

SCHEDULES

SCHEDULE 4

AUTHORISATIONS IN PURSUANCE OF SECTION 20

PART I

WORKS AUTHORISATIONS

- 1 Provisions may be made by regulations as to the manner in which an application for a works authorisation is to be made and as to the information to be included in or furnished in connection with an application; and, without prejudice to the generality of the power to make regulations conferred by the preceding provisions of this paragraph, regulations in pursuance of this paragraph may require the payment of fees in connection with an application.
- 2 It shall be the duty of the Secretary of State on receiving an application for a works authorisation—
 - (a) to decide whether the application is to be considered further or rejected; and
 - (b) to serve notice of his decision on the applicant and—
 - (i) in the case of a decision that the application is to be considered further, to give the applicant such directions with respect to the application as the Secretary of State considers appropriate for the purposes of paragraph 3 of this Schedule, and
 - (ii) in the case of a decision to reject the application, to include in the notice a statement of the reasons for the decision except any reason which in the opinion of the Secretary of State it would be against the national interest to state.
- 3 Where in pursuance of the preceding paragraph the Secretary of State serves notice on an applicant that the application is to be considered further, it shall be the duty of the applicant—
 - (a) to publish, in such manner as the Secretary of State directs, a notice which—
 - (i) contains such particulars of the application as the Secretary of State directs, and
 - (ii) states that representations with respect to the application may be made in writing to the Secretary of State within the period of twenty-eight days beginning with the date on which the notice is first published in pursuance of this paragraph or within such longer period beginning with that date as is specified in the notice in pursuance of a direction of the Secretary of State; and
 - (iii) states where the map mentioned in sub-paragraph (b) of this paragraph may be inspected during the period specified in the notice in pursuance of paragraph (ii) of this sub-paragraph ; and

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- (b) to secure that a map of such scale and containing such particulars as the Secretary of State directs is available for inspection by the public free of charge from 10 a.m. to 4 p.m. on each weekday during the period so specified ; and
- (c) to serve a copy of the notice on such persons as the Secretary of State directs;

and it shall be the duty of the Secretary of State to defer his further consideration of the application until he is satisfied that the applicant has performed the duty imposed on the applicant by this paragraph.

- 4 Where the Secretary of State decides that an application for a works authorisation is to be considered further and is of opinion, either on his own initiative (except in relation to the purpose mentioned in paragraph 6(b) of this Schedule) or in consequence of representations made to him by the applicant or any other person,—

- (a) that the route proposed for the pipe-line or part of it in the application ought to be altered in a particular manner for any of the purposes mentioned in paragraph 6 of this Schedule ; or
- (b) that the capacity proposed for the pipe-line or part of it in the application ought to be increased for any of the purposes mentioned in sub-paragraphs (b) and (d) of the said paragraph 6,

it shall be the duty of the Secretary of State, before deciding whether to issue an authorisation in consequence of the application, to serve notice of his opinion on the applicant and, where the opinion relates to an alteration of the route proposed for the pipe-line or part of it, on any persons whom the Secretary of State considers are likely to be affected by the alteration or on any person appearing to the Secretary of State to represent such persons.

- 5 Where the Secretary of State serves notice of his opinion on any person in pursuance of the preceding paragraph it shall be his duty—

- (a) where the notice is served on the applicant, to give him an opportunity of being heard with respect to the opinion; and
- (b) where the notice is served on any other person, to state in the notice that representations in writing with respect to the opinion may be made to the Secretary of State within a period specified in the notice;

and where a person is heard in pursuance of sub-paragraph (a) of this paragraph the Secretary of State may give such other persons, if any, as he thinks fit an opportunity to be heard at the hearing.

- 6 The purposes referred to in paragraph 4 of this Schedule are—

- (a) the purpose of avoiding or reducing danger to navigation, to persons engaged in and vessels and equipment used for fishing, to some structure or apparatus (which may be the pipe-line) or to marine flora or fauna ;
- (b) the purpose of facilitating the use of the pipe-line by persons other than the applicant where it appears to the Secretary of State that such persons desire to use the pipe-line;
- (c) the purpose of avoiding or reducing interference with fishing or the exploitation of mineral resources;
- (d) any other purpose which the Secretary of State considers proper;

and it shall be the duty of the Secretary of State to state the reasons for his opinion in any notice of his opinion served in pursuance of paragraph 4 of this Schedule except any reason which he considers that it would be against the national interest to state.

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- 7 Where the Secretary of State—
- (a) is satisfied that an applicant for a works authorisation has performed the duty imposed on him by paragraph 3 of this Schedule; and
 - (b) has considered any representations relating to the application which were made to the Secretary of State—
 - (i) within the period specified in that behalf in the notice published in respect of the application in pursuance of sub-paragraph (a) of the said paragraph 3 ;
 - (ii) at a hearing held in pursuance of sub-paragraph (a) of paragraph 5 of this Schedule ; and
 - (iii) in accordance with a notice served by the Secretary of State in respect of the application in pursuance of sub-paragraph (b) of the said paragraph 5,

it shall be the duty of the Secretary of State to decide whether to issue an authorisation in consequence of the application and to publish his decision in accordance with the following paragraph

- 8 In the case of a decision not to issue a works authorisation in consequence of an application it shall be the duty of the Secretary of State to serve on the applicant, and on each person on whom a copy of notice of the application was required to be served in pursuance of paragraph 3(c) of this Schedule, a notice stating the decision and, in the case of the notice served on the applicant, stating also the reasons for the decision except any reason which the Secretary of State considers that it would be against the national interest to state; and in the case of a decision to issue a works authorisation in consequence of an application it shall be the duty of the Secretary of States—
- (a) to serve notice of the decision on the applicant and each such person and on any other person who made representations as mentioned in sub-paragraph (b)(ii) or (iii) of the preceding paragraph ; and
 - (b) to publish a copy of the notice in the London and Edinburgh and Belfast Gazettes, or in such of them as he considers appropriate, and in any other publication which he considers appropriate.

- 9 Where the Secretary of State issues a works authorisation it shall be his duty—
- (a) to serve on the persons on whom notice in respect of the authorisation was required to be served by the preceding paragraph, excluding the applicant, a notice stating that the authorisation has been issued and containing the name and address of the person to whom it was issued and such particulars as the Secretary of State considers appropriate of the route of the pipe-line, the authorised capacity of it, the things authorised to be conveyed by it and the persons authorised to use it and containing such other information (if any) about the pipe-line as the Secretary of State considers appropriate; and
 - (b) to publish a copy of the notice in the London and Edinburgh and Belfast Gazettes, or in such of them as he considers appropriate, and in any other publication which he considers appropriate.