
STATUTORY INSTRUMENTS

2006 No. 641

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

PART 3

ABSTRACTION AND IMPOUNDING BY THE AGENCY

Modification of Agency licence at instance of the Secretary of State or the Assembly

19.—(1) Section 52(1) (proposals for modification at instance of the Agency or the Secretary of State) has effect in relation to an abstraction licence or an impounding licence held by the Agency as if—

- (a) subsections (1) and (1A) were omitted;
- (b) in subsection (2)—
 - (i) in paragraph (a), the word “but”, and
 - (ii) paragraph (b),were omitted;
- (c) in subsection (4), paragraph (a) were omitted; and
- (d) in subsection (6)(b), references to the Agency were references to the Secretary of State or the Assembly (as the case may be).

(2) Section 53(2) (modification in pursuance of proposals under section 52) has effect in relation to proposals formulated under section 52, as modified by paragraph (1), as if—

- (a) in subsection (1)—
 - (i) for the word “may” there were substituted “shall”; and
 - (ii) in paragraph (b), the words after “those proposals” were omitted; and
- (b) in subsection (4)—
 - (i) the reference to the holder of the licence were a reference to the Secretary or State or the Assembly; and
 - (ii) the words after “Secretary of State” were omitted.

(3) Section 54(3) (reference of modification proposals to the Secretary of State) has effect in relation to proposals referred to the Secretary of State or Assembly under section 53, as modified by paragraph (2), as if—

- (a) in subsection (1)—
 - (i) for paragraph (b), there were substituted—

(1) Section 52 was amended by the EA, section 120 and Schedule 22, paragraph 128, and by the WA, sections 22 and 101(2) and Schedule 9, Part 1.
(2) Section 53 was amended by the EA, section 120 and Schedule 22, paragraph 128.
(3) Section 54 was amended by the EA, section 120 and Schedule 22, paragraph 128.

- “(b) any representations in writing made by the Agency in relation to the proposals”; and
- (ii) in paragraph (c), the reference to the Agency were a reference to the Secretary of State or the Assembly (as the case may be);
- (b) in subsection (2), the references to the holder of the licence were omitted;
- (c) in paragraph (c) of subsection (4), the reference to subsection (1) of section 54 were a reference to that subsection as modified by sub-paragraph (a) of this paragraph;
- (d) for subsection (5), there were substituted—
 - “(5) Where the Secretary of State or the Assembly (as the case may be) determines under subsection (1) that the licence in question should be revoked or varied, she or it may revoke or vary the licence in accordance with that determination.”; and
- (e) in subsection (6), the reference to a decision were a reference to a determination in accordance with subsection (5) as substituted by sub-paragraph (d) of this paragraph.