



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART II

#### WATER RESOURCES MANAGEMENT

### CHAPTER II

#### ABSTRACTION AND IMPOUNDING

##### *Consideration of licence applications*

#### **[<sup>F1</sup>39B Register of certain protected rights**

- (1) The Secretary of State may by regulations make provision for and in connection with the establishment, and for the keeping and maintenance by the [<sup>F2</sup>appropriate agency], of one or more registers of protected rights which arise otherwise than by virtue of a licence under this Chapter to abstract water.
- (2) The regulations may, in particular, provide for—
  - (a) a register to relate to a prescribed geographical area, or for different sections of a register to relate to different geographical areas (whether prescribed or not);
  - (b) the inclusion of protected rights which arise other than by virtue of any provision of this Act;
  - (c) the form and contents of the register, and its inspection by members of the public;
  - (d) the procedure for applying for a protected right to be included in the register, including any information which is to accompany the application;
  - (e) cases in which it is the duty of the [<sup>F2</sup>appropriate agency] to include a protected right in the register without an application for inclusion having been made.
- (3) The Secretary of State may by order designate any geographical area in respect of which a register, or a section of a register, relates as an area of compulsory registration.

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*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 39B. (See end of Document for details)*

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- (4) If he does so, a protected right in that area which is not registered shall not have effect as a protected right for any purpose of this Act (other than that of registering it) for so long as it is not registered.
- (5) Subsection (4) above does not apply in relation to any protected right until after the expiry of the period of two years beginning with the date on which the order under subsection (3) above was made, or such longer period as may be specified in the order.
- (6) An order under subsection (3) above may be made only on the application of the [<sup>F2</sup>appropriate agency]; but the Secretary of State may direct the [<sup>F2</sup>appropriate agency] to make such an application.
- (7) Schedule 6 to this Act shall have effect with respect to applications for orders under subsection (3) above and with respect to the making of such orders.
- (8) The power to make orders under this section shall be exercisable by statutory instrument; and a statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) Paragraphs (d) to (f) of section 219(2) below apply in relation to orders under this section as they apply to regulations made under this Act.]

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**Textual Amendments**

- F1** S. 39B inserted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 18**, 105(3); S.I. 2004/641, art. 3(f) (with Sch. 3 paras. 3, 7)
- F2** Words in ss. 33A-45 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 270(g)** (with Sch. 7)

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, Section 39B.