



Water Act 2003

2003 CHAPTER 37

PART 1

ABSTRACTION AND IMPOUNDING

Applications for a licence

11 Who may apply for a licence

(1) Section 35 of the WRA (restrictions upon who may apply for abstraction licences) is amended as follows.

(2) For subsections (2) and (3) there is substituted—

“(2) In relation to abstractions from any inland waters, a person shall be entitled to make the application if, as respects the place (or, if more than one, as respects each of the places) at which the proposed abstractions are to be effected, he satisfies the Agency that—

- (a) he has, or at the time when the proposed licence is to take effect will have, a right of access to land contiguous to the inland waters at that place (or those places); and
- (b) he will continue to have such a right for the period of at least one year beginning with the date on which the proposed licence is to take effect, or until it is to expire (if sooner).

(3) In relation to abstractions from underground strata, a person shall be entitled to make the application if he satisfies the Agency that—

- (a) 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; and
- (b) he will continue to have such a right for the period of at least one year beginning with the date on which the proposed licence is to take effect, or until it is to expire (if sooner).

Changes to legislation: Water Act 2003, Section 11 is up to date with all changes known to be in force on or before 23 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3A) The Agency may, in particular, take evidence of a person’s occupation of land to be evidence of his right of access to it.”

(3) In subsection (4)—

- (a) for “is the occupier of” there is substituted “ will have a right of access to ”, and
- (b) in paragraph (a), for “occupy” there is substituted “ a right of access to ”.

Commencement Information

II S. 11 in force at 1.4.2006 by S.I. 2006/984, art. 2(f) (with Sch. para. 67(3))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)