
STATUTORY INSTRUMENTS

2013 No. 1821

The Natural Resources Body for Wales
(Consequential Provision) Order 2013

PART 7

Transitional and saving provisions

Existing charging schemes in respect of abstraction and impounding licences

28.—(1) Subject to paragraph (2), the existing abstraction and impounding charges scheme continues to have effect as though it were a joint charging scheme made under section 41 of the 1995 Act in accordance with sections 41B and 42 of that Act (as amended by this Order).

(2) Sections 41B(2) and 42(9C) of the 1995 Act (as amended by this Order) do not apply to the existing abstraction and impounding charges scheme.

(3) The appropriate agencies must, before 1st October 2013, agree the manner in which the sums recovered by way of charges prescribed by the existing abstraction and impounding charges scheme are to be apportioned between, and paid to, each appropriate agency.

(4) Any sums recovered by an appropriate agency by way of charges prescribed by the existing abstraction and impounding charges scheme must be apportioned between, and paid to, each appropriate agency in the manner agreed under paragraph (3).

(5) Any dispute as to the manner of apportionment and payment under paragraph (3), or as to the apportionment or payment of sums under paragraph (4), is to be determined by the Secretary of State and the Welsh Ministers acting jointly.

(6) In this article, “the existing abstraction and impounding charges scheme” means the charging scheme made by the Environment Agency under section 41 of the 1995 Act which relates to licences granted under Chapter II of Part II of the Water Resources Act 1991 Act⁽¹⁾ and was in force immediately before 1st April 2013.