



# Water Act 2003

## 2003 CHAPTER 37

### PART 1

#### ABSTRACTION AND IMPOUNDING

##### *Claims and compensation*

#### **25 Compensation for modification of licence on direction of Secretary of State**

(1) Section 61 of the WRA (compensation where licence modified on direction of the Secretary of State) is amended in accordance with subsections (2) and (3).

(2) In subsection (4), for “seven” there is substituted “four”.

(3) After subsection (4) there is inserted—

“(4A) No compensation shall be payable under this section in respect of the variation of a full licence, or of a transfer licence which specifies a minimum value under section 46(2A) above, so as to reduce the quantity of water which the holder of the licence is authorised by the licence to abstract from the source of supply to which the licence relates if—

- (a) the ground for varying the licence is that the Secretary of State is satisfied that the variation is necessary in order to protect the availability of water in the source of supply to which the licence relates;
- (b) the variation does not reduce the quantity of water which the holder of the licence is authorised by the licence to abstract to less than the minimum value specified in the licence under section 46(2A) above for the purposes of this subsection; and
- (c) the conditions set out in subsection (4B) below are satisfied.

(4B) Those conditions are that—

- (a) the licence was granted after the coming into force of section 19 of the Water Act 2003;

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*Status: This is the original version (as it was originally enacted).*

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- (b) the variation is made no sooner than the end of the period of six years beginning with the date on which the licence took effect; and
  - (c) the variation takes effect no sooner than the end of the period of six years beginning with the date of the variation.”
- (4) The amendment made by subsection (2) has effect in relation to the revocation or variation of a licence only if the period referred to in section 61(4) of the WRA during which no water was abstracted in pursuance of the licence began after the coming into force of that subsection.