



Water Act 2003

2003 CHAPTER 37

PART 1

ABSTRACTION AND IMPOUNDING

Applications for a licence

14 Publication of application for licence

- (1) For section 37 of the WRA (publication of application for licence) there is substituted—

“37 Publication of application for licence

- (1) The Agency shall publish a notice of an application for—
- (a) a full licence or a transfer licence; or
 - (b) a licence under this Chapter to obstruct or impede the flow of any inland waters by means of impounding works, in the prescribed way or (if no way is prescribed) in a way calculated to bring the application to the attention of persons who in the Agency’s view are likely to be affected by the licence.
- (2) Not later than the date on which that notice is first published, the Agency shall also serve a copy of it on the persons referred to in subsection (3) below (except the applicant, if the applicant is one of those persons).
- (3) Those persons are—
- (a) any water undertaker within whose area any proposed point of abstraction or impounding is situated;
 - (b) any navigation authority, harbour authority or conservancy authority having functions in relation to any inland waters at any such proposed point; and

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- (c) the drainage board for any internal drainage district within which any such proposed point is situated,
- but paragraphs (b) and (c) above do not apply if the licence applied for is exclusively for the abstraction of water from a source of supply that does not form part of any inland waters.
- (4) A notice for the purposes of the preceding provisions of this section shall—
- (a) be in the prescribed form and shall include any prescribed matters; and
 - (b) state that any person may make representations in writing to the Agency with respect to the application at any time before the end of a period specified in the notice.
- (5) The period referred to in subsection (4)(b) above—
- (a) begins on the date the notice referred to in subsection (1) above is first published as mentioned there; and
 - (b) shall not end before the end of the period of twenty-eight days beginning with that date.
- (6) The Secretary of State may make regulations providing for—
- (a) the requirements of subsection (2) above, or of both subsections (1) and (2) above, not to apply in prescribed cases;
 - (b) notices of applications to exclude prescribed classes of information, either generally or as respects prescribed classes of application.
- (7) In this section, “proposed point of abstraction or impounding”, in relation to an application for a licence referred to in subsection (1) above, means a place where a licence, if granted in accordance with the application, would authorise—
- (a) water to be abstracted; or
 - (b) the flow of inland waters to be obstructed or impeded by means of impounding works,
- (as the case may be).
- (8) This section is subject to section 37A below.”
- (2) After section 37 of the WRA there is inserted—

“37A Power to dispense with publication requirements

The Secretary of State may by regulations make provision for—

- (a) enabling the Agency; or
- (b) him, in the case of applications referred to him in accordance with section 41 below,

to direct or determine that the requirements of subsections (1) and (2) of section 37 above may in any case (except where the Agency is the applicant) be dispensed with, if in that case it appears to the Agency (or, as the case may be, the Secretary of State) to be appropriate to do so.”

- (3) The WRA is further amended as follows—
- (a) in section 38 (general consideration of applications)—

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- (i) in subsection (1), for “for the purposes of the application in accordance with section 37(5)” there is substituted “ in the notice referred to in section 37(4)(b) ”,
- (ii) after subsection (3) there is added—
 - “(4) Subsection (1) above, and paragraph (a) of subsection (3) above, do not apply if in relation to the application in question the requirements of section 37(1) above do not apply by virtue of section 37(6)(a) above or have been dispensed with by virtue of section 37A above.”,
- (b) in section 42 (consideration of called-in applications), in subsection (3)(a), for “37(4)(b) and (6)(a)” there is substituted “ 37 ”,
- (c) in section 43 (appeals to Secretary of State), in subsection (5), for “for the purposes of the application in accordance with section 37(5)” there is substituted “ in any such notice as is referred to in section 37(4)(b) ”,
- (d) in section 66 (inland waters owned or managed by British Waterways Board), in sub-paragraph (ii) of subsection (2)(c), for the words from “subsection (1)” to the end of that sub-paragraph there is substituted “ paragraphs (b) and (c), and the succeeding words, of subsection (3) of that section were omitted. ”

Commencement Information

II S. 14 in force at 1.4.2006 by S.I. 2006/984, art. 2(i) (with Sch. para. 12)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)