



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

[^{F1}Transfer and apportionment of licences

[^{F1}59A Transfer of licence

- (1) The following licences—
 - (a) a full licence;
 - (b) a transfer licence; or
 - (c) a licence to obstruct or impede the flow of inland waters by means of impounding works,may be transferred by the holder of the licence to another person (“the transferee”) in accordance with the following provisions of this section.
- (2) The holder and the proposed transferee shall give notice (a “transfer notice”) to the [^{F2}appropriate agency] of their agreement that the licence should be transferred.
- (3) The transfer notice shall include—
 - (a) such information as the [^{F2}appropriate agency] reasonably requires; and
 - (b) (in the case of the transfer of a full licence or of a transfer licence) a declaration by the proposed transferee that—
 - (i) he has, or at the time when the proposed transfer is to take effect will have, a right of access in relation to each point of abstraction; and

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- (ii) he will continue to have such a right for the period of at least one year beginning with the date on which the proposed transfer is to take effect, or until the licence is to expire (if sooner),
- and may specify the date on which the holder and the transferee wish the transfer to take effect.
- (4) If the holder is a person in whom the licence has vested under section 59B below, a transfer notice shall be of no effect unless the notice required by section 59B(4) has been given.
- (5) Subject to subsection (4) above, if the [F²appropriate agency] receives a transfer notice which complies with the requirements of subsections (2) and (3) above, the [F²appropriate agency] shall amend the licence by substituting the name of the transferee as holder of the licence.
- (6) The transfer shall take effect—
- (a) from the date on which the [F²appropriate agency] amends the licence; or
 - (b) from the date specified in the transfer notice, if later.
- (7) Nothing in this section shall affect the liability of the holder of the licence for any failure by him, before the transfer took effect, to comply with any condition or requirement of that licence.
- (8) In this section—
- “point of abstraction” means a place where the licence authorises water to be abstracted from inland waters or (as the case may be) a place consisting of or comprising underground strata from which the licence authorises water to be abstracted; and
- “right of access” means, in relation to a point of abstraction, a right of access to land of the kind referred to in subsection (2)(a) or, as the case may be, (3)(a) of section 35 above; and references to a person who will have such a right of access shall be construed in accordance with that section (including subsections (4) to (6)).]

Textual Amendments

- F1** Ss. 59A-59D and cross-heading inserted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 23(1)**, 105(3); S.I. 2006/984, art. 2(m) (with Sch. para. 3)
- F2** Words in ss. 59A-59C substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 270(j)** (with Sch. 7)

Modifications etc. (not altering text)

- C1** S. 59A applied (with modifications) (1.4.2006) by [Water Resources \(Abstraction and Impounding\) Regulations 2006 \(S.I. 2006/641\)](#), regs. 1(2), **21**

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Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 59A.