



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

Form, contents and effect of licences

48 General effect of licence.

- (1) For the purposes of this Chapter a person who is for the time being the holder of a licence under this Chapter to abstract water shall be taken to have a right to abstract water to the extent authorised by the licence and in accordance with the provisions contained in it.
- (2) In any action brought against a person in respect of the abstraction of water from a source of supply [^{F1}(other than an abstraction in respect of which a claim could be brought under section 48A below, in which case that section shall apply)], it shall be a defence, subject to paragraph 2 of Schedule 7 to this Act, for him to prove—
 - (a) that the water was abstracted in pursuance of a licence under this Chapter; and
 - (b) that the provisions of the licence were complied with.
- (3) In any action brought against a person in respect of any obstruction or impeding of the flow of any inland waters at any point by means of impounding works, it shall be a defence for him to prove—
 - (a) that the flow was so obstructed or impeded in pursuance of a licence under this Chapter;
 - (b) that the obstructing or impeding was in the manner specified in that licence and to an extent not exceeding the extent so specified; and

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 48. (See end of Document for details)

- (c) that the other requirements of the licence (if any) were complied with.
- (4) Nothing in subsection (2) or (3) above shall exonerate a person from any action for negligence or breach of contract.

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Textual Amendments

- F1** Words in s. 48(2) inserted (1.4.2005) by [Water Act 2003 \(c. 37\)](#), **ss. 24(2)**, 105(3) (with s. 24(3)(b)); [S.I. 2004/641](#), art. 5 (with [Sch. 3 paras. 4, 7](#))

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Modifications etc. (not altering text)

- C1** S. 48(1) modified (1.4.2005) by [The Water Act 2003 \(Commencement No. 4, Transitional Provisions and Savings\) Order 2005 \(S.I. 2005/968\)](#), art. 4(1)(3), [Sch. 1 paras. 7\(10\)](#), **8(3)**

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