



Water Act 2003

2003 CHAPTER 37

PART 4

SUPPLEMENTARY

102 Specific transitional and transitory provisions

- (1) Subject to subsection (2), each licence to abstract water under Chapter 2 of Part 2 of the WRA which is in force immediately before the coming into force of section 1 of this Act shall, after the coming into force of that section, be treated as a full licence within the meaning of that Act.
- (2) If—
 - (a) immediately before the coming into force of section 6 of this Act, a person is the holder of a licence under Chapter 2 of Part 2 of the WRA to abstract water, and
 - (b) upon the coming into force of that section an abstraction authorised by the licence becomes an abstraction to which the restriction on abstraction does not apply,the licence shall cease to have effect (so far as it applies to that abstraction) upon the coming into force of that section.
- (3) Subject to subsection (4), the person who was the holder of a full licence which ceases (or ceases in part) to have effect by virtue of subsection (2), and who had been taken in consequence of that licence (or that part of the licence) to have a right to abstract water by virtue of section 48(1) of the WRA, shall continue to be taken to have that right for the purposes of Chapter 2 of Part 2 of the WRA.
- (4) A person shall cease to continue to be taken to have the right mentioned in subsection (3), for the purposes mentioned there, if during a period of—
 - (a) four years, or
 - (b) if the abstractions authorised under the licence (or relevant part of the licence) were abstractions planned to be carried out at intervals of more than four

Changes to legislation: Water Act 2003, Section 102 is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

years, or abstractions for emergency purposes only, such longer period as the [F1 appropriate agency] may determine on the application of the person, he does not carry out any such abstraction as would have been authorised by the licence (or relevant part of the licence) if it had still been in force.

- (5) Where, immediately after the coming into force of any provision of this Act, an abstraction of water to which the restriction on abstraction did not apply becomes one to which the restriction on abstraction does apply, nothing in—
- (a) section 39(1), 42(4) or 44(4) of the WRA (which relate to protected rights), or
 - (b) any other enactment specified in regulations made by the Secretary of State, prevents the [F1 appropriate agency] from granting a licence under Chapter 2 of Part 2 of the WRA in respect of that abstraction, or the Secretary of State from giving the [F1 appropriate agency] a direction to do so.
- (6) In subsections (2)(b) and (5), “the restriction on abstraction” has the meaning given by section 72(1) of the WRA.

Textual Amendments

- F1** Words in s. 102 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 422** (with Sch. 7)

Modifications etc. (not altering text)

- C1** S. 102(3) modified (temp.) (1.4.2005) by [The Water Act 2003 \(Commencement No. 4, Transitional Provisions and Savings\) Order 2005 \(S.I. 2005/968\)](#), art. 4(1)(3), Sch. 1 para. 2(2)Sch. 1 para. 3Sch. 1 para. 6**Sch. 1 para. 7**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)