

## SCHEDULES

### SCHEDULE 19

#### ORDERS CONFERRING COMPULSORY WORKS POWERS

##### *Applications for orders*

- 1 (1) Where the Authority applies to either of the Ministers for a compulsory works order, it shall—
- (a) submit to that Minister a draft of the order applied for;
  - (b) publish a notice with respect to the application, at least once in each of two successive weeks, in one or more newspapers circulating in each relevant locality;
  - (c) not later than the date on which that notice is first published—
    - (i) serve a copy of the notice on each of the persons specified in relation to the application in sub-paragraph (3) below; and
    - (ii) in the case of a draft order which would authorise the stopping-up or diversion of a footpath or bridleway, cause such a copy, together with a plan showing the general effect of the draft order so far as it relates to the footpath or bridleway, to be displayed in a prominent position at the ends of the part of the path or way to be stopped up or diverted;
- and
- (d) publish a notice in the London Gazette which—
    - (i) states that the draft order has been submitted to that Minister;
    - (ii) names every local authority on whom a notice is required to be served under this paragraph;
    - (iii) specifies a place where a copy of the draft order and of any relevant map or plan may be inspected; and
    - (iv) gives the name of every newspaper in which the notice required by virtue of paragraph (b) above was published and the date of an issue containing the notice.
- (2) The notice required by virtue of sub-paragraph (1)(b) above to be published with respect to an application for an order by the Authority shall—
- (a) state the general effect of the order applied for;
  - (b) in the case of an application made wholly or partly for the purpose of enabling any discharges of water to be made—
    - (i) contain particulars of the proposed discharges, stating the purposes of the discharges and specifying each place of discharge;
    - (ii) specify the places at which the water to be comprised in the proposed discharges is to be taken and the treatment (if any) which the draft order proposes to require the water, or any of it, to receive before being discharged under the order; and

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*Status: This is the original version (as it was originally enacted).*

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- (iii) state the effect which, in the opinion of the Authority, the proposed discharges would have on the flow, level and quality of water in any inland waters or underground strata;
  - (c) specify a place 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 times during the period of twenty-eight days beginning with the date of the first publication of the notice; and
  - (d) state that any person may within that period, by notice to the Minister applied to, object to the making of the order.
- (3) The persons mentioned in sub-paragraph (1)(c) above in relation to an application for a compulsory works order a draft of which has been submitted to either of the Ministers are—
  - (a) every local authority whose area is or includes the whole or any part of a relevant locality and which is not a county council;
  - (b) every water undertaker whose area is or includes the whole or any part of such a locality;
  - (c) every navigation authority, harbour authority and conservancy authority which would be affected by, or has functions in relation to any inland waters which would be affected by, any provision proposed to be made by the order;
  - (d) every owner, lessee or occupier (except tenants for a month or for any period of less than a month) of any land in relation to which compulsory powers would become exercisable if the order were made in the terms of the draft order;
  - (e) every person who has given notice to the Authority requiring it to notify him of applications for compulsory works orders and has paid such reasonable charge as the Authority may have required him to pay for being notified by virtue of this paragraph;
  - (f) such other persons as may be prescribed.
- (4) In this paragraph “relevant locality”, in relation to an application for an order, means—
  - (a) any locality which would be affected by any provision proposed to be made by the order for the purpose of enabling any engineering or building operations to be carried out; and
  - (b) where provision is proposed to be made by the order for the purpose of enabling discharges of water to be made, each locality in which the place of any of the proposed discharges is situated or in which there appears to the Authority to be any inland waters or underground strata the flow, level or quality of water in which may be affected by any of the proposed discharges.