

SCHEDULE

Sections 1, 9 and 11.

PROCEDURE FOR MAKING ORDERS

- 1 (1) Water undertakers who apply to the Minister for an order shall cause notice in writing of the application to be served—
 - (a) on every other water undertaker, if any, who will be affected by the proposed order; and
 - (b) in the case of an order authorising the compulsory purchase or the occupation and use of land, on every owner, lessee and occupier (except tenants for a month or any less period than a month) of that land; and
 - (c) in the case of an order prohibiting, or imposing a limitation on, the taking of water from a source, on every person to whom the prohibition or limitation applies; and
 - (d) in the case of an order suspending or modifying a restriction or obligation to which water undertakers are subject by virtue of an agreement on the other party to the agreement; and
 - (e) in the case of an order suspending or modifying a restriction or obligation to which water undertakers are subject by virtue of an enactment, on every person specified in the enactment as being a person for whose protection the restriction or obligation was imposed:and shall cause a notice of the application to be published in one or more local newspapers circulating within the limits of supply of the applicants and of any other water undertakers who will be affected by the proposed order, and, where the applicants are a local authority empowered by a local Act or an order confirmed by Parliament to supply water, or a company, board, or persons so empowered, and the application is for an order authorising the taking of water from a source, or for the suspension or modification of a restriction or obligation as respects the taking of water from a source or the discharge of compensation water, the applicants shall, in addition, cause a notice of the application to be published in the London Gazette.
 - (2) A notice under this paragraph shall state the general effect of the application and that representations may be made to the Minister with respect thereto within seven days from the date on which it is served or, in the case of a public notice, from the date of its first publication, and in the case of an application for an order authorising the compulsory purchase, or the occupation and use, of land shall specify the land to which the application relates.
 - (3) The Minister shall not make an order, unless he is satisfied that the foregoing provisions of this paragraph have been complied with, and shall consider any representations with respect to an application which may be made to him within the period aforesaid.
 - (4) An order may be made in accordance with the proposals contained in an application with or without modification.
- 2 (1) If the Minister proposes to make an order otherwise than on the application of water undertakers, he shall cause notices in writing to be served on the persons on whom, and to be published in the manner in which, notices are required under the preceding paragraph to be served and published.
 - (2) A notice under this paragraph shall state the general effect of the proposed order and that representations may be made to the Minister with respect thereto within seven days from the date on which it is served or, in the case of a public notice, from the

Status: This is the original version (as it was originally enacted).

date of its first publication, and the Minister shall consider any representations which may be made within the period aforesaid.

3 A notice which is required under this Schedule to be served on any person may be served either :

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it at the usual or last-known place of abode of that person; or
- (c) by sending it in a pre-paid registered letter addressed to that person at his usual or last-known place of abode; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a pre-paid registered letter addressed to the secretary or clerk of the company or body at that office; or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner, lessee, or occupier of land on whom it should be served, by addressing it to him by the description of " owner " or " lessee " or " occupier " of the premises (naming them) to which it relates and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

4 Before making an order the Minister may, in any case in which he considers it expedient so to do, and shall, if an objection to the making of the order is duly made and the objector so requests, cause a local inquiry to be held :

Provided that the Minister may require the objector to state in writing the grounds of his objection and may make the order without causing a local inquiry to be held if he is satisfied that the objection either is frivolous or relates exclusively to matters which can be dealt with by the arbitrator or other person by whom compensation is to be assessed.

5 The provisions of subsections (2), (3), (4), (5) and (8) of section two hundred and ninety of the Local Government Act, 1933 (which relates to the holding of inquiries in certain cases, including a case where the Minister is authorised by that Act to make any order) shall have effect, before as well as after the coming into operation of that Act, in relation to an inquiry under the last foregoing paragraph as they have effect in relation to an inquiry held by the Minister under that Act, and as if the words " not exceeding five guineas a day " in subsection (4) of that section had been omitted.

6 As soon as may be after an order has been made, the water undertakers on whose application it was made or, in the case of an order made otherwise than on the application of water undertakers, the Minister, shall cause to be published, in the manner in which notices are required under paragraphs 1 and 2 of this Schedule to be published a notice stating that the order has been made and naming a place where a copy thereof may be inspected.