



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

Applications for a licence

[^{F1}36A Applications: types of abstraction licence

- (1) The [^{F2}appropriate agency] may decide that—
 - (a) an application for a full licence, a transfer licence or a temporary licence ought to be for one of the other types of licence;
 - (b) a number of applications for licences (of any type or types) to abstract water from a particular source of supply ought to be treated as an application for a single such licence (of any type);
 - (c) an application for a single licence (of any type) to abstract water from a particular source of supply ought to be treated as a number of applications for such licences (of any type or types); or
 - (d) any such application as is referred to above ought to be accompanied by an application for revocation of an existing licence to abstract water.
- (2) The [^{F2}appropriate agency] may arrive at the decision referred to in paragraph (a), (b), (c) or (d) of subsection (1) above on the basis of its assessment of any one or more of the following—
 - (a) the likely effect of the abstraction (or abstractions) for which the applicant has applied for a licence (or licences);
 - (b) the likely effect of that abstraction (or those abstractions) taken together with abstractions under any other licence held by the applicant, or abstractions

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 36A. (See end of Document for details)

- which would be authorised under any other licence for which the applicant has applied;
- (c) any other prescribed matter.
- (3) If the [F2appropriate agency] does so decide, it shall serve a notice of its decision on the applicant; and, subject to subsections (4) to (8) below, shall deal with the application (or applications) accordingly (which, if the [F2appropriate agency] made the decision referred to in paragraph (d) of subsection (1) above in relation to any application (or applications), means not publishing any notice under section 37 below, or taking any further step in connection with the application (or applications), until the application for revocation has been received).
- (4) The applicant may by notice appeal to the Secretary of State against the decision, and shall serve a copy of any such notice on the [F2appropriate agency].
- (5) That notice, and the copy of it, shall be served in such manner and within such period as may be prescribed.
- (6) If the [F2appropriate agency] serves a notice under subsection (3) above, it shall not publish any notice under section 37 below, or take any further step in connection with the application (or applications), before—
- (a) the end of the period within which notice of an appeal may be served on the Secretary of State; or
 - (b) if notice of an appeal is so served, the appeal has been determined.
- (7) The Secretary of State—
- (a) may allow or dismiss the appeal, or vary any part of the decision of the [F2appropriate agency], whether the appeal relates to that part of the decision or not; and
 - (b) shall direct the [F2appropriate agency] to deal with the application, or applications, accordingly (which, if the [F2appropriate agency's] decision was made under paragraph (d) of subsection (1) above in relation to any such application, and that decision is upheld, may mean not publishing any notice under section 37 below, or taking any further step in connection with the application, until the application for revocation has been received).
- (8) Subsections (2) and (7) of section 44 below apply in relation to an appeal under this section as they apply in relation to an appeal under section 43 below.
- (9) This section is subject to section 114 of the 1995 Act (delegation or reference of appeals).]

Textual Amendments

- F1** S. 36A inserted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 13(1)**, 105(3); S.I. 2006/984, **art. 2(h)** (with [Sch. para. 7](#))
- F2** Words in ss. 33A-45 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), **art. 1(2)**, **Sch. 2 para. 270(g)** (with [Sch. 7](#))

Modifications etc. (not altering text)

- C1** S. 36A excluded (1.4.2006) by [Water Resources \(Abstraction and Impounding\) Regulations 2006 \(S.I. 2006/641\)](#), **reg. 1(2)**, **Sch. 2 para. 8(2)**

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 36A.