



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

Remedies and compensation in respect of infringement of protected rights etc.

62 Compensation for owner of fishing rights applying under section 55.

- (1) Where a licence is revoked or varied on an application under section 55 above, the applicant shall be entitled to compensation from the [^{F1}appropriate agency] in respect of the loss or damage which he has sustained as mentioned in subsection (3) of that section.
- (2) Where, on an application under section 55 above for the revocation or variation of a licence, the Secretary of State determines—
 - (a) that the grounds of the application (as mentioned in subsection (3) of that section) have been established to his satisfaction; but
 - (b) that the licence shall not be revoked or varied in pursuance of that application, he shall certify accordingly for the purposes of the following provisions of this section.
- (3) Unless within the period of six months from the date on which a certificate under subsection (2) above is granted either—
 - (a) notice to treat for the acquisition of the fishing rights of the applicant, or of an interest in land which includes those rights, has been served by the [^{F1}appropriate agency]; or
 - (b) an offer has been made by the [^{F1}appropriate agency] to the owner of those rights to acquire them on compulsory purchase terms or, where the rights

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 62. (See end of Document for details)

subsist only as rights included in an interest in land, to acquire that interest on such terms,

the owner of the fishing rights shall be entitled to compensation from the ^{F1}[appropriate agency].

- (4) The amount of the compensation payable under subsection (3) above in respect of any fishing rights shall be the amount by which—
- (a) the value of those rights; or
 - (b) where they subsist only as rights included in an interest in land, the value of that interest,
- is depreciated by the operation of section 48(2) above in relation to the licence to which the application related.
- (5) Any question of disputed compensation under this section shall be referred to and determined by the ^{F2}[Upper Tribunal] ; and in relation to the determination of any such compensation the provisions of ^{F3}[section] 4 of the ^{M1}Land Compensation Act 1961 shall apply, subject to any necessary modifications.
- (6) For the purposes of this section a right or interest is acquired on compulsory purchase terms if it is acquired on terms that the price payable shall be equal to and shall, in default of agreement, be determined in like manner as the compensation which would be payable in respect thereof if the right or interest were acquired compulsorily by the ^{F1}[appropriate agency].
- (7) Where—
- (a) the Secretary of State, on an application under section 55 above, determines that the licence to which the application relates shall not be revoked or varied and grants a certificate under subsection (2) above; and
 - (b) notice to treat for the acquisition of the fishing rights to which the application related, or of an interest in land in which those rights are included, has been served by the ^{F1}[appropriate agency] within the period of six months from the date on which that certificate is granted,
- then, for the purpose of assessing compensation in respect of any compulsory acquisition in pursuance of that notice to treat, no account shall be taken of any depreciation of the value of the fishing rights, or of the interest in question, which is applicable to the operation, in relation to that licence, of section 48(2) above.
- (8) Subsections (5) and (6) of section 55 above shall apply for construing references in this section to fishing rights or to rights included in an interest in land as they have effect for construing such references in that section.

Textual Amendments

- F1** Words in s. 62 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 270(k)** (with Sch. 7)
- F2** Words in s. 62(5) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 229(a)** (with Sch. 5)
- F3** Word in s. 62(5) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 229(b)** (with Sch. 5)

Marginal Citations

- M1** 1961 c. 33.

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 62.