

## SCHEDULES

### SCHEDULE 6

Section 17.

#### PROVISIONS AS TO APPLICATIONS FOR, VARIATION, REVOCATION AND TRANSFER OF LICENCES UNDER PART II

##### *Applications for Licences under Part II*

- 1 (1) An application for a licence under section 17 of this Act shall contain such information as to—
  - (a) the inland or ground waters from which water is intended to be abstracted;
  - (b) the point of abstraction and the amount of water to be abstracted;
  - (c) the land to be irrigated and the method and purpose of that irrigation; and
  - (d) such other matters relevant to the consideration of the application, as the river purification authority may require.
- (2) A river purification authority shall—
  - (a) in each year, within the period of fourteen days beginning with the closing date publish in at least one newspaper circulating in the control area a notice stating briefly—
    - (i) the nature of any application made to them for a licence in such an area;
    - (ii) where and when particulars of such application may be inspected; and
    - (iii) the period within which objections should be made, in writing, to the authority; and
  - (b) maintain at their office a register containing particulars of any application made or licence granted under this section, to be available for inspection by any person free of charge at all reasonable hours, and the particulars of any such application or licence shall be entered in that register within the period of seven days beginning with the receipt of the application, or, as the case may be, the granting of the licence.
- (3) Any person who objects to an application for a licence under this section must do so in writing to the river purification authority within the period of twenty-eight days beginning with the closing date.
- (4) An application for a licence under this section shall be deemed to have been granted unconditionally, and the river purification authority shall grant a licence accordingly, if the authority fail to intimate their decision on the application to the applicant within the period of fifty-six days beginning with the closing date.
- (5) On making an application under this section, there shall become payable to the river purification authority by the applicant such reasonable fee as the authority may from time to time determine.

- (6) If during the process of applying for a licence the applicant ceases to occupy the land referred to in section 17(1) of this Act, the river purification authority to whom the application has been made shall, at the request of the succeeding occupier, consider the application as if it had been made by the succeeding occupier.

*Appeal against refusal to grant licence*

- 2 (1) Where an applicant is aggrieved by a decision under section 17 of this Act of the river purification authority, he may, within the period of twenty-eight days beginning with the day on which he received that decision, appeal by notice in writing to the Secretary of State; and the applicant shall, within that time, serve a copy of the notice on the river purification authority.
- (2) Where an appeal is brought under this paragraph, the Secretary of State may allow or dismiss it or may attach fresh conditions to the licence or may cancel or vary any condition already attached, whether the appeal relates to that condition or not.
- (3) Where any objections have been made under paragraph 1(3) above, the Secretary of State, before determining the appeal, shall require the river purification authority to serve on any such objector a copy of the notice of appeal; and the Secretary of State, in determining the appeal, shall take into account any further objections made in writing by any such person and received by him within such time as he may direct.
- (4) Before determining any appeal under this paragraph, the Secretary of State may, if the appellant or the river purification authority or any objector so requests, afford to them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose.
- (5) The decision of the Secretary of State on any appeal under this paragraph shall be final.

*Variation of licence and late application for licence*

- 3 (1) A river purification authority may on the application of the holder of a licence vary the licence; and, where the effect of the variation would be to increase the quantity of water authorised to be abstracted, the provisions of this paragraph shall apply in relation to the application for variation and to the variation of the licence.
- (2) A river purification authority may consider at any time an application for a licence under section 17 of this Act if they are satisfied that, in all the circumstances, the applicant could not reasonably have met the closing date.
- (3) Subject to the following provisions of this paragraph, the provisions of—
- (a) section 17 of this Act, other than subsection (2);
  - (b) paragraph 1 above, other than sub-paragraphs (2)(a), (3) and (4); and
  - (c) paragraph 2 above,
- shall apply to such an application for variation or to such late application and to any licence varied or granted in pursuance of that application.
- (4) An applicant for variation of or a late applicant for a licence shall publish in a newspaper circulating in that part of the control area which includes the waters to which the licence relates or would relate a notice stating briefly—
- (a) the nature of the application; and

- (b) the date by which objections to the application should be made, in writing, to the river purification authority.
- (5) Objections to an application made under this paragraph shall not be considered by the river purification authority unless they are made to them in writing not later than the period of fourteen days beginning with the date of publication of the notice referred to in sub-paragraph (4) above.
- (6) An application made under this paragraph shall be deemed to have been granted unconditionally if the authority fail to intimate their decision on the application to the applicant within the period of twenty-eight days beginning with the date of publication of the notice referred to in sub-paragraph (4) above; and the river purification authority shall grant or vary the licence accordingly.
- (7) A licence granted following an application made under this paragraph shall, subject to the provisions of Part II of this Act, remain in force until the end of the calendar year in respect of which it was granted.

#### *Revocation of licences*

- 4 A river purification authority may revoke a licence granted by them under Part II of this Act if the holder is convicted of an offence under section 16 of this Act.

#### *Transfer of licences*

- 5 (1) Subject to sub-paragraph (2) below, where the holder of a licence under this Part ceases to occupy the land referred to in section 17(1) of this Act, the licence shall cease to have effect.
- (2) If a person as described in sub-paragraph (1) above notifies the river purification authority in writing not later than the expiration of the period of fourteen days beginning with the date on which another person succeeds him in occupation of that land—
- (a) the licence shall be transferred to the succeeding occupier of that land;
  - (b) the register kept under paragraph 1(2)(b) above shall be amended accordingly; and
  - (c) the licence shall be amended and have effect accordingly.