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## SCHEDULES

### SCHEDULE 5

#### CONTROL OF OFF-STREET PARKING

##### PART I

###### *Provisions as to making of regulations under section 36*

- 1 Before deciding to propose the making of regulations under section 36 of this Act with respect to any matter, the Council shall consult with such representative organisations as they think fit and, if after such consultation they decide to make such a proposal, they shall cause to be published in the London Gazette and in one or more daily newspapers circulating throughout Greater London a notice stating that they propose to make such regulations, giving a summary of their effect, and specifying—
  - (a) a place at which provisional draft regulations may be inspected at all reasonable hours and from which a copy of those draft regulations may be obtained on request; and
  - (b) a date (not being earlier than six weeks after the date of publication of the notice) by which representations with respect to the draft regulations, which should include the grounds for any objection thereto, must be sent in writing to the Council;and on causing such a notice to be published the Council shall send a copy of the notice and of the draft regulations to the Minister and to each local authority the whole or part of whose area is for the time being, or would under the draft regulations become, a controlled area ; and the Council shall not make any regulations in pursuance of the proposal to which the notice relates before the expiration of the period of twelve weeks beginning with the date when the notice is published.
- 2 As soon as may be after the date specified by the notice aforesaid for the making of representations with respect to the draft regulations, the Council shall send to the Minister copies of all representations received by them by that date or, if no representations have been so received, shall inform the Minister in writing of that fact.
- 3 In the case of any such proposal as aforesaid, the Minister may at any time before the expiration of the period of twelve weeks aforesaid give to the Council a direction in writing that, except with the consent of the Minister, regulations shall not be made in pursuance of that proposal—
  - (a) with respect to all, or with respect to such as may be specified, of the matters to which the proposal relates ; or
  - (b) in relation to, or to a specified part of, any specified area which has been or is proposed to be designated as a controlled area ;

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and on any such direction being given the Minister shall cause notice thereof to be published in the London Gazette and the Council shall comply with that direction.

- 4 (1) Where in the case of any such proposal as aforesaid the Minister has given such a direction as aforesaid, he shall as soon thereafter as he is in a position to do so notify the Council in writing with respect to each of the matters or areas to which the direction relates either—

- (a) that he consents to the making of regulations with respect to that matter or in relation to that area in pursuance of that proposal; or
- (b) that he is not prepared in any circumstances to consent to the making of such regulations in pursuance of that proposal; or
- (c) that subject to sub-paragraph (2) of this paragraph he is prepared to consider consenting to the making of such regulations in pursuance of that proposal if a revised draft is submitted to him for the purpose incorporating modifications of a specified nature or in other specified circumstances ;

and before deciding the notification to be given to the Council under this paragraph with respect to any matter or in relation to any area the Minister may if he thinks fit appoint a person to hold an inquiry in connection with that matter or area, and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to any such inquiry as they apply to such an inquiry as is referred to in subsection (1) of that section, with the substitution for any reference to a department of a reference to the Minister.

- (2) The Minister shall not consider any such revised draft as is referred to in sub-paragraph (1)(c) of this paragraph unless he is satisfied that the Council—
- (a) have taken appropriate steps to inform any persons affected by the modifications incorporated in the revised draft of the nature of those modifications and have afforded those persons a reasonable opportunity to make representations with respect to the revised draft regulations ; and
  - (b) have supplied the Minister with copies of any such representations made.

- 5 (1) In the case of any such proposal as aforesaid, the Council may if they think fit at any time after the expiration of the period of twelve weeks aforesaid make regulations in pursuance of that proposal with respect to any matter or in relation to any area which is not the subject of a direction under paragraph 3, or which is the subject of a consent under paragraph 4(1)(a) of this Schedule, being regulations either—

- (a) in the form of the provisional draft with any modifications necessary in consequence of any such direction with respect to any other matter or area ; or
- (b) subject to sub-paragraph (2) of this paragraph, in the form of that draft modified in such manner as the Council think fit, whether as a result of any representations to which paragraph 2 of this Schedule applies or otherwise.

- (2) The Council shall not make any regulations by virtue of sub-paragraph (1)(b) of this paragraph unless a draft of the regulations in the form in which they are to be made has been submitted to the Minister and the Minister has given his consent to their being made.

- 6 In deciding in the case of any such proposal as aforesaid whether or not to make any regulations in pursuance thereof by virtue of paragraph 5 of this Schedule the Council shall have regard to any representations to which paragraph 2 of this Schedule applies ; and in deciding whether or not to give any consent under this Part of this Schedule to the making of regulations by the Council in pursuance of

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any such proposal, the Minister shall have regard to any such representations, to the report of any person appointed to hold an inquiry under paragraph 4 of this Schedule in connection with the proposal in question, and to any such representations as are referred to in sub-paragraph (2) of the said paragraph 4 ; and the Minister shall cause notice of the giving by him of any consent under this Part of this Schedule to be published in the London Gazette.