
STATUTORY INSTRUMENTS

2006 No. 641

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

PART 3

ABSTRACTION AND IMPOUNDING BY THE AGENCY

Apportionment of Agency licence or of part of other licence to the Agency

22.—(1) Section 59C(1) (apportionment of licence to abstract) has effect in relation to the apportionment of a licence held by the Agency subject to the modifications in paragraph (2).

(2) The modifications referred to in paragraph (1) are that—

(a) for subsections (1) to (3) there is substituted—

“(1) Where the Agency is the holder of a full licence or transfer licence (the “old licence”), it may divide its right to abstract water in accordance with the old licence and transfer—

(a) to another person part, or to a number of other persons parts, not amounting to the whole, or

(b) to a number of other persons parts amounting in all to the whole,

of that right in accordance with the following provisions of this section.

(2) Subsection (3) applies where—

(a) in relation to an old licence, the Agency as holder of the old licence and another person (the “successor”) proposing to exercise a right in respect of a part (“the relevant part”) of the abstraction authorised by the old licence in place of the Agency agree that—

(i) the right conferred by the old licence should be divided; and

(ii) a right in respect of the relevant part should be transferred to the successor;
and

(b) the Agency is satisfied that—

(i) the successor has, or at the time when the proposed grant to him of a new licence under subsection (3) below is to take effect will have, a right of access in relation to each point of abstraction; and

(ii) he will continue to have such a right for the period of at least one year beginning with the date on which the new licence is to take effect, or until it is to expire (if sooner).

(3) Where this subsection applies, the Agency must—

(a) revoke the old licence;

- (b) if the Agency proposes to continue to exercise a right of abstraction in respect of that part not transferred to the successor and a licence is required under this Chapter for that purpose, grant itself a licence relating to that part; and
 - (c) grant to the successor a licence relating to the relevant part of the abstraction.”;
 - (b) subsections (4) and (5) are omitted;
 - (c) in subsections (6) and (7) for “subsection (5)” there is substituted “subsection (3)”;
 - (d) for subsection (8) there is substituted—
 - “(8) The revocation of the old licence and the grant of a new licence under subsection (3)(b) or (c) takes effect from the date on which the Agency revokes the old licence and grants the new one.”; and
 - (e) in subsection (13), for “subsection (5)” there is substituted “subsection (3)”.
- (3) Section 59C (apportionment of licence to abstract) has effect in relation to the transfer to the Agency of part of a right to abstract water in accordance with a licence as if—
- (a) in subsection (2) after “any person” there is inserted “, other than the Agency,”; and
 - (b) in subsection (5) after “above,” there is inserted “and, so far as the apportionment notice relates to the transfer to the Agency of a right in respect of part of an authorised abstraction, the Agency agrees to that transfer.”.