



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).

Status: This is the original version (as it was originally enacted).

(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”.