



Water Resources Act 1963

1963 CHAPTER 38

PART IV

CONTROL OF ABSTRACTION AND IMPOUNDING OF WATER

Minister's powers in relation to applications for licences

39 Appeal against decision of river authority

- (1) Where an application is made to a river authority for a licence under this Act, and the applicant is dissatisfied with the decision of the river authority on the application, he may by notice in writing under this section appeal to the Minister.
- (2) Any notice under this section shall be served within such time (not being less than twenty-eight days from the date on which the decision to which it relates was notified to the applicant) and in such manner as may be prescribed, and the applicant shall within that time serve a copy of the notice on the river authority.
- (3) Where an appeal is brought under this section, the Minister, subject to the following provisions of this Part of this Act, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the river authority, whether the appeal relates to that part thereof or not, and may deal with the application as if it had been made to him in the first instance,
- (4) Where any representations in writing with respect to the application were made within the period mentioned in section 28(2) of this Act, the Minister, before determining the appeal, shall require the river authority to serve a copy of the notice of appeal on each of the persons who made those representations ; and the Minister, in determining the appeal, shall take into account any further representations in writing received by him from those persons within a prescribed period.
- (5) Before determining an appeal under this section, the Minister may, if he thinks fit, and shall, if a request is made by the applicant or the river authority to be heard with respect to the appeal, cause a local inquiry to be held or afford to the applicant and

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the river authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

- (6) The decision of the Minister on any appeal under this section shall be final; and where the decision is that a licence is to be granted or to be varied or revoked, it shall include a direction to the river authority to grant a licence containing, or vary the licence so as to contain, such provisions as may be specified in the direction, or to revoke the licence, as the case may be.