

SCHEDULES

SCHEDULE 1

PROCEDURE FOR MAKING ORDERS AND MAKING AND CONFIRMING BYELAWS

PART II

ORDERS MADE BY THE SECRETARY OF STATE UNDER SECTION 13(2) AND (IF NO APPLICATION BY THE WATER AUTHORITY OR WATER DEVELOPMENT BOARD) SECTIONS 19 AND 29(2)

- 10 Before making an order to which this Part of this Schedule applies, the Secretary of State shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the area affected by the order, a notice—
- (a) stating the general effect of the order;
 - (b) specifying a place in or near the said 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 hours during a period of 28 days from the date of the first publication of the notice ; and
 - (c) stating that within the said period any person may by notice to the Secretary of State object to the making of the order.
- 11 Not later than the date on which the said notice is first published the Secretary of State shall serve a copy thereof—
- (i) on the water authority, regional council, district council and water development board for every area affected by the order along with a copy of the draft order ;
 - (ii) where it is proposed that the order shall authorise the transfer of rights to take water, on the fishery district board of any fishery district, and on any navigation authority and any river purification authority exercising functions in relation to any watercourse, from which water is taken under the rights transferred where the river purification authority are not the same authority as the water authority and on any public undertakers known by the Secretary of State to be authorised by any enactment to take or use water from any such watercourse ;
 - (iii) where it is proposed that the order shall provide for the furnishing of a supply of water in bulk, on the fishery district board of any fishery district from which water is taken by the persons who are to give the bulk supply.
- 12 The Secretary of State shall also publish in the Edinburgh Gazette a notice stating that he is about to make the order, naming the limits of supply of the authority and the area of the board affected by the order, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected, and giving the name and date of issue of a local newspaper in which the notice explaining the effect of the order will be found.

Status: This is the original version (as it was originally enacted).

- 13 The Secretary of State shall, at the request of any person interested, furnish him with a copy of the draft order upon payment of such charge not exceeding 10 pence as the Secretary of State thinks reasonable.
- 14 The Secretary of State may make the order either in the terms of the draft or in those terms as modified in such manner as he thinks fit, but, where he proposes to make any modification and considers that persons other than the authority or board to whom the order relates may be adversely affected thereby, he shall give and publish additional notices in such manner as he thinks best adapted for informing all persons likely to be affected by the modification proposed.
- 15 If before the expiration of the 28 days referred to in paragraph 10 of this Schedule, or of 25 days from the publication of the said notice in the Edinburgh Gazette, or before the expiration of any period specified in notices given under the last foregoing paragraph, an objection is received by the Secretary of State from any authority or board or undertakers on whom a notice is required to be served under paragraph 11 of this Schedule or from any person appearing to him to be affected by the order or, as the case may be, by the proposed modification, and the objection is not withdrawn, the Secretary of State before making the order shall cause a local inquiry to be held.
- 16 After considering the report of any local inquiry under the last foregoing paragraph, and before making the order, the Secretary of State shall give to any person who has duly objected thereto, and has not withdrawn his objection, notice as to the order which he proposes to make, and shall not make the order until the expiration of 28 days from the date of the notice and, if within that period that person gives notice to the Secretary of State that he objects to the proposed order, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.
- 17 The expenses incurred by the Secretary of State in connection with the making, notification and confirmation of an order under this Part of this Schedule shall be paid by the authority or board to whom the order relates, and the Secretary of State may, in a case where there are two or more such authorities or boards, apportion such expenses between them.
- 18 In this Part of this Schedule the expression " area affected by the order " means, in relation to any order, the limits of supply of the water authority, or the area of the water development board, to whom the order relates.