



# Water Resources Act 1963

## 1963 CHAPTER 38

### PART IV

#### CONTROL OF ABSTRACTION AND IMPOUNDING OF WATER

##### *Supplementary provisions*

#### **55 Curtailment of certain protected rights**

- (1) The provisions of this section shall have effect where a person (in this section referred to as " the occupier ") is entitled to a protected right (under this Act by virtue of section 26(1)(b) thereof by reason of his being the occupier of such a holding as is mentioned in section 24 (2) of this Act (in this section referred to as " the holding ")).
- (2) If it appears to the river authority that the occupier is entitled, as against other occupiers of land contiguous to the inland water in question, to abstract water therefrom for use on part of the holding, but is not so entitled to abstract water for use on other parts of the holding.—
  - (a) the river authority may serve on him a notice in writing specifying the first mentioned part of the holding, and
  - (b) subject to the following provisions of this section, the notice shall have effect as a determination under this section, and the part specified in the notice shall be the relevant part of the holding for the purposes of the proviso to section 24 (2) of this Act.
- (3) Where a notice is served under the last preceding subsection, and the occupier objects to the notice on the grounds—
  - (a) that he is entitled, as against other occupiers of land contiguous to the inland water in question, to abstract water therefrom for use on every part of the holding, or
  - (b) that he is so entitled to abstract water for use on a larger part of the holding than that specified in the notice,

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*Status: This is the original version (as it was originally enacted).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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he may, within such time (not being less than twenty-eight days from the date of service of the notice) and in such manner as may be prescribed, appeal to the court against the notice.

- (4) On any such appeal the court shall determine the matter in dispute, and either confirm, quash or vary the river authority's notice in accordance with its decision.
- (5) Where the court quashes a notice served under subsection (2) of this section, paragraph (b) of that subsection shall not have effect; and where the court varies such a notice, that paragraph shall have effect, but with the substitution, for the reference to the part of the holding specified in the notice, of a reference to the part specified in the notice as varied by the court.
- (6) In this section " the court" means the county court for the district in which the holding, or the part of the holding which is contiguous to the inland water in question, is situated, and " entitled " (except in subsection (1) of this section) means entitled apart from this Act or any other statutory provision.