractor and/or owner, without prejudice to the provisions of Article 18 (2) of this Law.

Article 22

A fine of not less than five thousand (5,000) riyals and no more than twenty thousand (20,000) riyals shall be imposed on any drilling contractor who violates the provisions of Articles 6, 8 and 10 of this Law or provides incorrect data or information relating thereto.

Article 23

A fine of not less than ten thousand (10,000) riyals and no more than twenty thousand (20,000) riyals shall be imposed on any person who violates the decision of suspension issued under Articles 9 and 17 of this Law.

Article 24

A fine of not more than ten thousand (10,000) riyals shall be imposed for every violation of the provisions of Articles 7, 13, 14, 16 and 25 of this Law.

General and Final Provisions

Article 25

In the implementation of the provisions of this Law, all owners of existing or planned groundwater wells shall inform the competent department thereof according to all prescribed forms and provisions of the executive resolutions of this law.

Article 26 (Amended By Decree 29/1995)★

The staff of the ministry shall have the right to enter any ground, farm or facility to conduct research and studies, collect information on groundwater, or conduct any procedures necessary to implement this Law, provided that the owner is previously notified of the date set for this purpose.

Article 27

1. The staff of the ministry, delegated by the minister's decision, shall have the status of judicial officers in proving violations of the provisions of this Law and its executive decisions.
2. Such staff shall have the right to enter any ground, farm or facility to verify the implementation of this Law and executive decisions thereof and to record violations thereof.

Article 28

1. Where a violation against the provisions of this Law is recorded, a competent police station shall be notified thereof and the director of the police station, or the officer assigned to do so jointly with the staff of the ministry who recorded the violation, shall submit a report.
2. The investigation of the violation and its referral to the criminal court shall be in accordance with the procedures set out in the Law of Criminal Procedures.

Article 28 - BIS (Amended By Decree 29/1995)★

Public juristic entities and private juristic entities owned by the State may be excluded from all or part of the provisions of this Law. A decision regarding such exclusion may be issued by the Council of Ministers upon the proposal of the minister.

Article 29 (Amended By Decree 29/1995)★

The minister shall issue the necessary decisions to implement this Law.

Article 30

All competent authorities, each within its jurisdiction, shall implement this Decree-Law which shall be effective from the date of its publication in the *Official Gazette*.

Article 28 - BIS1

A decision issued by the Council of Ministers, at the proposal of the minister, shall define the due fees for:

1. Granting a license to practise drilling.
2. Granting a drilling license or its renewal.
3. Granting a license to carry out any alteration to the well, its depth or cleaning; amending any related device for the purpose of increasing the quantity of water permitted to be extracted from the productive layer; or its renewal.

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