



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART VI

#### FINANCIAL PROVISIONS IN RELATION TO THE [F<sup>1</sup>APPROPRIATE AGENCY]

### CHAPTER II

#### REVENUE PROVISIONS

##### *Water resources charges*

#### **127 Special charges in respect of spray irrigation.**

- (1) Where a person (“the applicant”) is for the time being the holder of a licence under Chapter II of Part II of this Act to abstract water (“the applicant’s licence”), and in accordance with the provisions of that licence—
  - (a) the water is to be used on land of which the applicant is the occupier; and
  - (b) the purposes for which water abstracted in pursuance of the licence is to be used consist of or include spray irrigation,the applicant may apply to the [F<sup>1</sup>appropriate agency] to make an agreement with him under this section and, subject to the following provisions of this section and sections 128 and 129 below, the [F<sup>1</sup>appropriate agency] may make such an agreement accordingly.
- (2) During any period for which an agreement under this section is in force, the following charges shall be payable by the applicant to the [F<sup>1</sup>appropriate agency] in respect of the applicant’s licence, in so far as it relates to water authorised to be abstracted and used on the relevant land, that is to say—
  - (a) basic charges calculated, in accordance with the agreement, by reference to the quantity of water authorised to be so abstracted and used from time to time in pursuance of the licence; and

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*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 127. (See end of Document for details)*

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- (b) supplementary charges calculated, in accordance with the agreement, by reference to the quantity of water which is measured or assessed as being abstracted from time to time by or on behalf of the applicant from the source of supply to which the applicant's licence relates for use on the relevant land.
- (3) In determining—
- (a) whether to make an agreement with the applicant under this section; and
  - (b) the charges to be leviable under such an agreement,
- the [F1appropriate agency] shall have regard to the extent to which, in any year within the period proposed to be specified in the agreement as the period for which it is made, the quantity of water referred to in paragraph (a) of subsection (2) above is likely to exceed the quantity referred to in paragraph (b) of that subsection.
- (4) Where the applicant's licence authorises water abstracted in pursuance of the licence to be used on the relevant land for purposes which include spray irrigation and other purposes—
- (a) any agreement made under this section shall provide for apportioning, as between those purposes respectively, the quantity referred to in paragraph (a) of subsection (2) above and the quantity referred to in paragraph (b) of that subsection;
  - (b) subsection (2) above shall have effect as if in each of those paragraphs the reference to the quantity of water mentioned in that paragraph were a reference to so much of that quantity as in accordance with the agreement is apportioned to the purpose of spray irrigation; and
  - (c) in subsection (3) above any reference to either of those paragraphs shall be construed as a reference to that paragraph as modified by paragraph (b) of this subsection.
- (5) An application under subsection (1) above may be made by a person who has applied for, but is not yet the holder of, a licence under Chapter II of Part II of this Act to abstract water; and, in relation to an application so made or to an agreement made on such an application—
- (a) the reference in that subsection to the provisions of the applicant's licence shall be construed as a reference to the proposals contained in the application for a licence; and
  - (b) any other reference in this section or in section 128 or 129 below to the applicant's licence shall be construed as a reference to any licence granted to the applicant in pursuance of the application mentioned in paragraph (a) above or in pursuance of an appeal consequential upon the application so mentioned.
- (6) In this section and sections 128 and 129 below—
- “the applicant” and “the applicant's licence” shall be construed, subject to subsection (5) above, in accordance with subsection (1) above;
- “the relevant land” means the land on which the applicant's licence, as for the time being in force, authorises water abstracted in pursuance of the licence to be used for purposes which consist of or include spray irrigation; and
- “year” means a period of twelve months beginning—
- (a) with the date on which an agreement under this section comes into force or is proposed to come into force; or
  - (b) with an anniversary of that date.

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**Changes to legislation:** There are currently no known outstanding effects for the Water Resources Act 1991, Section 127. (See end of Document for details)

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**Textual Amendments**

- F1** Words in ss. 120-143 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 276** (with Sch. 7)
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**Modifications etc. (not altering text)**

- C1** S. 127(1)(4) modified (18.5.1992) by [S.I. 1992/1096](#), arts. 3, 4, **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources Act 1991, Section 127.