

SCHEDULES

SCHEDULE 2

PROVISIONS AS TO CONTROL SCHEMES

PART I

PROCEDURE FOR MAKING CONTROL SCHEMES

- 1 Where the Commission decide to make a control scheme they shall—
 - (a) serve on every owner and every occupier of land on whom the scheme proposes to impose any requirement—
 - (i) a copy of the said scheme, together with
 - (ii) a notice stating that any such owner or occupier may, within twenty-eight days of the service of the notice, object to the Secretary of State in such manner as may be specified in the notice to the scheme or to any provision contained in it; and
 - (b) publish in two successive weeks in the Edinburgh Gazette and in one or more newspapers circulating in the district in which the control area is situated a notice—
 - (i) stating that a control scheme has been prepared,
 - (ii) describing the control area,
 - (iii) naming a place within the district where a copy of the control scheme and of the map referred to in it may be inspected at all reasonable hours, and
 - (iv) stating that any person may, within twenty-eight days of the first publication of such notice, object to the Secretary of State in such a manner as may be specified in the notice to the control scheme or to any provision contained in it.
- 2 If no objection is duly made under paragraph 1 above or if all objections so made are withdrawn, the Secretary of State may confirm the control scheme either in the form submitted to him or, subject to paragraph 4 below, with modifications.
- 3 If any objection duly made under paragraph 1 above is not withdrawn, the Secretary of State shall, before deciding whether to confirm the control scheme, cause a public inquiry to be held, and after considering the objection and the report of the person who held the inquiry may confirm the scheme either in the form submitted to him or, subject to paragraph 4 below, with modifications.
- 4 A control scheme shall not be confirmed with any modification unless either—
 - (a) every—
 - (i) person served with a copy of the scheme by virtue of paragraph 1 above has been served with notice of the proposal to make the modification, and

Status: This is the original version (as it was originally enacted).

- (ii) other person on whom the modification, if made, would impose a requirement, has been served with a notice of the proposal to make the modification along with a copy of the said scheme, and either has consented to it or has not, before the expiry of fourteen days from the service of the notice, notified the Secretary of State in writing that he objects to it; or
- (b) the modification arises from representations made at an inquiry held under paragraph 3 above or from the findings or recommendations of the person holding that inquiry, and every person in respect of whom the modification, if made, would vary or impose a requirement has been served with a copy of the scheme as mentioned in sub-paragraph (a) above and been afforded an opportunity to appear and be heard at the inquiry.