

## SCHEDULE 1

### ABSTRACTION LICENSING AND PROTECTED RIGHTS: TRANSITIONAL PROVISIONS AND SAVINGS

#### **Succession to entire abstraction licence authorising a relevant abstraction**

**6.—**(1) For the purposes of sub-paragraph (2), “relevant licence” means a licence authorising a licensed relevant abstraction that—

- (a) immediately before the relevant date, is held, by virtue of section 49(2) of the WRA<sup>(1)</sup> (succession to licences to abstract where person ceases to occupy the relevant land), by a successor who has given notice under section 49(3) of the WRA; and
- (b) has not been varied in accordance with section 49(4) of the WRA.

(2) For the purposes of the application of section 102(3) in relation to a relevant licence, that licence shall be treated as if section 102(2) applied to it immediately after the licence is varied in accordance with section 49(4) of the WRA.

(3) For the purposes of sub-paragraphs (4) and (5), “relevant licence” means a licence authorising a licensed relevant abstraction in relation to which, before the relevant date, the precondition mentioned in paragraph (a) of section 49(2) of the WRA is satisfied, but either—

- (a) no person has become a successor to the licence before the relevant date; or
- (b) any person who becomes a successor to the licence before the relevant date has not, before the relevant date, given notice under section 49(3) of the WRA.

(4) Subject to sub-paragraph (5), an abstraction authorised by a relevant licence shall be treated, before 1st July 2006, as if the amendments made by section 6, so far as it comes into force in accordance with this Order, did not apply to it.

(5) If, in relation to a relevant licence, a successor, before 1st July 2006, gives notice to the Agency under section 49(3) of the WRA, sub-paragraph (4) shall cease to apply in relation to that licence when it is varied in accordance with section 49(4) of the WRA.

(6) For the purposes of the application of section 102(3) in relation to a licence referred to in sub-paragraph (5), that licence shall be treated as if section 102(2) applied to it immediately after the licence was varied in accordance with section 49(4) of the WRA.

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(1) Section 49 was amended by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 128.

**Changes to legislation:**

There are currently no known outstanding effects for the The Water Act 2003 (Commencement No. 4, Transitional Provisions and Savings) Order 2005, Paragraph 6.