

STATUTORY INSTRUMENTS

2017 No. 1047

The Water Abstraction (Transitional Provisions) Regulations 2017

PART 2

Transitional licence provisions

Scope of this Part

- 3.—(1) This Part applies to a person who—
- (a) in the seven years prior to 1st January 2018 abstracted water—
 - (i) from a source of supply, or
 - (ii) from any of the inland waters of the Rivers Tweed, Esk or Sark (or their tributaries) in England,and who did not require a licence for that abstraction, or
 - (b) is a successor to such a person.
- (2) In paragraph (1)(b), “successor” means a person to whom a person described in paragraph (1)(a) transfers title, where the transfer of title—
- (a) is a transfer of title to the property from which water was abstracted as described in paragraph (1)(a),
 - (b) includes irrevocable transfer of the right to abstract water as described in paragraph (1)(a) from that property, and
 - (c) has effect on any date during the period beginning 1st January 2018 and ending [^{F1}31st December 2019][^{F1}on the transitional period end date].
- [^{F2}(3) In this Part, “transitional period end date”, in relation to England, means 30th June 2020.]

Textual Amendments

- F1** Words in reg. 3(2)(c) substituted (E.) (31.12.2019) by [The Water Abstraction \(Transitional Provisions\) \(Amendment\) \(England\) Regulations 2019 \(S.I. 2019/1455\)](#), regs. 1(1), **2(2)(a)**
- F2** Reg. 3(3) inserted (E.) (31.12.2019) by [The Water Abstraction \(Transitional Provisions\) \(Amendment\) \(England\) Regulations 2019 \(S.I. 2019/1455\)](#), regs. 1(1), **2(2)(b)**

Transitional procedures for applications by persons other than the appropriate agency

- 4.—(1) This regulation applies where a person to whom this Part applies, other than the appropriate agency ^{M1}, applies for a licence before [^{F3}31st December 2019][^{F3}the transitional period end date].

(2) Where the licence application relates to the abstraction described in regulation 3(1)(a), the application must be made and determined in accordance with the Schedule to these Regulations instead of in accordance with Part 2 of the 2006 Regulations.

(3) Where the licence application relates to an abstraction other than the one described in regulation 3(1)(a), in addition to complying with the requirements of Part 2 of the 2006 Regulations, that person must—

- (a) disclose to the appropriate agency when so applying that they have abstracted water as described in regulation 3(1)(a), and
- (b) provide such additional information as the appropriate agency may reasonably require to perform its functions under the 2006 Regulations.

Textual Amendments

F3 Words in reg. 4(1) substituted (E.) (31.12.2019) by [The Water Abstraction \(Transitional Provisions\) \(Amendment\) \(England\) Regulations 2019 \(S.I. 2019/1455\)](#), regs. 1(1), **2(3)**

Marginal Citations

M1 See section 221 of the Water Resources Act 1991 for the definition of the “appropriate agency”.

Transitional procedure for applications by the appropriate agency

5.—(1) Paragraph (2) applies where—

- (a) this Part applies to an appropriate agency by virtue of regulation 3(1), and
- (b) that appropriate agency applies for a transfer licence before [^{F4}31st December 2019][^{F4}the transitional period end date].

(2) The 2006 Regulations apply to that transfer licence application as if the reference in paragraph 2(3)(iv) of Schedule 2 to the 2006 Regulations requiring the specification of the quantity of water to be abstracted were omitted.

Textual Amendments

F4 Words in reg. 5(1)(b) substituted (E.) (31.12.2019) by [The Water Abstraction \(Transitional Provisions\) \(Amendment\) \(England\) Regulations 2019 \(S.I. 2019/1455\)](#), regs. 1(1), **2(3)**

Continuation of abstraction during transitional period

6. Notwithstanding the restriction on abstraction, a person may continue to carry out an abstraction of water described in regulation 3(1)(a)—

- (a) if the person applies for a licence in respect of that abstraction, until the date on which that application (including any appeal under section 43 ^{M2}) is determined, or
- (b) if no such application is submitted, until [^{F5}31st December 2019][^{F5}the transitional period end date].

Textual Amendments

F5 Words in reg. 6(b) substituted (E.) (31.12.2019) by [The Water Abstraction \(Transitional Provisions\) \(Amendment\) \(England\) Regulations 2019 \(S.I. 2019/1455\)](#), regs. 1(1), **2(3)**

Marginal Citations

M2 Section 43 was amended by paragraph 134 of Schedule 22 to the 1995 Act, section 14(3) of the 2003 Act and by [S.I. 2013/755](#) (W.90).

Register of licences

7.—(1) The register required to be kept by the appropriate agency under section 189 must contain, for each application for a licence submitted in accordance with this Part—

- (a) the name and address of the applicant;
 - (b) the date of the application and brief particulars of its proposals;
 - (c) particulars of any decision of the appropriate agency or the appropriate authority on the application (including the decision on any appeal) and the date of that decision;
 - (d) the date of any licence granted;
 - (e) the date on which that licence expires;
 - (f) the particulars of any notice of appeal.
- (2) Subject to paragraphs (3) and (4), the appropriate agency must enter in the register—
- (a) the information referred to in paragraph (1)(a) and (1)(b) within 28 days of determining that the application is a valid application (as defined in paragraph 5 of the Schedule);
 - (b) the information referred to in paragraph (1)(c) to (1)(e) within 28 days of a decision on an application;
 - (c) the information referred to in paragraph (1)(f) within 28 days of receiving a notice of appeal.
- (3) If any of the information in paragraph (1) falls to be determined under section 191A (national security)^{M3} and the appropriate authority determines that it should be included in the register, the appropriate agency must enter it within 28 days of receiving notice of that determination.
- (4) If any of the information in paragraph (1) falls to be determined under section 191B (exclusion from registers of certain confidential information)^{M4} and is determined not to be commercially confidential, the appropriate agency must enter it in the register—
- (a) if no notice of appeal is served, within 28 days of the end of the period within which notice of appeal against that determination may be served;
 - (b) if a notice of appeal is served, within 28 days of the date on which the appropriate agency receives notification of the determination or withdrawal of the appeal.
- (5) The appropriate agency must record in the register the date each entry is made.
- (6) The appropriate agency may keep the register, or any part of it, electronically.

Marginal Citations

M3 [Section 191A](#) was inserted by paragraph 170 of Schedule 22 to the 1995 Act and amended by [S.I. 2013/755](#) (W. 90).

M4 [Section 191B](#) was inserted by paragraph 170 of Schedule 22 to the 1995 Act and was amended by [S.I. 2010/675](#) and [2013/755](#) (W. 90).

Changes to legislation:

There are currently no known outstanding effects for the The Water Abstraction (Transitional Provisions) Regulations 2017, PART 2.