



Water Resources Act 1963

1963 CHAPTER 38

PART IV

CONTROL OF ABSTRACTION AND IMPOUNDING OF WATER

Supplementary provisions

56 Transitional provisions for purposes of Part IV

- (1) Where an application for a licence under this Act is made before the end of the initial period, then, until the application has been disposed of, the following provisions of this Part of this Act, that is to say—
- (a) if the application is for a licence to abstract water, other than a licence of right, sections 23, 31 and 49 of this Act;
 - (b) if the application is for a licence of right, those sections and section 26 of this Act; and
 - (c) if the application is for a licence to obstruct or impede the flow of an inland water by means of impounding works, section 36, subsections (1) and (2) of section 37 and section 49 of this Act,

shall have effect as if the licence had been granted on the date of the application and the provisions of the licence had been in accordance with the proposals contained in the application; and for the purposes of those provisions of this Part of this Act any licence granted on the application shall be treated as not having effect until the application has been disposed of.

- (2) Where, in pursuance of an application made (whether before or after the passing of this Act) before the end of the initial period, a statutory provision—
- (a) comes into operation after the second appointed day, and
 - (b) apart from this Act, would authorise a person to do anything which is restricted by section 23 of this Act,

the river authority, on the application of that person, shall grant to him a licence under this Act to abstract water, containing such provisions as appear to the river authority to correspond as nearly as may be to those of that statutory provision.

Status: This is the original version (as it was originally enacted).

- (3) Sections 27 to 29 and section 54 (3) of this Act shall not have effect with respect to applications made to a river authority under the last preceding subsection, but—
- (a) section 34 (3) to (5) and section 41 of this Act shall have effect in relation to any such application, or to an appeal against the decision on such an application, as if it were an application for a licence of right, and
 - (b) section 50 (2) of this Act shall not apply to any direction given in consequence of such an appeal.
- (4) Section 47 of this Act shall not apply to a licence granted in pursuance of an application under subsection (2) of this section.
- (5) Subsection (1) of section 31 of this Act shall not afford any defence to an action brought before the end of the relevant transitional period if the licence referred to in that subsection is a licence of right granted to a person as being entitled to it by virtue only of section 33(1)(b) of this Act; and that subsection as applied by subsection (1) of this section shall not afford any defence to such an action if the application in question was made by a person as being entitled to a licence of right by virtue only of the said section 33(1)(b).

In this subsection " the relevant transitional period", in relation to a licence granted by a river authority, means the period beginning with the second appointed day and ending with the coming into operation of a charging scheme prepared by that river authority under Part V of this Act.

- (6) No compensation shall be payable under section 46 of this Act in respect of the revocation or variation of a licence of right, if the revocation or variation is for giving effect to the decision of the court in an action in respect of which the last preceding subsection has effect or in any proceedings in consequence of such an action.
- (7) For the purposes of this section an application shall be taken to be disposed of on (but not before) the occurrence of whichever of the following events last occurs, that is to say—
- (a) on the determination of the application by the river authority, a licence is granted and the provisions of that licence are in accordance with the proposals contained in the application;
 - (b) on a reference of the application to the Minister under section 38 of this Act, the Minister refuses to grant a licence;
 - (c) the period (if any) within which the applicant is entitled to give notice of appeal against the decision on the application expires without such a notice having been given;
 - (d) an appeal against that decision is determined or withdrawn ;
 - (e) in compliance with a direction given by the Minister in consequence of such an appeal or (in the case of an application referred to the Minister under section 38 of this Act) in consequence of a decision of the Minister on the application, the river authority grant, vary or revoke a licence under this Act;
- and in this subsection any reference to a decision includes a reference to a decision which is to be treated as having been made by virtue of section 40 of this Act.