

SCHEDULES

SCHEDULE 5

PROCEDURE RELATING TO STATEMENTS ON MINIMUM ACCEPTABLE FLOW

Notice of proposed statement

- 2 (1) Before submitting the draft statement to the Secretary of State, the [^{F1}appropriate agency] shall publish a notice—
- (a) stating the general effect of the draft statement;
 - (b) specifying the place where a copy of the draft statement, and of any relevant map or plan, may be inspected by any person free of charge at all reasonable times during the period of twenty-eight days beginning with the date of first publication of the notice; and
 - (c) stating that any person may within that period, by notice in writing to the Secretary of State, object to the approval of the statement.
- (2) A notice under this paragraph shall be published either—
- (a) at least once in each of two successive weeks, in one or more newspapers circulating in the locality in which the inland waters to which the draft statement relates are situated; or
 - (b) in any other manner which, in any particular case, may be certified by the Secretary of State to be expedient in that case.
- (3) Not later than the date on which the notice is first published in pursuance of subparagraph (2) above, the [^{F1}appropriate agency] shall serve a copy of the notice on—
- (a) every local authority or joint planning board whose area comprises any inland waters to which the draft statement relates;
 - (b) any water undertaker having the right to abstract water from any such inland waters;
 - (c) any other water undertaker which was consulted in relation to the draft statement in pursuance of section 21(3)(b) of this Act;
 - (d) the drainage board for any internal drainage district which comprises any such inland waters or from which water is discharged into any such inland waters;
 - (e) any navigation authority, harbour authority or conservancy authority having functions in relation to any such waters or any related inland waters;
 - (f) if any such waters or any related inland waters are tidal waters in relation to which there is no such navigation authority, harbour authority or conservancy authority, [^{F2}the Secretary of State for Transport];
 - (g) any person authorised by a licence under Part I of the ^{M1}Electricity Act 1989 to generate electricity [^{F3}who has a right to abstract water from any such waters or related inland waters].; and
 - (h) every person who—

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- (i) has given notice to the [^{F1}appropriate agency] requesting it to notify him of action taken in connection with the determination of a minimum acceptable flow for any inland waters to which the draft statement relates; and
 - (ii) if the [^{F1}appropriate agency] have required him to pay a reasonable charge for being so notified, has paid that charge.
- (4) The [^{F1}appropriate agency] shall also publish a notice in the London Gazette—
- (a) stating that the draft statement has been submitted to the Secretary of State;
 - (b) naming the areas in respect of which a copy of a notice is required to be served under sub-paragraph (3)(a) above;
 - (c) specifying a place where a copy of the draft statement and of any relevant map or plan may be inspected; and
 - (d) where the notice required by sub-paragraph (1) above is published in a newspaper, giving the name of the newspaper and the date of an issue containing the notice.
- (5) In this paragraph “related inland waters” has the same meaning as for the purposes of subsection (3) of section 21 of this Act is given by subsection (8) of that section.

Textual Amendments

- F1** Words in Sch. 5 paras. 2-5 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 307** (with Sch. 7)
- F2** Words in Sch. 5 para. 2(3)(f) substituted (25.11.2002) by [S.I. 2002/2626](#), art. 20, **Sch. 2 para. 18(3)**
- F3** Words in Sch. 5 para. 2(3)(g) added (1.4.1996) by [1995 c. 25](#), s. 120(1), **Sch. 22 para. 180** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**

Modifications etc. (not altering text)

- C1** Sch. 5 para. 2(3)(a) applied (with modifications) (4.6.1996) by [S.I. 1996/1243](#), art. 18, **Sch. 5 Pt. II para. 6(2)(b)**

Marginal Citations

- M1** [1989 c. 29](#).

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