

SCHEDULES

SCHEDULE 9

ORDERS CONFERRING COMPULSORY WORKS POWERS

Consideration of objections etc.

4.—(1) If, where an application for a compulsory works order has been made by a water undertaker, any notice of an objection to it is received, before the end of the relevant period, by the Department from—

- (a) any person on whom a notice under paragraph 1 or 3 is required to be served; or
- (b) from any other person appearing to the Department to be affected by the order as submitted to it or as proposed to be modified under paragraph 3,

then, unless the objection is withdrawn or the Department is satisfied that it solely of a frivolous or vexatious nature, the Department shall, before making the order, cause a local inquiry to be held by the Appeals Commission and consider the report of that inquiry.

(2) Where any objection received by the Department as mentioned in sub-paragraph (1) relates to any powers of compulsory acquisition, the Department may require the objector to state in writing the grounds of his objection; and if the Department is satisfied that the objection relates exclusively to matters that can be dealt with in the assessment of compensation, it may disregard the objection for the purposes of that sub-paragraph.

(3) In this paragraph “the relevant period”, in relation to an application for any order, means the period ending with whichever is the later of—

- (a) the end of the period of 28 days beginning with the date of the first publication of the notice published with respect to the application for the purposes of paragraph 1(1)(b); and
- (b) the end of the period of 25 days beginning with the date of the publication in the Belfast Gazette of the notice published for the purposes of the application by virtue of paragraph 1(1)(d),

together, in the case of an application for an order modifications to which have been proposed by the Department, with any further periods specified with respect to the modifications in notices under paragraph 3(2).