



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

Succession to licences

49 Succession to licences to abstract where person ceases to occupy the relevant land

- (1) This section applies to a case where the holder of a licence under this Chapter to abstract water ("the prior holder") is the occupier of the whole of the land specified in the licence as the land on which water abstracted in pursuance of the licence is to be used ("the relevant land").
- (2) If—
 - (a) the prior holder dies or, by reason of any other act or event, ceases to be the occupier of the whole of the relevant land and does not continue to be the occupier of any part of that land; and
 - (b) either immediately after the death of the prior holder or the occurrence of that other act or event or subsequently, another person ("the successor") becomes the occupier of the whole of the relevant land,the prior holder shall cease (if he would not otherwise do so) to be the holder of the licence and the successor shall become the holder of the licence.
- (3) Where the successor becomes the holder of a licence under subsection (2) above, he shall cease to be the holder of the licence at the end of the period of fifteen months beginning with the date on which he became the occupier of the relevant land unless

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before the end of that period he has given to the Authority notice of the change in the occupation of the relevant land.

- (4) Where any person who becomes the holder of a licence by virtue of the provisions of this section gives notice to the Authority in accordance with those provisions, the Authority shall vary the licence accordingly.
- (5) Where, by virtue of the provisions of this section, any person ceases to be the holder of a licence in such circumstances that no other person thereupon becomes the holder of it, the licence shall cease to have effect.
- (6) The preceding provisions of this section shall have effect without prejudice to any power to revoke or vary licences under this Chapter or to the powers conferred by section 50 below.

50 Succession where person becomes occupier of part of the relevant land

- (1) The Secretary of State may by regulations make provision, in relation to cases to which section 49 above applies, for conferring succession rights, in such circumstances as may be specified in the regulations, on a person who becomes the occupier of part of the relevant land after—
 - (a) the death of the prior holder; or
 - (b) the occurrence of any other act or event whereby the prior holder ceases to be the occupier of the relevant land or of part of that land.
- (2) For the purposes of subsection (1) above succession rights are—
 - (a) a right to become the holder of the licence, subject to provisions corresponding to subsection (3) of section 49 above; or
 - (b) a right to apply for, and to the grant of, a new licence containing provisions (as to quantities of water and otherwise) determined, in accordance with the regulations made by the Secretary of State, by reference to the provisions of the original licence.
- (3) The Secretary of State may by regulations make provision for conferring on the prior holder, where he—
 - (a) continues to be the occupier of part of the relevant land; but
 - (b) ceases to be the occupier of another part of that land,
 a right, in such circumstances as may be specified in the regulations, to apply for, and to the grant of, a new licence containing such provisions as are mentioned in subsection (2)(b) above.
- (4) Regulations under this section may provide that the provisions of this Chapter shall have effect in relation—
 - (a) to an application for a licence made by virtue of the regulations; or
 - (b) to a person entitled to make such an application,
 subject to such modifications as may be specified in the regulations.
- (5) Where any person who becomes the holder of a licence by virtue of the provisions of any regulations under this section gives notice to the Authority in accordance with those provisions, the Authority shall vary the licence accordingly.

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- (6) Where, by virtue of the provisions of any regulations under this section, any person ceases to be the holder of a licence in such circumstances that no other person thereupon becomes the holder of it, the licence shall cease to have effect.
- (7) The preceding provisions of this section shall have effect without prejudice to the exercise of any power to revoke or vary licences under this Chapter.