

SCHEDULES

SCHEDULE 5

Section 10.

ORDERS ALTERING RIVER AUTHORITY AREAS

- 1 Before making an order under section 10 of this Act, the Ministers shall consult with such persons, or bodies representative of persons, as they consider it appropriate to consult at that stage, and shall then prepare a draft order, and cause notice of their intention to make the order, and of the place where copies of the draft order, and of any map to which it refers, may be inspected and obtained, and of the time (not being less than twenty-eight days) within which, and the manner in which, objections to the draft order may be made, to be published in the London Gazette, and in such other manner as they think best adapted for informing persons affected.
- 2 The Ministers shall also, before making any such order, cause copies of the notice referred to in the preceding paragraph to be served as follows, that is to say—
 - (a) in the case of an order in which it is proposed to designate a new river authority area or to alter one or more river authority areas, copies of the notice shall be served on any river authority whose area is proposed to be altered, on every local authority whose area is wholly or partly included in any relevant area, and on every other authority known by the Ministers to be exercising within any relevant area functions corresponding to the new functions of river authorities, or functions with respect to land drainage, fisheries, river pollution, navigation or harbours;
 - (b) in the case of an order by which it is proposed to vary an order previously made under section 10 of this Act, but without designating any new river authority area and without altering any river authority area, copies of the notice shall be served on the river authority to whom the order will relate, on every local authority whose area is wholly or partly included in the area of that river authority, and on every other authority known to the Ministers to be exercising within that river authority area functions with respect to land drainage, navigation or harbours.

In sub-paragraph (a) of this paragraph " any relevant area ", in relation to an order, means any river authority area which is proposed to be altered by the order and any area which is not for the time being comprised in a river authority area but is proposed to be comprised in a river authority area (whether a new river authority area or not) by virtue of the order.
- 3 Before making any such order, the Ministers shall consider any objections which may be duly made to the draft order, and may if they think fit cause a local inquiry to be held with respect to any such objections ; and in making the order the Ministers may make such modifications in the terms of the draft as appear to them desirable.
- 4 (1) Where sub-paragraph (a) of paragraph 2 of this Schedule applies, and an objection has been duly made by any body on whom notice is required to be served under that sub-paragraph and has not been withdrawn, then if the order is made the Ministers shall serve notice of the making of the order on every such body who has duly made an objection which has not been withdrawn.

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

- (2) Where a notice is required to be served under the preceding sub-paragraph, the order shall not have effect before the expiry of a period of twenty-eight days from the date of service of that notice; and if within that period any such body gives notice to either of the Ministers objecting to the order, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.
- 5 After making an order under section 10 of this Act the Ministers shall publish in the London Gazette, and in such other manner as they think best adapted for informing persons affected, a notice stating that the order has been made and naming a place where a copy of the order may be seen at all reasonable hours:
- Provided that, in the case of an order to which sub-paragraph (1) of the last preceding paragraph applies, the notice shall not be published until the expiry of the period of twenty-eight days referred to in sub-paragraph (2) of that paragraph, and shall state whether or not the order is to be subject to special parliamentary procedure.
- 6 (1) Subject to the next following sub-paragraph, if any person desires to question the validity of an order under the said section 10 on the ground that it is not within the powers of this Act, or that any requirement of this Act has not been complied with, he may, within six weeks after the first publication of the notice required by the last preceding paragraph, make an application for the purpose to the High Court; and if any such application is duly made, the court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirements of this Act not having been complied with, may quash the order either generally or in so far as it affects the applicant.
- (2) The preceding sub-paragraph shall not apply to any order which is confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945, and shall have effect in relation to any other order which is subject to special parliamentary procedure by virtue of the provisions of this Schedule as if, for the reference to the first publication of the notice required by the last preceding paragraph, there were substituted a reference to the date on which the order becomes operative under the said Act of 1945.
- (3) Except as provided by sub-paragraph (1) of this paragraph, the validity of an order under section 10 of this Act shall not either before or after the order has been made, be questioned in any legal proceedings whatsoever.