



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

Form, contents and effect of licences

46 Form and contents of licences.

- (1) The Secretary of State may by regulations make provision as to the form of licences under this Chapter or of any class of such licences; but any regulations under this subsection shall have effect subject to the following provisions of this section and to any other express provision contained in, or having effect by virtue of, any other enactment contained in this Chapter.
- (2) ^[F1]Every full licence under this Chapter shall, and any other licence under this Chapter to abstract water may, make—
 - (a) provision as to the quantity of water authorised to be abstracted in pursuance of the licence from the source of supply to which the licence relates during a period or periods specified in the licence, including provision as to the way in which that quantity is to be measured or assessed for the purposes of this Chapter; and
 - (b) provision for determining, by measurement or assessment, what quantity of water is to be taken to have been abstracted during any such period by the holder of the licence from the source of supply to which the licence relates.

^[F2](2A) For the purposes of section 61(4A) below—

- (a) every full licence under this Chapter which is for a term exceeding twelve years shall; and

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 46. (See end of Document for details)

- (b) any transfer licence under this Chapter which is for a term exceeding twelve years may,
specify a minimum value for the quantity referred to in subsection (2)(a) above.]
- (3) Every licence under this Chapter to abstract water shall indicate the means by which water is authorised to be abstracted in pursuance of the licence, by reference either to specified works, machinery or apparatus or to works, machinery or apparatus fulfilling specified requirements.
- [^{F3}(4) Every licence under this Chapter to abstract water shall also specify the purposes for which water abstracted in pursuance of the licence is to be used.
- (5) Every licence under this Chapter to abstract water shall state—
- (a) the date on which it takes effect; and
 - (b) the date on which it expires.
- (5A) Every licence under this Chapter to obstruct or impede any inland waters shall remain in force until revoked.]
- (6) Different provision may be made by the same licence with respect to any one or more of the following matters, that is to say—
- (a) the abstraction of water during different periods;
 - (b) the abstraction of water from the same source of supply but at different points or by different means;
 - (c) the abstraction of water for use for different purposes;
- and any such provision as is mentioned in subsection (2) above may be made separately in relation to each of the matters for which (in accordance with this subsection) different provision is made in the licence.
- (7) Nothing in subsection (6) above shall be construed as preventing two or more licences from being granted to the same person to be held concurrently in respect of the same source of supply, if the licences authorise the abstraction of water at different points [^{F4}, by different means or for different purposes] .

Textual Amendments

- F1** Words in s. 46(2) substituted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 19(2)**, 105(3); S.I. 2006/984, art. 2(j) (with [Sch. para. 1](#))
- F2** S. 46(2A) inserted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 19(3)**, 105(3); S.I. 2006/984, art. 2(j) (with [Sch. para. 1](#))
- F3** S. 46(4)(5)(5A) substituted for s. 46(4)(5) (1.4.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 19(4)**, 105(3); S.I. 2004/641, art. 3(g) (with [Sch. 3 para. 7](#))
- F4** Words in s. 46(7) substituted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 19(5)**, 105(3); S.I. 2006/984, art. 2(j) (with [Sch. para. 1](#))

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 46.