



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

Modification of licences

51 Modification on application of licence holder.

- (1) The holder of a licence under this Chapter [^{F1}to abstract water] may apply to the [^{F2}appropriate agency] to revoke the licence and, on any such application, the [^{F2}appropriate agency] shall revoke the licence accordingly.
- [^{F3}(1A) The holder of a licence under this Chapter to obstruct or impede the flow of inland waters (an “impounding licence”) may apply to the [^{F2}appropriate agency] to revoke the licence and, on any such application, the [^{F2}appropriate agency] may revoke the licence accordingly.
- (1B) The [^{F2}appropriate agency] may require conditions to be met to its satisfaction before revocation of the impounding licence takes effect, and those conditions may in particular include conditions—
- (a) requiring the removal of all or part of the impounding works;
 - (b) as to the restoration of the site of the impounding works to a state which is satisfactory to the [^{F2}appropriate agency];
 - (c) relating to the inland waters the flow of which is obstructed or impeded by means of the impounding works.
- (1C) The person making an application under subsection (1A) above (“the applicant”) may by notice appeal to the Secretary of State if—

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- (a) he is dissatisfied with the decision of the [F²appropriate agency] as to—
 - (i) whether his licence may be revoked; or
 - (ii) any conditions imposed by virtue of subsection (1B) above; or
 - (b) the [F²appropriate agency] fails to give notice of its decision to the applicant within the prescribed period or within such extended period as may be agreed in writing between the [F²appropriate agency] and the applicant.
- (1D) The Secretary of State may by regulations make provision with respect to—
- (a) the manner in which notices of appeal under subsection (1C) above shall be served;
 - (b) the period within which such notices shall be served;
 - (c) the procedure on any such appeal.
- (1E) Where an appeal is brought under subsection (1C) above, the Secretary of State may—
- (a) allow or dismiss the appeal or reverse or vary any part of the decision of the [F²appropriate agency], whether the appeal relates to that part of the decision or not; and
 - (b) may deal with the application as if it had been made to him in the first place.
- (1F) The decision of the Secretary of State on any appeal under subsection (1C) above shall be final.
- (1G) Subsections (1C) to (1F) above are subject to section 114 of the 1995 Act (delegation or reference of appeals).]
- (2) The holder of a licence under this Chapter may apply to the [F²appropriate agency] to vary the licence.
- [F⁴(2A) An application may not be made under subsection (2) above to convert an abstraction licence of one type into an abstraction licence of a different type.]
- (3) Subject to subsection (4) below, the provisions of sections 37 to 44 above shall apply (with the necessary modifications) to applications under subsection (2) above, and to the variation of licences in pursuance of such applications, as they apply to applications for, and the grant of, licences under this Chapter.
- (4) Where the variation proposed in an application under subsection (2) above is limited to reducing the quantity of water authorised to be abstracted in pursuance of the licence during one or more periods—
- (a) sections 37 and 38(1) above shall not apply by virtue of subsection (3) above; and
 - (b) sections 43 and 44 above, as applied by that subsection, shall have effect as if subsection (5) of section 43 and paragraph (a) of section 44(3) were omitted.

Textual Amendments

- F1** Words in s. 51(1) inserted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 21(2)**, 105(3) (with s. 21(5)); S.I. 2006/984, art. 2(k)
- F2** Words in s. 51 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(i)** (with Sch. 7)
- F3** S. 51(1A)-(1G) inserted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 21(3)**, 105(3) (with s. 21(5)); S.I. 2006/984, art. 2(k)

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F4 S. 51(2A) inserted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 7 para. 4**; [S.I. 2006/984](#), art. 2(s)(i)

Modifications etc. (not altering text)

C1 S. 51 applied (with modifications) (1.4.2006) by [Water Resources \(Abstraction and Impounding\) Regulations 2006 \(S.I. 2006/641\)](#), regs. 1(2), **18**

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