



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

[^{F1}Transfer and apportionment of licences

[^{F1}59C Apportionment of licence to abstract

- (1) The holder of a full licence or of a transfer licence (the “old licence”) may apply to the [^{F2}appropriate agency] for the division of the holder’s right to abstract water in accordance with the old licence and for the transfer—
 - (a) to another person of part, or to a number of other persons of parts not amounting to the whole; or
 - (b) to a number of other persons of parts amounting in all to the whole, of that right.
- (2) The holder of the old licence and any person proposing to carry on a part of the abstraction authorised by the old licence in place of the holder (a “successor”) shall give notice to the [^{F2}appropriate agency] of their agreement to the division and transfer (an “apportionment notice”).
- (3) The apportionment notice shall, in relation to the abstraction authorised by the old licence—
 - (a) specify, for each proposed successor, what quantity of water he proposes to abstract, and (if the holder of the old licence is to continue the abstraction in part) what quantity of water he proposes to abstract;

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- (b) specify the purpose or purposes for which those persons referred to in paragraph (a) above who would require a new licence granted under subsection (5) below would abstract water (being one or more of the purposes for which abstraction is authorised under the old licence);
 - (c) specify the point (or points) of abstraction from which it is proposed that the persons referred to in paragraph (a) above would abstract water (being one or more of the points from which abstraction is authorised under the old licence);
 - (d) include a declaration by each of those persons who requires a licence under this Chapter in order to carry on the abstraction that—
 - (i) he has, or at the time when the proposed grant to him of a new licence under subsection (5) below is to take effect will have, a right of access in relation to each such 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); and
 - (e) include such other information as the [F2appropriate agency] reasonably requires,
 and may specify the date on which the holder and the successor (or successors) wish the division and transfer (or transfers) to take effect.
- (4) The apportionment notice shall be accompanied by an application on the part of the holder of the old licence for its revocation.
- (5) Subject to subsection (9) below, if the [F2appropriate agency] receives an apportionment notice and the application for revocation referred to in subsection (4) above, the [F2appropriate agency] shall—
- (a) revoke the old licence;
 - (b) if the holder is to continue the abstraction in part and a licence is required under this Chapter for that purpose, grant to the holder of the old licence a licence relating to that part of the abstraction; and
 - (c) grant to each successor who requires a licence under this Chapter in order to carry on his part of the abstraction a licence relating to that part of the abstraction.
- (6) Sections 34 to 45 above shall not apply to the grant of a new licence under subsection (5) above.
- (7) Subject to section 46 above and to any provision of regulations made under section 59D(1) below, each new licence to be granted under subsection (5) above shall be granted subject to provisions which correspond as nearly as practicable to those of the old licence in relation to the part of the abstraction to be authorised by the new licence.
- (8) The revocation of the old licence and the grant of the new licences shall take effect—
- (a) from the date on which the [F2appropriate agency] revokes the old licence and grants the new ones; or
 - (b) from the date specified in the apportionment notice, if later.
- (9) The [F2appropriate agency] shall not grant a new licence to the holder of the old licence or to a successor if, by virtue of an exemption, the restriction on abstraction would not apply to that part of the abstraction proposed in relation to him in the apportionment notice.

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- (10) For the purposes of this Chapter, a person (whether the holder of the old licence or a successor) who proposes to carry on a part of the abstraction in the circumstances mentioned in subsection (9) above shall, if the old licence was a full licence, be taken to have the right to do so in relation to that part, subject to subsection (11) below.
- (11) For the purposes of this Chapter, a person shall cease to be taken to have a right, by virtue of subsection (10) above, to carry on an abstraction if—
- (a) during a period mentioned in subsection (12) below that person does not carry out any such abstraction; or
 - (b) following an order under section 27A(1) above or regulations under section 33A above, that person is granted a full licence in respect of abstraction from the same point.
- (12) The period referred to in subsection (11)(a) above is—
- (a) four years; or
 - (b) if the abstractions authorised under the old licence were abstractions planned to be carried out at intervals of more than four years, or abstractions for emergency purposes only, such longer period as the [F2appropriate agency] may determine on the application of the person in question.
- (13) For the purposes of section 39A above, a new licence granted under subsection (5) above shall be treated—
- (a) as if it had been granted at the time the old licence was granted; and
 - (b) as if it and any other new licence granted by virtue of the relevant apportionment notice had been granted in place of the old licence.
- (14) In this section—
- “exemption” means the disapplication of the restriction on abstraction under or by virtue of section 27 or 33A above; and
 - “point of abstraction” and “right of access” have the same meanings as in section 59A above.]

Textual Amendments

- F1** Ss. 59A-59D and cross-heading inserted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 23(1)**, 105(3); S.I. 2006/984, art. 2(m) (with Sch. para. 3)
- F2** Words in ss. 59A-59C 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(j)** (with Sch. 7)

Modifications etc. (not altering text)

- C1** S. 59C applied (with modifications) (1.4.2006) by [Water Resources \(Abstraction and Impounding\) Regulations 2006 \(S.I. 2006/641\)](#), regs. 1(2), **22**

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 59C.