



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

Appeals with respect to decisions on licence applications

43 Appeals to the Secretary of State.

- (1) Where an application has been made to the [^{F1}appropriate agency] for a licence under this Chapter, the applicant may by notice appeal to the Secretary of State if—
- (a) the applicant is dissatisfied with the decision of the [^{F1}appropriate agency] on the application; or
 - (b) the [^{F1}appropriate agency] fails within the period specified in subsection (2) below to give to the applicant either—
 - (i) notice of the [^{F1}appropriate agency's] decision on the application; or
 - (ii) notice that the application has been referred to the Secretary of State in accordance with any direction under section 41 above.

[^{F2}(1A) This section is subject to section 114 of the 1995 Act (delegation or reference of appeals etc).]

- (2) The period mentioned in subsection (1)(b) above is—
- (a) except in a case falling within paragraph (b) below, such period as may be prescribed; and
 - (b) where an extended period is at any time agreed in writing between the applicant and the [^{F1}appropriate agency], the extended period.
- (3) A notice of appeal under this section shall be served—

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 43. (See end of Document for details)

- (a) in such manner as may be prescribed; and
- (b) within such period as may be prescribed, being a period of not less than twenty-eight days from, as the case may be—
 - (i) the date on which the decision to which it relates was notified to the applicant; or
 - (ii) the end of the period which, by virtue of subsection (2) above, is applicable for the purposes of subsection (1)(b) above.
- (4) Where a notice is served under this section in respect of any application, the applicant shall, within the period prescribed for the purposes of subsection (3)(b) above, serve a copy of the notice on the [^{F1}appropriate agency].
- (5) Where any representations in writing with respect to an application were made within the period specified [^{F3}in any such notice as is referred to in section 37(4)(b)] above, the Secretary of State shall, before determining an appeal under this section in respect of the application, require the [^{F1}appropriate agency] to serve a copy of the notice of appeal on each of the persons who made those representations.

Textual Amendments

- F1** Words in ss. 33A-45 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 270(g)** (with Sch. 7)
- F2** S. 43(1A) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 134** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F3** Words in s. 43(5) substituted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 14(3)(c)**, 105(3); S.I. 2006/984, art. 2(i) (with Sch. paras. 1, 2)

Modifications etc. (not altering text)

- C1** S. 43: power to delegate functions conferred (1.4.1996) by 1995 c. 25, **s. 114(2)(v)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- C2** S. 43 restricted (1.3.2012) by [The Water Resources \(Environmental Impact Assessment\) \(England and Wales\) Regulations 2003 \(S.I. 2003/164\)](#), regs. 1(1), **8(4)**
- C3** S. 43(1)(a) modified (1.4.2005) by [The Water Act 2003 \(Commencement No. 4, Transitional Provisions and Savings\) Order 2005 \(S.I. 2005/968\)](#), art. 4(1)(3), **Sch. 1 para. 5(5)**

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 43.