
STATUTORY INSTRUMENTS

1969 No. 976

WATER RESOURCES, ENGLAND AND WALES

**The Water Resources (Succession
To Licences) Regulations 1969**

<i>Made</i>	- - - -	<i>17th July 1969</i>
<i>Laid before Parliament</i>		<i>23rd July 1969</i>
<i>Coming into Operation</i>		<i>6th August 1969</i>

The Minister of Housing and Local Government, in exercise of his powers under sections 32 , 54 and 134 of the Water Resources Act 1963 , as originally enacted and as applied under section 125 of that Act or by the Isle of Wight River and Water Authority Act 1964, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Water Resources (Succession to Licences) Regulations 1969, and shall come into operation on 6th August 1969.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires,—

“the Act” means the Water Resources Act 1963;

“the Minister” means the Minister of Housing and Local Government or the Secretary of State, according to circumstances, as section 1 of the Act provides;

“river authority” includes, in addition to a river authority established under the Act, any other body having river authority functions under Part IV of the Act in any area, and references (however expressed) to the area of a river authority shall be construed accordingly ; and “the river authority” , in relation to any matter, means the river authority, or other body having Part IV functions as aforesaid, for the area in which that matter arises;

“successor” means a person who becomes the occupier of any land formerly occupied by the holder of a licence under the Act to abstract water for use on specified land consisting of, or comprising, the land in question;

and, in relation to any successor and to his entitlement under the regulations,—

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“the original holder” means the last preceding occupier of the land in question, who, immediately before he ceased to be the occupier, held a licence under the Act to abstract water for use on that land, with or without other land;

“the original licence” means the original holder's licence as it has effect for the purposes of the successor's entitlement at the time when he becomes the occupier of the land in question, or, if the relevant provisions of that licence are then contained in a new licence which has been substituted therefor in pursuance of the regulations, means that substituted licence;

“the original land” means all the land of which the original holder was the occupier immediately before the relevant event, in so far as it was, or formed part of, the land then specified in the original licence as the land on which water abstracted in pursuance of that licence was to be used;

“the relevant event” means the death of the original holder, or the other act or event by reason of which the original holder ceased to be the occupier of land consisting of, or comprising, the land of which the successor has become the occupier.

(2) A reference in these regulations to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment and as including a reference to it as applied by or under any other enactment.

(3) The Interpretation Act 1889 shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Service of documents

3. Any notice or other document required or authorised by these regulations to be given or served may be given or served in the manner prescribed by section 120 of the Act.

Rights of a successor on becoming the occupier of the whole of the original land

4.—(1) Subject to the following provisions of this regulation, where the original holder ceases to be the occupier of the whole of the original land and, whether immediately thereafter or subsequently, a successor becomes the occupier of the whole of that land but, by reason of the original land being only a part of the land specified in the original licence as the land on which water abstracted in pursuance of the licence is to be used, does not thereupon become the holder of the original licence by virtue of section 32(1) of the Act,—

- (a) the original holder (except where, being an individual, he has died) shall cease to be the holder of the original licence, and
- (b) the successor shall become the holder of that licence.

(2) Where the preceding paragraph has effect, the successor shall cease to be the holder of the licence at the end of the period of one month beginning with the date on which he became the occupier of the original land, unless before the end of that period he has given notice to the river authority of the change in the occupation of that land.

(3) Where, in the case of a change or proposed change in the occupation of land in the circumstances, mentioned in paragraph (1) of this regulation, it is the intention of the parties, or of the one who is the original holder, that the original licence should be held by the original holder for purposes for which he could lawfully make use of it but for the operation of the said paragraph (1), then,—

- (a) if notice of that intention is given to the river authority by both the parties, and is not withdrawn, before the change in occupation takes place, paragraph (1) of this regulation shall not apply in relation to that change; and

(b) if notice of that intention is given to the river authority by both the parties, and is not withdrawn, before the end of the period specified in paragraph (2) of this regulation (but not before the change in occupation takes place), or if such notice is given to the river authority by the original holder, and is not withdrawn, before the end of that period and the successor does not within that period give notice to the river authority for the purpose of the said paragraph (2), the original holder shall in either case become the holder of the original licence immediately after the successor has ceased, by virtue of that paragraph, to be the holder of it.

(4) A successor who becomes the holder of the original licence by virtue of paragraph (1) of this regulation, and who does not cease to be the holder of the licence by virtue of paragraph (2), shall, in relation to any other person having a relevant entitlement under the next following regulation with respect to the same original licence, stand in the place of the original holder for the purpose of paragraph (3) of that regulation and shall for that purpose be entitled to apply for an appropriate new licence in pursuance of regulation 6 as if he were the original holder in the circumstances specified in regulation 6(1); and, if when the successor becomes the holder of the original licence as aforesaid there is an application made by the original holder with respect to the original licence for the purpose of regulation 5(3) which has not been disposed of, that application shall be deemed to have been adopted by the successor on becoming the holder of the original licence and may be determined accordingly:

provided that reasonable notice shall be given to the successor before a decision is issued on the application as so adopted.

In this paragraph “a relevant entitlement” means an entitlement with respect to the original licence which a person acquires by becoming the occupier of land of which the original holder ceased to be the occupier on an occasion prior to the relevant event pursuant to which the successor becomes the holder of the original licence as aforesaid.

Rights of a successor on becoming the occupier of a part of the original land

5.—(1) Where the original holder ceases to be the occupier of the whole, or a part, of the original land and a successor becomes the occupier of a part of the original land within a period of two years beginning with the date of the relevant event, the successor, if he satisfies the conditions of section 27 of the Act (as modified by regulation 8), shall be entitled to apply, within a period of one month beginning with the date on which he becomes the occupier as aforesaid, for the grant of a new licence in accordance with the following provisions of these regulations.

(2) Subject to the next following paragraph, a successor who accordingly applies for a new licence and who, when a decision falls to be made on the application, is the occupier of any of the land specified therein as land of which he has become the occupier in the circumstances mentioned in the preceding paragraph, shall be entitled to the grant of a new licence for the abstraction of water for use on land of which he is the occupier as aforesaid, containing provisions determined by reference to the provisions of the original licence in accordance with regulation 7 of these regulations.

(3) It shall be a condition of the successor's entitlement under this regulation to the grant of a new licence that the original holder or, as the case may be, the holder for the time being of the original licence who stands in place of the original holder for this purpose by virtue of regulation 4(4), has duly made, and has not withdrawn, an application in pursuance of the next following regulation for the grant of an appropriate new licence in substitution for the original licence, or an application under section 42 of the Act for the revocation of the original licence or for its variation in such a manner as will secure that those of its provisions with respect to the abstraction of water which (with any modifications) are to be included in the new licence for which the successor has applied cease to have effect as provisions of the original licence.

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This condition shall not apply where the original holder has ceased to be the holder of the original licence and there is for the time being no holder of that licence in the place of the original holder as aforesaid.

This condition shall not apply where the original holder has ceased to be the holder of the original licence and there is for the time being no holder of that licence in the place of the original holder as aforesaid.

(4) The Schedule hereto shall have effect in relation to applications for new licences in pursuance of this, or the next following, regulation.

Rights of the original holder with respect to the grant of a new licence

6.—(1) Where a successor duly applies in pursuance of the last preceding regulation for the grant of a new licence, and the original holder continues to be the occupier of a part of the original land, the original holder, if he satisfies the conditions of section 27 of the Act (as modified by regulation 8), shall be entitled to apply for the grant of a new licence, in substitution for the original licence, in accordance with the following provisions of this regulation.

(2) On the grant of a new licence on the successor's application, the original holder, if he has duly applied, shall be entitled to the grant of a new licence, in substitution for the original licence, giving effect as nearly as may be to the provisions of the original licence (including any provision relating to the use of water on land of which the original holder is not the occupier) in so far as effect is not given to those provisions in the new licence granted to the successor.

Provisions of a new licence granted to a successor

7.—(1) Subject to this regulation, the provisions of a new licence granted on the application of a successor in pursuance of regulation 5 shall be such as appear to the river authority to correspond as nearly as may be to the provisions of the original licence, modified so as to provide for the abstraction of water—

- (a) from any point of abstraction specified in the original licence which, having regard to section 27 of the Act (as modified by regulation 8) and to the provisions of the original licence, is available to the applicant for the purposes of the next following sub-paragraph; and
- (b) for use on any part of the original land occupied by the applicant, and for a purpose of the original licence appropriate to that part.

In the following provisions of these regulations, “the applicant's land” means that part of the original land which is occupied by the applicant and to which his application relates, and any reference, however expressed, to a point of abstraction available to the applicant is a reference to such a point of abstraction as is mentioned in sub-paragraph (a) of this paragraph.

(2) Subject to the next following paragraph, provision as to any quantity of water authorised to be abstracted in pursuance of the new licence shall be made as follows, that is to say:—

- (a) where the original licence specifies or otherwise limits a quantity of water to be abstracted during a period or periods so specified from any point available to the applicant, for use on the whole or a part of the applicant's land and not also on any other land, the new licence shall make the like provision;
- (b) where the original licence specifies or otherwise limits a quantity of water to be abstracted as aforesaid for use on the whole or a part of the applicant's land and also on other land, the new licence shall make the like provision with such modification as is required to secure that the quantity thereby authorised for use on the applicant's land, or, as the case may be, on the relevant part of that land, shall be an appropriate share of the relevant quantity provided for by the original licence, that is to say, either—

- (i) an amount which bears to the whole of the relevant quantity provided for by the original licence the same proportion as the area of the applicant's land, or of the relevant part of that land, bears to the area of the land on which that quantity was to be used in accordance with the original licence, or
 - (ii) such other amount as the river authority (having regard to the provisions of the original licence, the manner in which any water abstracted has been used in accordance with that licence and any other material considerations) may determine to be the amount which would have been used on the land in question under the original licence if the original holder had continued to be the occupier of the applicant's land and had abstracted the whole of the relevant quantity.
- (3) Where—
- (a) the original licence authorises the abstraction of water from a source of supply at two or more points of abstraction, not all of which have become available to the applicant as mentioned in paragraph (1) of this regulation, and
 - (b) the river authority are satisfied that, if the original holder had continued to be the occupier of the applicant's land, it would have been his practice in accordance with the original licence to use on that land water abstracted at any point of abstraction which has not become available to the applicant,

the river authority may, if the applicant so requests, provide in the new licence for the abstraction, at any point or points of abstraction specified in the original licence and available to the applicant as aforesaid, of a quantity or quantities of water not exceeding whichever is the smaller of—

- (i) the corresponding quantity which, in the opinion of the authority, would have been abstracted and used on the applicant's land as mentioned in sub-paragraph (b) of this paragraph, and
- (ii) the capacity of the existing means of abstraction at the relevant point or points, regard being had to any quantity of water to be authorised in pursuance of the foregoing paragraphs of this regulation.

(4) In determining under this regulation what quantity of water is to be authorised in a new licence by reference to the provisions of the original licence, any relevant apportionment for the purposes of a licence previously granted hereunder by reference to the provisions of the same original licence shall (subject to the effect of any material revocation or variation) be deemed to be conclusive.

(5) Any reference in this regulation to the river authority shall be construed as including a reference to the Minister on appeal.

Application of provisions of Part IV of the Act

8.—(1) In relation to an application for a licence made by virtue of these regulations, or to a person entitled to make such an application, the provisions of Part IV of the Act shall have effect subject to the exceptions and modifications specified in this regulation.

(2) Section 27 (which relates to entitlement to apply for a licence) shall have effect as if subsection (3) included a requirement that the occupation of, or right of access to, land mentioned in that subsection shall be such as to afford access to the relevant point or points of abstraction specified in the original licence.

(3) Section 28 (which relates to notice of an application), section 29 (which relates to the determination of an application by the river authority), section 38 (which relates to the reference of applications to the Minister) and section 41 (which contains provisions supplementary to sections 38 to 40) shall not have effect.

(4) Sections 23, 31 and 49 (which relate respectively to the restriction on abstracting water, the effect of a licence and penalties) shall each have effect with a modification providing—

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- (a) that, during the period beginning with the time at which any person other than the holder of the original licence becomes entitled to apply under these regulations for a licence and ending on the relevant date (as hereinafter defined), that person shall be deemed for the purposes of the section to be the holder of a licence containing such provisions as, having regard to all the circumstances of the case, could reasonably be expected to be included in any licence granted to him in virtue of his entitlement under the regulations, and
- (b) that, for the purposes of the section, any licence granted on an application accordingly made by that person shall be treated as not having effect until the application has been disposed of.

In this paragraph “the relevant date” means, in a case where the relevant entitlement expires or is determined by virtue of a provision of these regulations, the date of that expiry or determination, and, in any other case, means the date on which the relevant application under the regulations for a licence is disposed of; and subsection (7) of section 56 of the Act (with the exception of paragraph (b) thereof) shall apply for determining when an application is to be taken to be disposed of for the purposes of this provision as it so applies for the purposes of section 56.

(5) The last preceding paragraph shall apply in relation to section 26 as it applies in relation to the sections specified in that paragraph, with the substitution therein, for the words “during the period beginning with the time at which any person other than the holder of the original licence becomes entitled to apply”, of the words “during the period beginning with the date on which any person other than the holder of the original licence entitled to do so duly applies.”

Given under the official seal of the Minister of Housing and Local Government on 17th July 1969.

L.S.

Kenneth Robinson
Minister for Planning and Land
Ministry of Housing and Local Government

SCHEDULE

APPLICATIONS FOR NEW LICENCES

1.—(1) An application in pursuance of these regulations for a licence to abstract water from a source of supply in a river authority area shall include the particulars and be verified by the evidence hereafter prescribed, and shall be made to the river authority in accordance with the provisions of this Schedule.

(2) The application and any accompanying documents, together with such additional number of copies (not exceeding two) as the river authority may require, shall be addressed to the Clerk of the authority and posted to or delivered at the river authority's principal office or such other place as the authority may direct.

2.—(1) The application shall be accompanied by an ordnance map to a scale of not less than six inches to one mile for the purpose of showing the matters specified in the next sub-paragraph:

Provided that the river authority may dispense with this requirement, or may accept a map to a smaller scale, if on the request of the applicant they are satisfied in the circumstances of the case that a map is unnecessary or, as the case may be, that a smaller scale will suffice.

(2) There shall be shown clearly on the map (if any):—

- (a) the point or points of abstraction specified in the original licence (each with a reference number) at which the applicant proposes to abstract water;
- (b) as respects each point of abstraction, the relevant land for the purposes of section 27 of the Act (as modified by regulation 8);
- (c) the applicant's land (as defined in regulation 7(1)), distinguishing as may be necessary between parts of that land on which it is proposed to use water abstracted in pursuance of the licence for different purposes.

(3) In this Schedule the expression “relevant land”, used in connection with section 27 of the Act, means land contiguous to the existing point of abstraction at which the applicant proposes to abstract from an inland water, or land consisting of or comprising underground strata and with access to the existing point of abstraction at which he proposes to abstract from those strata, being in either case land in relation to which the applicant claims such rights of occupation or access, actual or prospective, as satisfy the relevant conditions of section 27 (as modified by regulation 8) .

3.—(1) Subject to sub-paragraph (2) with respect to an application made by the holder of the original licence, the application shall include the following particulars:—

- (a) The applicant's name and address, and the name and address of any other person authorised to act on the applicant's behalf in the matter.
- (b) The source of supply to which the application relates.
- (c) The serial number of the original licence by reference to which the application is made, and the name and address (if known) of the original holder.
- (d) The name and address (if known) of any other person who to the applicant's knowledge has become the holder of the original licence.
- (e) Particulars of the applicant's claim to be entitled to make the application, including—
 - (i) a description (by reference to the map, if any) of the applicant's land (as defined in regulation 7(1));
 - (ii) the date on which, and the manner in which, the applicant became the occupier of the relevant part of the original land, and (if different and so far as known to the

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applicant) the date on which, and the relevant event by reason of which, the original holder ceased to be the occupier of that part;

(iii) a statement showing how the applicant claims to be entitled to make the application in accordance with section 27 of the Act (as modified by regulation 8), with reference, where appropriate, to relevant land for the purpose of section 27 shown on the map.

(f) Particulars of the application, including—

(i) a brief description of the point or points of abstraction specified in the original licence at which the applicant proposes to abstract (with reference, where appropriate, to the point or points shown and numbered on the map);

(ii) the provisions which the applicant proposes the licence should contain, including provisions as to the quantity of water authorised to be abstracted during a period or periods specified at each point of abstraction or group of points of abstraction specified, and provisions as to the land on which and the purposes for which the water abstracted is to be used, all being provisions framed by reference to the corresponding provisions of the original licence;

(iii) a statement showing how the quantities of water specified have been assessed in accordance with the provisions of regulation 7.

(2) In the case of an application by the original holder in pursuance of regulation 6, or by a person who has become the holder of the original licence and who is entitled to make such an application by virtue of regulation 4(4), sub-paragraph (1) of this paragraph shall have effect with the following modifications:—

(a) the particulars required at head (c) shall include the statement that the applicant is the original holder, or, as the case may be, that he has become the holder of the original licence by virtue of regulation 4;

(b) for the particulars required at head (d) there shall be substituted brief particulars sufficient to identify the application by a successor for a new licence (or, if there is more than one, each such application) in consequence of which the applicant is applying for a new licence;

(c) for the particulars required at head (e)(i) there shall be substituted a description of the part of the original land of which the original holder has continued to be the occupier, or, in the case of an application by a person who is the holder of the original licence by virtue of regulation 4(1), a description of the original land of which that person has become the occupier;

(d) the particulars required at head (e)(ii) shall not apply in the case of the original holder, and, in the case of a person who has become the holder of the original licence by virtue of regulation 4, there shall be substituted for those particulars the date on which, and the circumstances in which, he became the occupier of the whole of the original land;

(e) in head (f)(iii) for the words “in accordance with the provisions of regulation 7” there shall be substituted the words “having regard to the provisions of regulation 6”.

4.—(1) The application shall be accompanied by evidence for the purpose of satisfying the river authority with respect to such of the following matters as are contained in the application, or shall include a statement as to the nature of any evidence which the applicant can produce for that purpose if the authority shall so require:—

(a) that the claim to have become the occupier of a part, or the whole, of the original land, and (in so far as material) to have done so at the time specified, is well founded;

(b) that the claim to be entitled to make the application in accordance with the provisions of section 27 of the Act (as modified by regulation 8) is well founded;

- (c) in the case of a proposal that the new licence should authorise a quantity of water determined in accordance with regulation 7(2)(b)(ii), that the quantity proposed is the quantity which ought to be so determined;
 - (d) in the case of a request that, in accordance with regulation 7(3), there should be added to any quantity of water determined in accordance with regulation 7(2) a quantity which the original holder would have abstracted at a point of abstraction which has not become available to the applicant, that the circumstances are such as to enable the river authority to be satisfied with respect to the relevant matters specified in regulation 7(3).
- (2) The application shall be accompanied by such information as the applicant is able to provide with respect to the following matters:—
- (a) whether the holder (if any) of the original licence has applied, or is prepared to apply, for the grant of a new licence, or for the revocation or variation of the original licence, as mentioned in regulation 5(3);
 - (b) whether there is, or is likely to be, any related application for a new licence, made by another successor by reference to the same original licence, which might appropriately be considered together with the applicant's application.

5. Regulation 10 of the Water Resources (Licences) Regulations 1965⁽¹⁾ shall have effect in relation to the application as if it were an application for a licence of right and as if the period therein prescribed for dealing with the application were a period of 3 months; and regulation 12 of those Regulations shall have effect in relation to any appeal to the Minister in pursuance of the application, but, save as aforesaid, Part II of the said Regulations of 1965 shall not have effect in relation to applications made in pursuance of these regulations.

EXPLANATORY NOTE

These regulations are made by the Minister of Housing and Local Government, in consultation with the Secretary of State for Wales, principally under section 32(3) of the Water Resources Act 1963⁽²⁾. They confer rights in respect of the licensed abstraction of water on persons who (in circumstances where section 32(1) of the Act does not apply) become the occupiers of land formerly occupied by the holder of a licence to abstract water for use on the land.

Where the holder of a licence (“the original holder”) has been the occupier of, and ceases to occupy, the whole of the land specified in the licence (“the original licence”) as the land on which water abstracted under the licence is to be used, and another person (a “successor”) becomes the occupier of the whole of that land, the licence is automatically transferred to the successor by section 32(1) of the Act. The regulations apply where a successor becomes the occupier of only a part of the land so specified in the licence. This may happen in various circumstances. For the purposes of the regulations a distinction is drawn between one type of case and the remainder, as follows:—

⁽¹⁾ (1965 I, p. 1479).

⁽²⁾ The regulations are also made under section 32(3) and other provisions of the Act as applied:— In the Thames area, by the Thames Conservancy (New Functions of River Authorities in Thames Catchment Area) Order 1964 (S.I. 1964/1251) and the Thames Conservancy (New Functions of River Authorities in London Excluded Area) Order 1964 (S.I. 1964/1252). In the Lee catchment area, by the Lee Conservancy Catchment Board (New Functions of River Authorities) Order 1965 (S.I. 1965/701). (The above Orders were made under section 125 of the Act.) In the Isle of Wight, by the Isle of Wight River and Water Authority Act 1964 (1964 c. xxv).

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A. A successor becomes the occupier of all the relevant land which the original holder occupied immediately before the event by reason of which he ceased to be the occupier (“the relevant event”), but the land so occupied by the original holder was only a part of the land specified in the original licence as the land on which water abstracted is to be used. (Except for the purposes of succession under section 32, it is not a requirement of the Act that an applicant for a licence shall be the occupier of the land on which water abstracted in pursuance of the licence is to be used.)

B. A successor becomes the occupier of only a part of the relevant land occupied by the original holder immediately before the relevant event, whether the land so occupied by the original holder was the whole or only a part of the land specified in the original licence. (This class covers cases where the original holder retains part of the relevant land in his occupation and ceases to occupy part; and cases where, although the original holder ceases to occupy all the relevant land in his occupation, the successor, or each of several successors, becomes the occupier of only a part of that land.)

In the regulations the relevant land of which the original holder was the occupier immediately before the relevant event is called “the original land” (regulation 2(1)).

In case A, where a successor replaces the original holder as occupier of all “the original land” but not of all the land specified in the licence, regulation 4(1) (corresponding to section 32(1)) transfers the licence to the successor to hold subject to the provisions of regulation 4(2) (corresponding to section 32(2)). But the operation of regulation 4(1) is subject to the provisions of paragraphs (3) and (4) having regard to difficulties that may be encountered in connection with the automatic transfer of a licence which serves other land in addition to the land which is the subject of the relevant change in occupation. Action can be taken to avoid the effect of regulation 4(1) in any case where it is desired that the original holder should keep the licence. And, when the original licence is transferred and another person has, or acquires, an entitlement with respect to it in the circumstances mentioned in regulation 4(4), the person who is the new holder of the licence by virtue of regulation 4(1) assumes the function which the original holder would have had under regulation 5(3) to enable that other person to obtain a licence, and takes over with the original licence any outstanding application with respect to it which the original holder may already have made for that purpose.

The cases in class B are provided for by regulation 5. A successor who, within two years from the date of the relevant event, becomes the occupier of a part of “the original land” is entitled, subject to conditions, to apply for and to be granted, in respect of the land he occupies, a new licence containing provisions determined in accordance with regulation 7 by reference to the provisions of the original licence. The right to apply is subject to section 27 of the Act⁽³⁾ as modified by the regulations. By virtue of regulation 5(3) the right to the grant of a new licence is subject to the condition that the holder of the original licence has made such an application as will have the effect of revoking those provisions of the original licence which are to be included in the new licence granted to the successor. This condition does not apply if there is no holder of the original licence competent to make such an application (e.g. where the original holder has died and the licence has not passed to a successor under regulation 4).

Regulation 6 provides that, where application is made by a successor in pursuance of regulation 5 for the grant of a new licence containing provisions derived from the original licence, the original holder, if he continues to be the occupier of a part of “the original land”, shall be entitled to apply for a new licence in substitution for the original licence. The new licence to which the original holder is then entitled if a licence is granted to the successor is, in effect, the original licence minus those of its provisions which are incorporated in the new licence granted to the successor.

Regulation 7 deals with the provisions to be included in a licence granted in response to an application under regulation 5. The new licence must reflect as nearly as may be the relevant provisions of the original licence. As respects the quantity of water to be authorised, the basic entitlement of the applicant is to be allowed to take at a particular point of abstraction, for use for a particular purpose on land of which he has become the occupier, the same quantity of water as

(3) Section 27 of the Act has been amended by the Water Resources Act 1968 (1968 c. 35).

would have been taken at that point in accordance with the original licence for use for the same purpose on the same land. In some cases this will involve an apportionment of a quantity specified in the original licence and this is provided for by regulation 7(2)(b). Apart from the basic entitlement, provision is made in regulation 7(3) for “transferring” to a point of abstraction to which the new licence relates (being one of two or more points of abstraction specified in the original licence) a quantity which under the original licence was authorised to be taken at some other point (not available to the applicant) for use on land of which the applicant has become the occupier.

Regulation 8 (in pursuance of section 32(4)) specifies exceptions and modifications subject to which the provisions of Part IV of the Act are to have effect. Paragraph (2) modifies section 27(3) of the Act which (as amended by the Act of 1968) requires that an applicant for a licence to abstract water from underground strata shall be the occupier of land consisting of or comprising those strata, or, in certain circumstances, that he shall have a right of access to such land. For the purposes of the regulations an applicant must have access to an existing point of abstraction specified in the original licence. Paragraph (3) excepts certain provisions of the Act (including section 28 which requires notice of an application to be published) as being inappropriate to applications in pursuance of an entitlement under the regulations. The right of appeal to the Minister (sections 39 and 40) is unaffected, but the relevant supplementary provisions of section 41 are replaced by regulation 7(5). Paragraphs (4) and (5) make provision (on the lines of that made by section 56(1)) to enable a successor to start abstracting as soon as he has become the occupier of relevant land and is entitled to apply for a licence.

The Schedule (in pursuance of section 54 of the Act) deals with the manner in which applications in pursuance of the regulations are to be made and prescribes the particulars required to be included in such applications.