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STATUTORY INSTRUMENTS

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**2006 No. 641**

**The Water Resources (Abstraction  
and Impounding) Regulations 2006**

**PART 5**

**MISCELLANEOUS**

**Advertisement of Agency proposals to modify a licence**

**31.**—(1) Subject to paragraph (2), where proposals have been formulated under section 52 (proposals for modification at instance of the Agency or Secretary of State) (including that section as modified by regulation 19), the notice referred to in subsection (4) of that section must—

- (a) explain the general effect of the proposals;
  - (b) in the case of proposals for varying the licence, specify—
    - (i) the current point of abstraction or impounding and, if different, that which is proposed;
    - (ii) in relation to a full licence, the proposed quantity of water to be abstracted; and
    - (iii) in relation to an impounding licence, the object and means of impounding;
  - (c) state—
    - (i) where and when the register containing brief particulars about the proposals may be inspected and that such inspection is free of charge; and
    - (ii) the address to which any representations with respect to the proposals may be sent; and
  - (d) be published—
    - (i) in at least one newspaper circulating in the locality of the current (and, if different, proposed) point of abstraction or impounding; and
    - (ii) on the Agency’s website.
- (2) The notice must not include any information—
- (a) that is not to be included in a register by virtue of section 191A (exclusion from registers of information affecting national security) or 191B (exclusion from registers of certain confidential information); or
  - (b) of which, in the case of proposals in relation to a licence relating to abstraction or impounding, the relevant authority has notified the Agency that publication would be contrary to the interests of national security.
- (3) In paragraph (2) “the relevant authority” means—
- (a) in the case of an application in relation to abstraction or to impounding works in England, the Secretary of State; and

- (b) in the case of an application in relation to abstraction or to impounding works in Wales, the Secretary of State or the Assembly.

### **Notice of certain applications to modify an abstraction licence**

**32.** The notice required by subsection (4) of section 55 (application for modification of licence by owner of fishing rights) must be given in such form as the Agency determines.

### **Licensing of existing impounding works: notices of appeal**

**33.—**(1) Any notice of appeal served under section 3(4) of the Water Act 2003 (which provides for appeals against notices requiring existing impounding works to be licensed) must be served within 21 days beginning on the date of service of the notice served under section 3(2) of that Act.

(2) Regulations 3 to 6 of the Anti-Pollution Works Regulations 1999 apply in relation to an appeal under section 3(4) of the Water Act 2003 as if—

- (a) in those regulations, references to the Secretary of State were references to the appropriate authority<sup>(1)</sup>; and
- (b) in regulation 3, references to a notice of appeal were references to a notice of appeal under section 3(4) of the Water Act 2003.

### **Register of abstraction and impounding licences**

**34.—**(1) The register must contain—

- (a) in the case of every application made to the Agency for an abstraction licence or an impounding licence, or the revocation or variation of such a licence, and every Agency application—
- (i) the name and address of the applicant, the date of the application and brief particulars of its proposals;
  - (ii) particulars of the decision, if any, of the Agency, the Secretary of State or the Assembly on the application (including the decision on any appeal), and the date of that decision;
  - (iii) any notice of appeal served in relation to the application; and
  - (iv) particulars of any licence granted or deemed to be granted, or revocation or variation effected, by virtue of a decision on the application and any appeal, including the date (if any) on which a licence expires;
- (b) in the case of a licence transferred in accordance with section 59A (transfer of licence)—
- (i) the name and address of the transferee;
  - (ii) the date on which the Agency received (or, in the case of the transfer of a licence held by the Agency, served) the transfer notice;
  - (iii) particulars of the transfer notice; and
  - (iv) the date on which the transfer took effect;
- (c) in the case of a licence vesting in accordance with section 59B<sup>(2)</sup> (vesting of licence on death or bankruptcy of holder) in relation to which notice has been given to the Agency under subsection (4) of that section—
- (i) the name and address of the person in whom the licence has vested; and

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(1) For the definition of “appropriate authority” see section 3(12) of the Water Act 2003.

(2) Section 59B was inserted by the WA, section 23(1).

- (ii) the date of the vesting; and
- (d) in the case of a licence granted in accordance with section 59C(5)—
  - (i) the name and address of the holder;
  - (ii) particulars of the licence granted;
  - (iii) the date on which it was granted;
  - (iv) the date from which it has effect; and
  - (v) the date on which it expires.
- (2) The Agency must—
  - (a) within 14 days beginning on—
    - (i) in relation to an application mentioned in paragraph (1)(a), the relevant date, or
    - (ii) in relation to a case mentioned in paragraphs (1)(b), (c) or (d), the date on which the particulars in question become available to the Agency,enter the appropriate particulars referred to in paragraph (1) on the register; and
  - (b) keep records on the register showing the date on which those entries are made.
- (3) Paragraphs (1) and (2) do not apply to any information required to be excluded from the register by or under section 191A (exclusion from registers of information affecting national security) or section 191B (exclusion from registers of certain confidential information).
- (4) The Agency may keep the register, or any part of it, electronically.

### **Revocations**

- 35.** Subject to regulation 36, the following instruments are revoked—
- (a) the Water Resources (Licences) Regulations 1965(3);
  - (b) the Water Resources (Miscellaneous Provisions) Regulations 1965(4); and
  - (c) the Water Resources (Licences) (Amendment) Regulations 1989(5).

### **Transitional and saving provisions**

**36.** The Regulations revoked by regulation 35(a) and (c) continue to have effect in relation to any application under Chapter 2 of Part 2 of the Act a notice of which, before the coming into force of these Regulations, was published by the applicant in accordance with section 37 of the Act.

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(3) S.I. 1965/534; amended by S.I. 1989/336.  
(4) S.I. 1965/1092.  
(5) S.I. 1989/336.