

Boreholes: To Register or Not to Register

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INTRODUCTION

When wanting to drill a borehole or purchasing a property where there is already a borehole drilled, the question arises as to whether the borehole needs to be registered or if you need to obtain permission to drill the borehole.

In answer to this question, the first point to note is that a borehole cannot be registered but rather that the water use is registered.

Issues around permission to drill are dealt with below.

THE NATIONAL WATER ACT

The National Water Act 36 of 1998 (the “**Act**”) regulates water use, as water is now considered a national resource and is no longer owned by the landowner, as was the position previously.

Registration of water use is to better manage and control water resources, protect water resources against over-use, damage and impacts, and to ensure fair allocation of water among users.

Whether or not registration of the water use needs to take place, depends on which municipal jurisdiction the property falls under and the schedule of water use.

SCHEDULES

According to the Act, Schedule 1 permissible use of water is:

“Taking water directly from any water resource to which a person has lawful access, for: - Reasonable domestic use in a person’s household; - small gardening (but not for commercial purposes); and the watering of animals (but not for commercial purposes, thus excluding feedlots), provided that the use is not excessive in relation to the capacity of the water resource and the needs of other users.”

Schedule 1 water use is NOT required to be either registered or licensed.

Should your intended water use not fall within the definition of Schedule 1, it may be subject to licensing and registration.

DO I NEED PERMISSION TO DRILL A BOREHOLE?

Even if your water use (borehole) is not required to be registered, permission to drill a borehole is required for ALL new boreholes in the City of Johannesburg and the City of Ekurhuleni.

This is according to section 14(1) of the COJ’s Land Use Scheme (2018) and section 85 of the Ekurhuleni Municipality’s Water By-Laws.

In the City of Ekurhuleni, property owners can initiate the process by emailing either Mthokozisi Mlotshwa at Mthokozisi.Mlotshwa@ekurhuleni.gov.za or Liziwe Mabulu at Liziwe.Mabulu@ekurhuleni.gov.za, requesting the application form.

The application form will outline the specific documents needed, which can be submitted to the above people.

In the City of Johannesburg, “Application Form 10 – Consent Borehole (2019)” and “Form A – Application Information Borehole (2024)”, which can be found at bwa.co.za/registration-requirements, must be completed and sent to landuseapplications@joburg.org.za.

The Registrations Officer should confirm receipt and may ask further questions.

EXISTING BOREHOLES

In the City of Ekurhuleni, an existing borehole must be brought to the attention of the Council in writing, along with the full particulars of the discharge capacity of the borehole.

In the City of Johannesburg, no such requirement exists, however, the municipality must be notified of the fact that water is drawn from the borehole.

CONCLUSION

Depending on the municipal by-laws of the area, as well as the intended use of the water, registration is not essential when utilising boreholes, however, your local municipality may still require you to obtain permission before drilling one, or notifying them about the existence of one already drilled.

This article aims to better inform the public about domestic water use, any commercial water use is subject to additional requirements and restrictions.



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