



# Avon Weir Act 1992

## 1992 CHAPTER v

### PART V

#### THE IMPOUNDED RIVER

#### 41 Licensing of works

- (1) (a) The Corporation may, upon such terms and conditions as it thinks fit and upon payment of such reasonable fee as may from time to time be prescribed by the Corporation, grant to any person a licence (in this Part referred to as a “works licence”) to construct, alter, renew, extend or maintain any such works as are described in section 40 (Works in impounded river) of this Act or any other works in or on the impounded river or involving the cutting of any of the banks of the impounded river.
  - (b) The powers of subsection (1) (a) above may be exercised notwithstanding interference by such works as constructed, altered, renewed, extended or maintained with such rights of navigation as are referred to in section 39 (Extinguishment of navigation, etc., rights in impounded river) and are not extinguished by that section.
- (2) Application for a works licence shall be made in writing to the Corporation and shall be accompanied by plans, sections and particulars of the works to which the application relates, and in granting any such licence the Corporation may require modifications in the plans, sections and particulars so submitted.
- (3) If within three months from the date of the making of an application under subsection (2) above the Corporation does not grant a works licence in accordance with the application, it shall be deemed to have refused the application.
- (4) Where, on an application for a works licence, the Corporation refuses to grant the licence, or grants it upon terms or conditions, or requires any modifications in the plans, sections and particulars, the notice in which the Corporation’s decision is conveyed to the applicant shall state clearly and precisely the reasons for the refusal or, as the case may be, for the terms or conditions imposed or the modifications required.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (5) Any applicant for a works licence who is aggrieved by—
- (a) the refusal of the Corporation to grant the licence;
  - (b) any terms or conditions upon which the licence is granted;
  - (c) any modifications required by the Corporation in the plans, sections and particulars submitted by the applicant;
- may, within 28 days after whichever is the later of the dates on which—
- (i) the local planning authority gives him notice of a decision on any necessary application for planning permission in respect of the proposed works; or
  - (ii) the Corporation gives him notice of the decision;
- appeal to the Secretary of State, whose decision shall be binding upon the parties.
- (6) A person who appeals to the Secretary of State under this section shall give to the Corporation and the port authority notice of his appeal accompanied by a copy of his statement of appeal and the Corporation and the port authority shall within 28 days from the giving of such notice be entitled to give in writing to the Secretary of State its observations on the appeal.
- (7) On an appeal under this section the Secretary of State may—
- (a) dismiss the appeal; or
  - (b) require the Corporation either—
    - (i) to grant the licence upon such terms and conditions as the Secretary of State may determine; or
    - (ii) to approve the plans, sections and particulars without modifications or subject to such modifications as the Secretary of State may determine; not being terms, conditions or modifications more onerous than those imposed by the Corporation; and the Corporation shall give effect to any requirement made by the Secretary of State under this subsection.
- (8) Nothing in any licence under this section shall entitle a person to carry out works on any land in which he has no appropriate interest without the consent of any person having such an interest.
- (9) (a) The Corporation shall not grant a works licence, except in accordance with a requirement of the Secretary of State under subsection (7) above, without the consent of the port authority which shall not be unreasonably withheld.
- (b) The port authority shall not withhold consent for works in respect of which planning permission has been granted except for the purposes of—
- (i) protecting the navigation in the impounded river or any adjoining waters of the port; or
  - (ii) preventing pollution or otherwise protecting the quality of water in the port.