

SCHEDULES

SCHEDULE 8

Section 20.

PROCEDURE FOR MAKING DROUGHT ORDERS

Application for orders

- 1 (1) Before making an application for a drought order, the applicant shall consult any river purification authority or district salmon fishery board upon whom notice of the application would be required to be served under this paragraph.
- (2) The applicant for a drought order shall cause a notice of the application—
- (a) to be served on the persons specified in the Table set out in sub-paragraph (3) below; and
 - (b) to be published in one or more newspapers circulating—
 - (i) within the locality which would be affected by the order; and
 - (ii) within any locality from which, in the opinion of the applicant, an alternative supply of water is likely to be taken,and in the Edinburgh Gazette.
- (3) The said Table is as follows—

TABLE

All orders	(a) Every regional, islands or district council or water development board (not being the applicant) whose area would be affected by the order. (b) Such water authority as the Secretary of State may direct.
Orders which suspend or modify any enactment or any order or scheme made or confirmed under any enactment.	Such persons (if any) as are specified by name in the enactment, order or scheme as being persons for whose protection it was enacted or made.
Orders which suspend or modify an agreement.	The parties to the agreement (other than the applicant).
Orders concerning the taking of water from a source or the discharge of water to a place.	(a) Every regional, islands or district council, river purification authority and district salmon fishery board in whose area or district the source, or the place at which water is to be discharged, is situated.

Status: This is the original version (as it was originally enacted).

Orders which authorise the execution of any works.	<ul style="list-style-type: none"> (b) Every navigation authority exercising functions over any watercourse which would be affected by the order. (a) Every regional, islands or district council within whose area the works are situated. (b) If the order authorises the execution of works in, under or over a watercourse, every river purification authority and district salmon fishery board within whose area or district the works, or any part of the works, are situated.
Orders which authorise the occupation and use of land.	Every owner, lessee and occupier of the land.
Orders which prohibit or limit the taking of water.	Every named person to whom the prohibition or limitation applies.

- (4) A notice for the purposes of this paragraph of an application for a drought order—
- (a) shall state the general effect of the application;
 - (b) shall specify a place—
 - (i) within the locality which would be affected by the order; and
 - (ii) within the locality from which, in the opinion of the applicant, an alternative supply of water is likely to be taken,
 where a copy of any relevant map or plan may be inspected by any person free of charge at all reasonable times within a period of seven days from the date on which it is served or, as the case may be, published;
 - (c) shall state that objections to the application may be made to the Secretary of State within seven days from the date on which it is served or, as the case may be, published; and
 - (d) in the case of an application for an order authorising the occupation and use of land, shall specify the land to which the application relates.

Objections to and making of orders

- 2 (1) If any objection is duly made with respect to an application for a drought order and is not withdrawn, then, subject to the provisions of this paragraph, the Secretary of State shall, before making the order, either—
- (a) cause a local inquiry to be held; or
 - (b) afford an opportunity—
 - (i) to the objector; and
 - (ii) if the objector avails himself of the opportunity, to the applicant and to any other persons to whom it appears to the Secretary of State expedient to afford the opportunity,
 of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

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

- (2) Subject to sub-paragraph (3) below, where, on an application for a drought order, it appears to the Secretary of State that a drought order is required to be made urgently if it is to enable the deficiency of supplies of water to be effectively met, he may direct that the requirements of sub-paragraph (1) above shall be dispensed with in relation to the application.
 - (3) Nothing in sub-paragraph (2) above shall authorise the Secretary of State to fail to consider any objection to a proposed drought order which has been duly made and not withdrawn.
 - (4) Notwithstanding anything in sub-paragraph (1) above, the Secretary of State may—
 - (a) require any person who has made an objection to a proposed drought order to state in writing the grounds of his objection; and
 - (b) disregard the objection for purposes of this paragraph if the Secretary of State is satisfied—
 - (i) that the objection relates exclusively to matters which can be dealt with on a reference under Schedule 9 to this Act or by any person by whom compensation is to be assessed; or
 - (ii) in a case where the order is one confined to the extension of a period specified in a previous order, that the objection is one that has in substance been made with respect to the application for that previous order.
 - (5) Subject to the requirements of this paragraph, the Secretary of State, upon being satisfied that the proper notices have been published and served, may if he thinks fit, make the order in respect of which the application is made with or without modifications.
 - (6) The Secretary of State may hold a local inquiry on any application for an order under this Act notwithstanding that he is not required to do so by this paragraph.
 - (7) The provisions of subsection (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (which relate to the holding of local inquiries) shall apply to a public local inquiry held under this paragraph as they apply to local inquiries held under that section.
- 3 After a drought order has been made, the person on whose application it was made shall cause to be published (in the manner in which notice of the application was required under paragraph 1 above to be published) a notice stating that the order has been made and naming a place where a copy of it may be inspected.