

## SCHEDULE

### TRANSITIONAL PROVISIONS AND SAVINGS

#### Conversion of certain licences into transfer licences

- 1.—(1) The Agency must, before 1st May 2006—
- (a) take all reasonable steps to identify the holder of every relevant licence containing relevant provisions; and
  - (b) serve on every such holder so identified notice in writing of his entitlement under sub-paragraph (2) and of the requirements of sub-paragraph (3).
- (2) The holder of a relevant licence containing relevant provisions may make an application to the Agency for the grant of a transfer licence in substitution for that part of the relevant licence which contains the relevant provisions.
- (3) An application must—
- (a) be received by the Agency before 1st October 2006;
  - (b) be made on a form issued by the Agency for the purpose; and
  - (c) provide, or be accompanied by, such information as the Agency may reasonably request in connection with the application.
- (4) Where it receives an application, the Agency must before the relevant date—
- (a) grant to the applicant a transfer licence in materially the same terms as the relevant provisions of the relevant licence to which the application relates; and
  - (b) on granting the transfer licence—
    - (i) in the case of a relevant licence which authorises an abstraction otherwise than by virtue of the relevant provisions, vary the relevant licence by omitting the relevant provisions; and
    - (ii) in any other case, revoke the relevant licence.
- (5) In sub-paragraph (4), the “relevant date” is the date of the day after the end of the period of six months beginning on the day the application is received by the Agency.
- (6) Subsection (5)(b) of section 46 of the WRA(1) (form and content of licences) does not apply in relation to a licence granted in accordance with sub-paragraph (4)(a) of this paragraph.
- (7) In relation to a relevant licence to which sub-paragraph (2) applies, section 24A of the WRA(2) (abstraction licences) and subsection (1) of section 102 of the Act (specific transitional and transitory provisions) apply as if section 1 of the Act came into force—
- (a) where an application under sub-paragraph (2) is received by the Agency before 1st October 2006, on the day after the day on which the application is finally disposed of; and
  - (b) in any other case, on 1st October 2006.
- (8) Subsection (1)(a) of section 43 of the WRA(3) (appeals to the Secretary of State) has effect in relation to the decision of the Agency on an application under sub-paragraph (2)—
- (a) to grant a transfer licence under sub-paragraph (4)(a), and
  - (b) to vary or revoke a relevant licence under sub-paragraph (4)(b),

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(1) Section 46 of the WRA was amended by section 19 of the Act.

(2) Section 24A of the WRA was inserted by section 1 of the Act.

(3) Section 43 of the WRA was amended by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 134, and section 14 of the Act.

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as if it were a decision on an application to the Agency for a licence under Chapter 2 of Part 2 of the WRA.

- (9) In this paragraph an application is to be considered finally disposed of when—
- (a) the application is withdrawn;
  - (b) the period within which notice of appeal under subsection (1)(a) of section 43 of the WRA against the decision of the Agency may be given has ended without any such notice having been given; or
  - (c) notice of appeal under subsection (1)(a) of section 43 of the WRA against that decision has been given and the appeal has been withdrawn or determined.

(10) In this paragraph—

“relevant licence” means a licence (other than a combined licence) to abstract water which was in force immediately before 1st April 2006; and

“relevant provisions” means provisions which authorise the abstraction of water from one source of supply over a period of twenty–eight days or more for the purpose of transferring water to another source of supply without intervening use.

(11) In this paragraph and paragraph 2, “combined licence” means a licence under section 36 of the WRA<sup>(4)</sup> (application for combined abstraction and impounding licence) which is in force immediately before 1st April 2006.

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(4) Section 36 of the WRA was repealed by section 12 of the Act.