



Water Resources Act 1963

1963 CHAPTER 38

PART IV

CONTROL OF ABSTRACTION AND IMPOUNDING OF WATER

Revocation and variation of licences

46 Compensation for revocation or variation of licence

- (1) Where a licence is revoked or varied under section 44 of this Act, and it is shown that the holder of the licence—
- (a) has incurred expenditure in carrying out work which is rendered abortive by the revocation or variation, or
 - (b) has otherwise sustained loss or damage which is directly attributable to the revocation or variation,

the river authority shall pay to him compensation in respect of that expenditure, loss or damage.

- (2) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory to any work, shall be taken to be included in the expenditure incurred in carrying out that work.
- (3) Subject to the last preceding subsection, no compensation shall be paid under this section in respect of any work carried out before the grant of the licence which is revoked or varied, or in respect of any other loss or damage arising out of anything done or omitted to be done before the grant of that licence:

Provided that this subsection shall not apply to a licence of right.

- (4) No compensation shall be payable under this section in respect of a licence to abstract water, if it is shown that no water was abstracted in pursuance of the licence during the period of seven years ending with the date on which notice of the proposals for revoking or varying the licence was served on the holder of the licence.

Status: This is the original version (as it was originally enacted).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

- (5) Any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal; and in relation to the determination of any such compensation the provisions of sections 2 and 4 of the Land Compensation Act 1961 shall apply, subject to any necessary modifications.
- (6) For the purpose of assessing any compensation under this section, in so far as that compensation is in respect of loss or damage consisting of depreciation of the value of an interest in land, the rules set out in section 5 of the Land Compensation Act 1961 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (7) Where the interest in land, in respect of which any compensation falls to be assessed in accordance with the last preceding subsection, is subject to a mortgage—
 - (a) the compensation shall be assessed as if the interest were not subject to the mortgage ;
 - (b) a claim for the compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
 - (c) no such compensation shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and
 - (d) any such compensation which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.