

Status: Point in time view as at 18/10/1996.

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SCHEDULES

FIRST SCHEDULE

PROVISIONS AS TO THE RED DEER COMMISSION

Constitution of the Commission

- 1 The Commission shall be a body corporate and shall have a common seal.
- 2 Every member of the Commission shall hold and vacate office in accordance with the terms of the instrument under which he is appointed, but notwithstanding anything in such an instrument any member of the Commission may resign his office by a notice given under his hand to the Secretary of State, and a member of the Commission who ceases to hold office shall be eligible for reappointment to the Commission.
- [^{F1}2A If the Secretary of State is satisfied that the chairman [^{F2}or a member] of the Commission—
- [^{F3}(a) has had his estate sequestrated, has been adjudged bankrupt, has made an arrangement with his creditors, or has granted a trust deed for his creditors or made a composition contract;]
 - (b) is incapacitated by reason of physical or mental illness;
 - (c) has been absent from meetings of the Commission for a period of more than 3 consecutive months without the permission of the Commission or of the Secretary of State; or
 - (d) is otherwise unable or unfit to discharge the functions of a member of the Commission, or is unsuitable to continue as the chairman,
- the Secretary of State shall have power to remove him from his said office.]

Textual Amendments

- F1** Paras. 2A—2C inserted by [Deer \(Amendment\) \(Scotland\) Act 1982 \(c. 19\), s. 5](#)
- F2** Words in [Sch. 1 para. 2A](#) inserted (18.10.1996) by [1996 c. 44, ss. 13\(1\), 14\(2\)](#), [Sch. 1 para. 1\(32\)\(a\)\(i\)](#)
- F3** [Sch. 1 para. 2A\(a\)](#) substituted (18.10.1996) by [1996 c. 44, ss. 13\(1\), 14\(2\)](#), [Sch. 1 para. 1\(32\)\(a\)\(ii\)](#)

- 2B Where a person ceases to be [^{F4}a member] of the Commission otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may make to that person a payment of such amount as the Secretary of State may ^{F5}. . . determine.

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Textual Amendments

- F4** Words in [Sch. 1 para. 2B](#) substituted (18.10.1996) by [1996 c. 44, ss. 13\(1\), 14\(2\)](#), [Sch. 1 para. 1\(32\)\(b\)\(i\)](#)
- F5** Words in [Sch. 1 para. 2B](#) repealed (18.10.1996) by [1996 c. 44, ss. 13\(1\)\(2\), 14\(2\)](#), [Sch. 1 para. 1\(32\)\(b\)\(ii\)](#), [Sch. 2](#)

2C The Secretary of State may make such provision, if any, as he may ^{F6} . . . determine for the payment of pensions to or in respect of [^{F7}members] of the Commission.

Textual Amendments

- F6** Words in [Sch. 1 para. 2C](#) repealed (18.10.1996) by [1996 c. 44, ss. 13\(1\)\(2\), 14\(2\)](#), [Sch. 1 para. 1\(32\)\(c\)\(i\)](#), [Sch. 2](#)
- F7** Word in [Sch. 1 para. 2C](#) substituted (18.10.1996) by [1996 c. 44, ss. 13\(1\), 14\(2\)](#), [Sch. 1 para. 1\(32\)\(c\)\(ii\)](#)

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Textual Amendments

- F8** [Sch.1 para.3](#) repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch.3](#)

[^{F9}4 The Secretary of State—
 (a) shall pay to—
 (i) the Chairman of the Commission such remuneration and such allowances; and
 (ii) the other members of the Commission such allowances; and
 (b) may pay to the other members of the Commission such remuneration, as he may determine.]

Textual Amendments

- F9** [Sch. 1 para. 4](#) substituted (18.10.1996) by [1996 c. 44, ss. 13\(1\), 14\(2\)](#), [Sch. 1 para. 1\(32\)\(d\)](#)

5 The Commission may pay to the members of any panel appointed in pursuance of section two of this Act the like allowances as are payable by the Secretary of State to members of the Commission under the last foregoing paragraph.

Meetings and Proceedings of the Commission

6 The quorum of the Commission shall be five or such larger number as the Commission may from time to time determine.

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- 7 The proceedings of the Commission shall not be invalidated by any vacancy in the membership of the Commission or by any defect in the appointment of any member thereof.
- 8 If at any meeting of the Commission the votes are equally divided on any question, the person acting as chairman of the meeting shall have a second or casting vote.
- 9 Subject to the foregoing provisions of this Schedule, the Commission shall have power to regulate their own procedure and that of any panel appointed by them.

Office, Officers and Servants

- 10 The Commission shall have an office at which communications and notices will be received.
- 11 The Secretary of State may provide the services of such officers and servants as the Commission may require.

Instruments executed or issued by the Commission

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Textual Amendments

F10 Sch. 1 para. 12 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13 and with saving in s. 14(3))

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Textual Amendments

F11 Sch. 1 para. 13 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13 and with saving in s. 14(3))

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SECOND SCHEDULE

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 a copy of the said scheme, together with 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 therein; and
 - (b) in two successive weeks publish in the Edinburgh Gazette and in one or more newspapers circulating in the district in which the control area is situated a notice stating that a control scheme has been prepared, describing the said area, naming a place within the district where a copy of the said scheme and of the map referred to therein may be inspected at all reasonable hours, and 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 said scheme or to any provision contained therein.
- 2 If no objection is duly made under the last foregoing paragraph 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 of this Schedule, with modifications.
- 3 If any objection duly made as aforesaid 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 of this Schedule, with modifications.
- 4 The control scheme shall not be confirmed with any modification unless either—
- (a) every person served with a copy of the scheme by virtue of paragraph 1 of this Schedule has been served with notice of the proposal to make the modification and any 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 thereto 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 thereto; or
 - (b) the modification arises from representations made at an inquiry held under paragraph 3 of this Schedule or from the findings or recommendations of

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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 aforesaid and been afforded an opportunity to appear and be heard at the inquiry.

PART II

Procedure for varying or revoking control schemes

- 5 On the application of the Commission, the Secretary of State may make a scheme varying a control scheme or may revoke a control scheme.
- 6 Before making any such variation or revocation the Secretary of State shall—
- (a) serve on every owner and every occupier of land on whom the control scheme has imposed any requirement or would, if varied as proposed, impose any requirement, a draft of the scheme varying the control scheme or, as the case may be, an intimation of the proposed revocation together with a notice stating that any such owner or occupier may, within twenty-eight days of the service of the draft scheme or the intimation, as the case may be, object to the Secretary of State in such a manner as may be specified in the notice to the variation or revocation of the control scheme; and
 - (b) in two successive weeks publish in the Edinburgh Gazette and in one or more newspapers circulating in the district in which the control area is situated a notice stating that the control scheme is to be varied or revoked and that any person may, within twenty-eight days of the first publication of such notice, object in such manner as may be specified in the notice to the making of the variation or revocation, and in the case of any such variation naming a place within the district where a copy of the scheme as proposed to be varied and any map referred to therein may be inspected at all reasonable hours.
- 7 If no objection is duly made under the foregoing paragraph or if all objections so made are withdrawn, the Secretary of State may vary or revoke the control scheme, as the case may be.
- 8 If any objection duly made as aforesaid is not withdrawn, the Secretary of State shall, before deciding whether to make the variation or revocation as the case may be, cause a public inquiry to be held, and after considering the objection and the report of the person who held the inquiry may make the variation, either in the form of the draft or with modifications, or the revocation, as the case may be.
- 9 A variation of a control scheme shall not be made with any modification unless either—
- (a) every person served with a copy of the draft scheme by virtue of paragraph 6 of this Schedule has been served with notice of the proposal to make

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the modification and any 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 draft scheme, and either has consented thereto 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 thereto; or

- (b) the modification arises from representations made at an inquiry held under the last foregoing paragraph 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 draft scheme as aforesaid and been afforded an opportunity to appear and be heard at the inquiry.

PART III

General Procedural Provisions

- 10 Notwithstanding anything in paragraph 3 or 8 of this Schedule, the Secretary of State may require any person who has made an objection to state in writing the grounds thereof, and may disregard the objection for the purposes of this Schedule if he is satisfied that the objection is frivolous.
- 11 The provisions of [^{F12}subsections (2) to (8) of section 210 of the ^{M1}Local Government (Scotland) Act, 1973] (which relate to the holding of local inquiries) shall apply in relation to a public local inquiry held under paragraph 3 or 8 of this Schedule as they apply in relation to local inquiries held under the said section [^{F12}210].

Textual Amendments

F12 Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 214, Sch. 27 Pt. II para. 143](#)

Marginal Citations

M1 [1973 c. 65.](#)

PART IV

Provisions as to the validity of control schemes and of variations or revocations of such schemes

- 12 On confirming a control scheme or on varying or revoking such a scheme the Secretary of State shall forthwith—
- (a) serve on every person on whom a notice was required to be served under sub-paragraph (a) of paragraph 1 or under sub-paragraph (a) of paragraph 4 of this Schedule or, as the case may be, sub-paragraph (a) of paragraph 6

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or under sub-paragraph (a) of paragraph 9 of this Schedule a notice stating that the scheme has been confirmed or, as the case may be, that a variation or revocation of such a scheme has been made;

- (b) publish in the Edinburgh Gazette and in one or more newspapers circulating in the district in which the control area is situated a notice stating that the scheme has been confirmed or varied or revoked, as the case may be, and naming a place within the district where a copy of the scheme or, as the case may be, the scheme as varied, and of any maps referred to therein, may be inspected at all reasonable hours.

- 13 If any person aggrieved by a control scheme or by any variation or revocation thereof desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within six weeks from the date of the first publication of the notice referred to in sub-paragraph (b) of the last foregoing paragraph, make an application for the purpose to the Court of Session, and if any such application is duly made the Court, if satisfied that the scheme or any variation or revocation thereof is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement of this Act, may quash the scheme or any variation or revocation thereof, either generally or in so far as it affects the applicant; but except as aforesaid the scheme or any variation or revocation thereof shall not at any time be questioned in any proceedings whatsoever.

F13F13 THIRD SCHEDULE

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Textual Amendments

F13 Sch.3 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt.XI

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