

SCHEDULE 2

APPLICATIONS BY THE AGENCY

Consideration by the appropriate authority

7. Section 42(1) (consideration of called-in applications) has effect in relation to an Agency application that is a called-in application as if—

- (a) in subsection (2)—
 - (i) the reference in paragraph (b) to the Agency were a reference to any person who has duly made representations in relation to the application; and
 - (ii) the words “or the Agency” were omitted;
- (b) for subsection (4), there were substituted—

“(4) Subject to subsection (4A) below, in determining any called-in application the Secretary of State must consider whether the grant of a licence would so authorise—

 - (a) the abstraction of water, or
 - (b) the flow of any inland waters to be obstructed or impeded by means of impounding works,

as to derogate from rights which, at the time of that determination, are protected rights for the purposes of this Chapter.”; and
- (c) subsection (5) were omitted.

(1) Section 42 was amended by the EA, section 120 and Schedule 22, paragraph 128, and the WA, section 14(3)(b) and section 16(6).