
Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Paragraph 4. (See end of Document for details)

SCHEDULES

SCHEDULE 7

LICENCES OF RIGHT

Section 60 of this Act

- 4 (1) Where the plaintiff in any action brought against the [F1appropriate agency] in pursuance of section 60 of this Act (liability of the [F1appropriate agency] for derogation from protected right) is entitled to a protected right for the purposes of Chapter II of Part II of this Act by reason only that he is the holder of, or has applied for, a licence of right, it shall be a defence for the [F1appropriate agency] to prove—
- (a) that the plaintiff could have carried out permissible alterations in the means whereby he abstracted water from the source of supply in question; and
 - (b) that, if he had carried out such alterations, the abstraction or, as the case may be, the obstruction or impeding of the flow of the inland waters authorised by the licence to which the action relates would not have derogated from his protected right for the purposes of that Chapter;
- and subsection (3) of that section (liability of [F1appropriate agency] for compliance with direction requiring derogation from protected rights) shall not apply to a direction given in consequence of an appeal against the decision of the [F1appropriate agency] on an application for the grant of a 1989 Act licence of right.
- (2) In this paragraph “permissible alterations”—
- (a) in relation to a person who is the holder of a licence of right, means any alteration of works, or modification of machinery or apparatus, which would fulfil the requirements of the licence as to the means whereby water is authorised to be abstracted;
 - (b) in relation to a person who is not the holder of a licence of right, but to whose application for such a licence paragraph 1 above applies, means any alteration of works, or modification of machinery or apparatus, by means of which he abstracted water from the source of supply in question during the period of five years ending with 1st September 1989, being an alteration or modification which would be within the scope of the licence if granted in accordance with the application.

Textual Amendments

- F1** Words in Sch. 7 para. 4 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 309](#) (with Sch. 7)

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