



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

Remedies and compensation in respect of infringement of protected rights etc.

63 Secretary of State to indemnify [F¹Agency] in certain cases.

(1) Where—

(a) the [F¹Agency] is liable under section 60 above to pay damages to any person in consequence of the grant or variation of a licence in compliance with a direction given by the Secretary of State; and

(b) the [F¹Agency] pay to that person any sum in satisfaction of that liability,

then, whether an action for recovery of those damages has been brought or not, the Secretary of State may, if he thinks fit, pay to the [F¹Agency] the whole or such part as he considers appropriate of the relevant amount.

(2) If—

(a) proposals for revoking or varying the licence, in a case falling within subsection (1) above, are formulated by the [F¹Agency], or an application with respect to any licence is made under section 55 above;

(b) in consequence of those proposals or that application, the licence is revoked or varied; and

(c) compensation in respect of the revocation or variation is payable by the [F¹Agency] under section 61 above,

the Secretary of State may, if he thinks fit, pay to the [F¹Agency] the whole or such part as he considers appropriate of the relevant amount.

Status: Point in time view as at 01/10/2011. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 63. (See end of Document for details)

(3) Where—

(a) the Secretary of State determines under section 55 above—

(i) that a licence granted in compliance with a direction given by the Secretary of State shall be revoked or varied; or

(ii) that a licence shall not be revoked or varied;

and

(b) in consequence of that determination, compensation is payable by the [F1Agency] under section 62 above,

the Secretary of State may, if he thinks fit, pay to the [F1Agency] the whole or such part as he considers appropriate of the relevant amount.

(4) In this section “the relevant amount” means—

(a) for the purposes of subsection (1) above, the amount of the sum paid by the [F1Agency] and, if an action has been brought against the [F1Agency] in respect of the liability mentioned in that subsection, the amount of any costs reasonably incurred by the [F1Agency] in connection with the action (including any costs of the plaintiff which the [F1Agency] was required to pay); and

(b) for the purposes of subsections (2) and (3) above, the amount of the compensation and, if any question relating to that compensation is referred to the [F2Upper Tribunal], the amount of any costs reasonably incurred by the [F1Agency] in connection with that reference (including any costs of the claimant which the [F1Agency] is required to pay).

Textual Amendments

F1 Words in s. 63 substituted (subject to other provisions of the amending Act) (1.4.1996) by 1995 c. 25, s. 120, **Sch. 22 para. 128** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F2 Words in s. 63(4)(b) substituted (1.6.2009) by *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009* (S.I. 2009/1307), art. 1, **Sch. 1 para. 230** (with Sch. 5)

Status:

Point in time view as at 01/10/2011. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 63.