

SCHEDULE 1

PROVISIONS OF THE DUMPING AT SEA ACT 1974 AS EXTENDED TO THE TERRITORIES SPECIFIED IN SCHEDULE 2 HERETO AND TO THE SOLOMON ISLANDS

Right to make representations

3.—(1) Where the Governor proposes—

- (a) to refuse a licence; or
- (b) to include a condition in a licence, whether on granting or transferring it; or
- (c) to require a payment under section 2(6) above; or
- (d) to vary or revoke a licence,

it shall be his duty, when notifying the applicant for or holder of the licence of the proposal, also to notify him—

- (i) of the reason for it; and
- (ii) of his right under this section to make written representations relating to it.

(2) A notification of a proposal to vary or revoke a licence shall also include a notice that any written representations must be received by the Governor within 28 days of the receipt of the notification.

(3) A person who receives a notification of a proposal such as is mentioned in subsection (1) above may make written representations about it to the Governor.

(4) If the Governor receives such representations, and in the case of a proposal to vary or revoke a licence receives them within 28 days of the receipt of the notification of the proposal, he shall constitute a committee to consider the representations and shall appoint one of the members of the committee to be its chairman.

(5) The Governor shall draw up and from time to time revise a panel of persons who are specially qualified in his opinion to be members of such committees, and any such committee constituted by him shall be drawn from members of such panel.

(6) It shall be the duty of the chairman of a committee—

- (a) to serve upon the person who made the representations under subsection (3) above a notice in writing requiring him to state within 14 days of the receipt of the notice whether he wishes to make oral representations to the committee; and
- (b) to give him, not earlier than the date of the notice under paragraph (a) above, notice in writing of the place, date and time of the meeting of the committee.

(7) A notice under subsection (6)(b) above shall not specify a date for the meeting of the committee earlier than 21 days from the date of the notice, unless the person who made the representations has agreed to an earlier meeting.

(8) If the person who made the representations expresses a wish to make oral representations to the committee, they shall afford him an opportunity of so doing, either in person or by any person authorised by him in that behalf.

(9) The committee shall consider any representations made under subsection (3) or (8) above and shall make a report to the Governor after the close of their consideration, giving their findings of fact and their recommendations.

(10) Where representations relating to a proposal have been made under this section, the Governor may make a final decision relating to the proposal only after receiving and considering the committee's report on it.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

(11) The Governor shall notify the person who made the representations of his decision and the reasons for it and shall send him a copy of the committee's report.

(12) Subject to subsection (13) below, the Governor may pay to a person who makes representations under this section such sum as the Governor considers appropriate in respect of costs or expenses incurred by him in connection with the making of the representations and their consideration under this section.

(13) No payment shall be made under subsection (12) above where the final decision confirms the Governor's original proposal without modifications.