

SCHEDULES

SCHEDULE 6

ORDERS PROVIDING FOR EXEMPTION FROM RESTRICTIONS ON ABSTRACTION

Making of order

- 3 (1) Where an application for an exemption order is made, the Secretary of State may make the exemption order either in the form of the draft or in that form as altered in such manner as he thinks fit.
- (2) Where the Secretary of State—
- (a) proposes to make any alteration of an exemption order before making it; and
 - (b) considers that any persons are likely to be adversely affected by it,
- the applicant authority shall give and publish such additional notices, in such manner, as the Secretary of State may require.
- (3) Sub-paragraph (4) below shall apply if before the end of—
- (a) the period of twenty-eight days referred to in sub-paragraph (2) of paragraph 1 above;
 - (b) the period of twenty-five days from the publication in the London Gazette of the notice under sub-paragraph (5) of that paragraph; or
 - (c) any period specified in notices under sub-paragraph (2) above,
- notice of an objection is received by the Secretary of State from any person on whom a notice is required by this Schedule to be served, from any other person appearing to the Secretary of State to be affected by the exemption order (either as prepared in draft or as proposed to be altered) or, in the case of a draft order submitted under section 33(4) of this Act, from the Authority.
- (4) Where this sub-paragraph applies and the objection in question is not withdrawn, the Secretary of State, before making the order, shall either—
- (a) cause a local inquiry to be held; or
 - (b) afford to the objector and to the applicant authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (5) Where the exemption order (whether as prepared in draft or as proposed to be altered) relates to any tidal water in respect of which there is no relevant authority for the purposes of section 33 of this Act except the Authority, sub-paragraphs (1) to (4) above and paragraph 4 below shall have effect as if references to the Secretary of State (except the first reference in sub-paragraph (3) above) were references to the Secretary of State and the Secretary of State for Transport.