

Status: Point in time view as at 21/08/2013.

Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Cross Heading: Publication of proposal for order containing mandatory provisions. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 1A

ORDERS DESIGNATING NITRATE SENSITIVE AREAS: SCOTLAND]

Textual Amendments

- F1** Sch. 1A inserted (S.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)-(10), 190, 193(1), Sch. 23 para. 8, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

PART II

ORDERS CONTAINING MANDATORY PROVISIONS ETC.

Publication of proposal for order containing mandatory provisions

- 3 (1) This paragraph applies where the Secretary of State proposes to make an order under section 31B of this Act which—
- (a) makes or modifies any such provision as is authorised by subsection (3)(a) of that section; and
 - (b) in doing so, contains provision which is not of one of the following descriptions, that is to say—
 - (i) provision reproducing existing provisions without modification and in relation to substantially the same area; and
 - (ii) provision modifying any existing provisions so as to make them less onerous.
- (2) The Secretary of State shall, before making any such order as is mentioned in subparagraph (1) above—
- (a) publish a notice with respect to the proposed order at least once in each of two successive weeks, in one or more newspapers circulating in the locality in relation to which the proposed order will have effect;
 - (b) not later than the date on which that notice is first published, serve a copy of the notice on—
 - (i) [^{F1}SEPA];
 - (ii) every local authority whose area includes the whole or any part of that locality; and
 - [^{F2}(*ia*) the National Park authority for any National Park which includes the whole or any part of that locality;]
 - (iii) in the case of an order containing any such provision as is authorised by section 31B(3)(b) of this Act, such owners and occupiers of agricultural land in that locality as appear to the Secretary of State

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to be likely to be affected by the obligations in respect of which payments are to be made under that provision;

and

- (c) publish a notice in the Edinburgh Gazette which—
- (i) names every local authority [^{F3}and National Park authority] on whom a notice is required to be served under this paragraph;
 - (ii) specifies a place where a copy of the proposed order and of any relevant map or plan may be inspected; and
 - (iii) gives the name of every newspaper in which the notice required by virtue of paragraph (a) above was published and the date of an issue containing the notice.
- (3) The notice required by virtue of sub-paragraph (2)(a) above to be published with respect to any proposed order shall—
- (a) state the general effect of the proposed order;
 - (b) specify a place where a copy of the proposed 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 forty-two days beginning with the date of the first publication of the notice; and
 - (c) state that any person may, within that period, by notice to the Secretary of State object to the making of the order.

Textual Amendments

- F1** Words in Sch. 1A para. 3(2)(b)(i) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 29(2)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** Sch. 1A para. 3(2)(b)(ii) inserted (S.) (8.9.2000) by 2000 asp 10, s. 36, **Sch. 5 para. 4(a)** (with s. 32); S.S.I. 2000/312, **art. 2**
- F3** Words in Sch. 1A para. 3(2)(c)(i) inserted (S.) (8.9.2000) by 2000 asp 10, s. 36, **Sch. 5 para. 4(b)** (with s. 32); S.S.I. 2000/312, **art. 2**

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