



Water Resources Act 1991

1991 CHAPTER 57

PART II

WATER RESOURCES MANAGEMENT

CHAPTER II

ABSTRACTION AND IMPOUNDING

Modification of licences

- 52 Proposals for modification at instance of the [F¹ appropriate agency] or Secretary of State.**
- (1) Where it appears to the [F¹ appropriate agency] that a licence under this Chapter should be revoked or varied, the [F¹ appropriate agency] may formulate proposals for revoking or varying the licence.
- [F²(1A) In the case of a licence to obstruct or impede any inland waters, a variation may take the form of a requirement that the impounding works be modified in ways specified in the proposed new provision of the licence.]
- (2) Where—
- (a) it appears to the Secretary of State (either in consequence of representations made to the Secretary of State or otherwise) that a licence under this Chapter ought to be reviewed; but
 - (b) no proposals for revoking or varying the licence have been formulated by the [F¹ appropriate agency] under subsection (1) above,
- the Secretary of State may, as he may consider appropriate in the circumstances, give the [F¹ appropriate agency] a direction under subsection (3) below.
- (3) A direction under this subsection may—

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- (a) direct the [^{F1}appropriate agency] to formulate proposals for revoking the licence in question; or
 - (b) direct the [^{F1}appropriate agency] to formulate proposals for varying that licence in such manner as may be specified in the direction.
- (4) Notice in the prescribed form of any proposals formulated under this section with respect to any licence shall—
- (a) be served on the holder of the licence; and
 - [^{F3}(b) be published in the prescribed way or (if no way is prescribed) in a way calculated to bring it to the attention of persons likely to be affected if the licence were revoked or varied as proposed.]
- (5) If—
- (a) a licence with respect to which any proposals are formulated under this section relates to any inland waters; and
 - (b) the proposals provide for variation of that licence,
- a copy of the notice for the purposes of subsection (4) above shall, not later than the date on which it is first published [^{F4}as mentioned in subsection (4)(b) above], be served on any navigation authority, harbour authority or conservancy authority having functions in relation to those waters at a place where the licence, if varied in accordance with the proposals, would authorise water to be abstracted or impounded.
- [^{F5}(6) A notice for the purposes of subsection (4) above shall—
- (a) include any prescribed matters; and
 - (b) state that, before the end of a period specified in the notice—
 - (i) the holder of the licence may give notice in writing to the [^{F1}appropriate agency] objecting to the proposals; and
 - (ii) any other person may make representations in writing to the [^{F1}appropriate agency] with respect to the proposals.]
- [^{F6}(7) The period referred to in subsection (6)(b) above—
- (a) begins on the date the notice referred to in subsection (4) above is first published as mentioned there; and
 - (b) shall not end before the end of the period of twenty-eight days beginning with that date.]
- [^{F7}(8)

Textual Amendments

- F1** Words in s. 52 and heading 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(i)** (with Sch. 7)
- F2** S. 52(1A) inserted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 22(2)**, 105(3); S.I. 2006/984, art. 2(1)
- F3** S. 52(4)(b) substituted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 22(3)**, 105(3); S.I. 2006/984, art. 2(1)
- F4** Words in s. 52(5) substituted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 22(4)**, 105(3); S.I. 2006/984, art. 2(1)
- F5** S. 52(6) substituted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 22(5)**, 105(3); S.I. 2006/984, art. 2(1)
- F6** S. 52(7) substituted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 22(6)**, 105(3); S.I. 2006/984, art. 2(1)
- F7** S. 52(8) repealed (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 22(7)**, 105(3), **Sch. 9 Pt. 1**; S.I. 2006/984, art. 2(1)(s)(ii)

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Section 52. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 52 applied (with modifications) (1.4.2006) by [Water Resources \(Abstraction and Impounding\) Regulations 2006 \(S.I. 2006/641\)](#), regs. 1(2), **19(1)**
- C2** S. 52(4)-(8) applied (with modifications) (1.3.2012) by [The Water Resources \(Environmental Impact Assessment\) \(England and Wales\) Regulations 2003 \(S.I. 2003/164\)](#), regs. 1(1), **14, 15**

Changes to legislation:

There are currently no known outstanding effects for the Water Resources Act 1991, Section 52.