

*These notes refer to the Water Act 2003 (c.37) which received Royal Assent on 20th November 2003*

# WATER ACT 2003

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1: Abstraction and Impounding**

##### *Sections 19 to 20 Form, contents and effect of licences.*

68. Provisions in sections 19 to 20 are devolved to the Assembly.

69.

##### **Section 19: Form, contents and effect of licences.**

Currently, abstraction licences granted to some types of applicants (notably water undertakers) are not required to state the purpose for which the abstracted water is used or the land on which it is used. This section places all new abstraction licences on the same footing by requiring them all to state the purpose of the relevant abstraction, but none to state the land on which the water is to be used.

70. This section also requires every new abstraction licence to state the dates on which it takes effect and expire, but it does not specify a licence length. The Environment Agency will determine licence length on a case-by-case basis according to local circumstances. There is a policy presumption, set out in *Taking Water Responsibly*, that a licence will be renewed subject to three tests being met. These tests, in outline, are: that water resources in the area are sustainable and the abstraction will not create unacceptable environmental effects; that the holder has a continuing requirement to abstract; and that the abstracted water is used efficiently.

71. Full licences must state the quantity of water authorised for abstraction but this is at the EA's discretion in the case of transfer and temporary licences. A licence with a duration of longer than 12 years must also state a minimum volume to which abstraction can be reduced without compensation being payable under section 25.

72.

##### **Section 20: Limited extension of abstraction licence validity.**

If the Agency receives a valid application to renew a full or a transfer licence which has a duration of more than twelve months on the same terms at least three months before its expiry date, this section provides that the licence will not expire until the application is determined.