

## ELIZABETH II



## 1968 CHAPTER 35

An Act to amend section 27 of the Water Resources Act 1963 and for purposes connected therewith.

[3rd July 1968]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) In section 27 of the Water Resources Act 1963 (which relates to the persons entitled to apply for a licence under that Act to abstract water), the following subsection shall be substituted for subsection (3):—

Amendment  
of Water  
Resources  
Act 1963,  
s. 27.

“(3) In relation to abstractions from underground strata, a person shall be entitled to make such an application if either—

1963 c. 38.

- (a) he is the occupier of land consisting of or comprising those underground strata, or
- (b) in a case where water contained in an excavation into underground strata is, by virtue of section 2(2)(b) of this Act, to be treated as water contained in those underground strata, he satisfies the river authority that he has, or at the time when the proposed licence is to take effect will have, a right of access to land consisting of or comprising those underground strata.”.

(2) In subsection (4) of that section, after the words “land of any description”, there shall be inserted “(a)”, and at the end of that subsection there shall be inserted the words “and

- (b) without prejudice to the application of the preceding paragraph to a person who is or can be authorised to acquire land compulsorily, also includes any person who satisfies the river authority that by virtue of any enactment (in this section

referred to as 'the relevant enactment') the compulsory acquisition by that person of land of that description either has been authorised or can be authorised and has been initiated.

(5) In subsection (4)(b) of this section the reference to initiating the compulsory acquisition of land by a person is a reference to—

- (a) the submission to the appropriate Minister of a draft of an order which, if made by that Minister in the form of the draft, will authorise that person to acquire that land compulsorily, with or without other land, or
- (b) the submission to the appropriate Minister of an order which, if confirmed by that Minister as submitted, will authorise that person to acquire that land compulsorily, with or without other land,

and in this section 'the appropriate Minister', in relation to a person, means the Minister who, in accordance with the relevant enactment, is empowered to authorise that person to acquire land compulsorily, and any reference to an enactment includes a reference to an enactment contained in this Act.'

(3) Where any statutory provision (including a provision contained in the said Act of 1963) refers to section 27 of that Act, or refers (in whatever terms) to provisions of that Act which include that section, the reference, in so far as it is applicable to that section, shall be construed as a reference to that section as amended by this section.

(4) The amendment made by subsection (2) of this section, and any modification of a statutory provision made by subsection (3) of this section, in so far as that modification corresponds to that amendment, shall have effect for enabling applications for licences under the said Act of 1963 (or under that Act as applied by any statutory provision) to be made at any time after the passing of this Act, whether the compulsory acquisition in question is authorised or initiated (as mentioned in that amendment) after, or has been so authorised or initiated before, the passing of this Act.

(5) In this section "statutory provision" has the meaning assigned to it by section 135(1) of the said Act of 1963.

**2.—**(1) This Act may be cited as the Water Resources Act 1968; and the Water Resources Act 1963 and this Act may be cited together as the Water Resources Acts 1963 and 1968.

(2) This Act does not extend to Scotland or to Northern Ireland.

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