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SCHEDULES

SCHEDULE 8

ORDERS AUTHORISING EXECUTION OF WORKS

PART I

General provisions

- 1 Where a river authority apply to the Minister for an order under section 67 of this Act, the authority shall submit to the Minister a draft of the order, and shall publish at least once in each of two successive weeks, in one or more newspapers circulating in the locality where the engineering or building operations are to be carried out, a notice—
 - (a) stating the general effect of the order as prepared in draft;
 - (b) specifying a place in the river authority area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of twenty-eight days beginning with the date of the first publication of the notice ; and
 - (c) stating that any person may, within that period, by notice in writing to the Minister object to the making of the order.
- 2 Not later than the date on which the notice is first published in pursuance of the preceding paragraph, the river authority shall serve a copy of the notice—
 - (a) on every local authority within whose area any of the engineering or building operations are to be carried out, and
 - (b) on every owner, lessee or occupier (except tenants for a month or for any period less than a month and statutory tenants within the meaning of Part II of the Housing Repairs and Rents Act 1954) of any land in relation to which compulsory powers (other than powers of compulsory acquisition) would become exercisable by the river authority if an order were made in the terms of the draft submitted by them.
- 3 The river authority shall also publish a notice in the London Gazette stating that the draft order has been submitted to the Minister, naming every local authority on whom a notice is required to be served under the last preceding paragraph, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected, and giving the name of the newspaper in which the notice under paragraph 1 of this Schedule was published and the date of an issue containing the notice.
- 4 The river authority shall, at the request of any person, furnish him with a copy of the draft order on payment of such charge, not exceeding two shillings, as the river authority think reasonable.
- 5 The Minister may make the order either in the terms of the draft order or in those terms as altered in such manner as he thinks fit; but where he proposes to make

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any alteration, and considers that any persons are likely to be adversely affected by it, the river authority shall give and publish such additional notices, and in such manner, as the Minister may require.

- 6 If before the end of the period of twenty-eight days referred to in paragraph 1 of this Schedule, or of twenty-five days from the publication in the London Gazette of the notice under paragraph 3 of this Schedule, or of any period specified in notices under the last preceding paragraph, notice in writing of an objection is received by the Minister from any person on whom a notice is required to be served under this Schedule, or from any other person appearing to the Minister to be affected by the order as prepared in draft or as proposed to be altered, and the objection is not withdrawn, the Minister, before making the order, shall either—'

- (a) cause a local inquiry to be held, or
- (b) afford to the objector and to the river authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

- 7 In respect of any compulsory powers conferred by the order, other than powers of compulsory acquisition, compensation shall be payable in accordance with subsections (3) and (4) of section 66 of this Act, as if in those subsections—

- (a) any reference to the acquisition of the new right were a reference to the coming into operation of the order in so far as it confers those compulsory powers;
- (b) any reference to the servient land were a reference to the land in respect of which those powers are exercisable by virtue of the order; and
- (c) any reference to the relevant date were a reference to the date on which the order comes into operation;

and subsections (5) to (7) of section 46 of this Act shall have effect in relation to compensation payable by virtue of this paragraph as they have effect in relation to compensation payable under that section.