

## SCHEDULE

### TRANSITIONAL PROVISIONS AND SAVINGS

#### Conversion of combined licences

2.—(1) The Agency must, in relation to a combined licence, before 1st April 2007—

- (a) grant to the holder of that licence an impounding licence in materially the same terms as the provisions of the combined licence which authorise the holder to obstruct or impede the flow of inland waters by means of impounding works; and
- (b) vary the combined licence by omitting the provisions referred to in paragraph (a).

(2) A licence granted in accordance with sub-paragraph (1)(a) must provide for the licence to take effect on 1st April 2007.

(3) A combined licence varied in accordance with sub-paragraph (1)(b) must provide for the variations to take effect on 1st April 2007.

(4) In relation to a combined licence, section 24A of the WRA (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 on 1st April 2007.

(5) A licence granted in accordance with sub-paragraph (1)(a) in respect of particular impounding works is to be taken to satisfy the condition referred to in paragraph (a) of section 25(1A) of the WRA(1) (which sets out the conditions under which the restriction on impounding does not apply) in respect of those impounding works.

(6) Subsection (1)(a) of section 43 of the WRA (appeals to the Secretary of State) has effect in relation to a licence—

- (a) granted in accordance with sub-paragraph (1)(a), or
- (b) varied in accordance with sub-paragraph (1)(b),

as if that licence had been granted or varied (as the case may be) on an application to the Agency.

(7) In relation to a combined licence to which, if it did not authorise the holder to obstruct or impede the flow of inland waters by means of impounding works, paragraph 1 would apply—

- (a) sub-paragraph (4) of this paragraph does not apply; and
- (b) paragraph 1 applies as if—
  - (i) in sub-paragraph (4), for “the relevant date” there were substituted “1st April 2007”, and paragraph (b)(ii) did not apply at any time before the Agency has complied with sub-paragraph (1) of this paragraph;
  - (ii) sub-paragraph (5) were omitted;
  - (iii) in sub-paragraph (7)(a), after “on” where it first appears, there were inserted “1st April 2007, or (if later)”;
  - (iv) in sub-paragraph (7)(b), for “1st October 2006” there were substituted “1st April 2007”; and
  - (v) in sub-paragraph (10), in the definition of “relevant licence”, the words “(other than a combined licence)” were omitted.

(8) In this paragraph, “impounding licence” means a licence(2) under Chapter 2 of Part 2 of the WRA to obstruct or impede the flow of inland waters by means of impounding works.

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(1) Section 25(1A) of the WRA was inserted by section 2 of the Act.

(2) For the definition of “licence” in this context, see sections 25(6) and (7) and section 72(1) of the WRA.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.