



Water Act 2003

2003 CHAPTER 37

PART 1

ABSTRACTION AND IMPOUNDING

Applications for a licence

13 Applications: types of abstraction licence

(1) After section 36 of the WRA there is inserted—

“36A Applications: types of abstraction licence

- (1) The 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 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

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- applicant, or abstractions which would be authorised under any other licence for which the applicant has applied;
- (c) any other prescribed matter.
- (3) If the 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 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 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 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 Agency, whether the appeal relates to that part of the decision or not; and
- (b) shall direct the Agency to deal with the application, or applications, accordingly (which, if the 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).”
- (2) In section 41 of the WRA (Secretary of State’s power to call in applications), after subsection (2) there is added—
- “(3) An application may not be referred to the Secretary of State under this section—
- (a) if in relation to the application the Agency is still considering whether to make any such decision as is referred to in subsection (1) of section 36A above, or if it has made such a decision but has not yet served the notice referred to in subsection (3) of that section; or
- (b) where the Agency has served a notice on the applicant under subsection (3) of that section, until the period for appealing under that

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section has expired or (if the applicant appeals) the appeal has been determined.”

- (3) In section 45 of the WRA (regulations with respect to appeals)—
- (a) in subsection (1), after “against decisions” there is inserted “ of the Agency under section 36A above or ”,
 - (b) after subsection (2) there is inserted—

“(2A) Subsection (2) above does not apply in relation to appeals against decisions of the Agency under section 36A above.”
- (4) In section 114 of the Environment Act 1995 (c. 25) (power of Secretary of State to delegate or refer in connection with appeals), in subsection (2)(a)(v), after “section” there is inserted “ 36A, ”.

Commencement Information

II S. 13 in force at 1.4.2006 by S.I. 2006/984, art. 2(h) (with Sch. para. 7)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)