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SCHEDULES

SCHEDULE 2

Section 15.

AUTHORISATIONS UNDER SECTION 14

PART I

WORKS AUTHORISATIONS

- 1 (1) The Secretary of State may by regulations make provision as to—
 - (a) the manner in which an application for a works authorisation is to be made; and
 - (b) the information to be included in or provided in connection with an application.
- (2) Without prejudice to the generality of sub-paragraph (1), regulations under this paragraph may require the payment of fees in connection with an application.
- (3) A statutory instrument containing regulations under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- 2 The Secretary of State shall, on receiving an application for a works authorisation—
 - (a) decide whether the application is to be considered further or rejected; and
 - (b) serve notice of his decision on the applicant and—
 - (i) in the case of a decision that the application is to be considered further, shall give the applicant such directions with respect to the application as the Secretary of State considers appropriate for the purposes of paragraph 3; and
 - (ii) in the case of a decision to reject the application, shall 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 the Secretary of State serves on an applicant notice under paragraph 2 that the application is to be considered further, the applicant shall—
 - (a) 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 28 days beginning with the date on which the notice is first published in accordance with this paragraph or within such longer period beginning with that date as is specified in the notice in accordance with a direction of the Secretary of State; and

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- (iii) states where the map mentioned in sub-paragraph (b) may be inspected during the period specified in the notice under paragraph (ii);
- (b) 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) serve a copy of the notice on such persons as the Secretary of State directs; and the Secretary of State shall defer his further consideration of the application until he is satisfied that the applicant has complied with this paragraph.
- 4 (1) [^{F1}Subject to sub-paragraph (1A),] this paragraph applies where the Secretary of State decides that an application for a works authorisation is to be considered further and is of the opinion, either on his own initiative (except in relation to the purpose mentioned in paragraph 6(b)) or in consequence of representations made to him by the applicant or any other person,—
- (a) that the route proposed for the pipeline or part of it in the application ought to be altered in a particular manner for any of the purposes mentioned in paragraph 6; or
- (b) that the capacity proposed for the pipeline or part of it in the application ought to be increased for any of the purposes mentioned in paragraph 6(b) or (d).
- [^{F2}(1A) This paragraph does not apply to the extent that the powers conferred by regulation 7 of the Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 are exercisable in relation to the matters mentioned in sub-paragraph (1)(a) or (b).]
- (2) Where this paragraph applies, the Secretary of State shall, before deciding whether to issue an authorisation in consequence of the application, serve notice of his opinion —
- (a) on the applicant; and
- (b) where the opinion relates to an alteration of the route proposed for the pipeline or part of it on—
- (i) any persons whom the Secretary of State considers are likely to be affected by the alteration; or
- (ii) any person appearing to the Secretary of State to represent such persons.
- (3) In any notice of his opinion served under this paragraph the Secretary of State shall state the reasons for his opinion except any reason which he considers that it would be against the national interest to state.

Annotations:

Amendments (Textual)

- F1** Words in Sch. 2 para. 4(1) inserted (16.9.2011) by The Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 (S.I. 2011/2305), reg. 1, Sch. para. 12(a)
- F2** Sch. 2 para. 4(1A) inserted (16.9.2011) by The Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 (S.I. 2011/2305), reg. 1, Sch. para. 12(b)

- 5 (1) Where under paragraph 4 the Secretary of State serves on the applicant notice of his opinion he shall give him an opportunity of being heard with respect to the opinion;

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and where the applicant is heard the Secretary of State may give such other persons, if any, as he thinks fit an opportunity to be heard at the hearing.

- (2) Where under paragraph 4 the Secretary of State serves on any person other than the applicant notice of his opinion, he shall 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.

- 6 The purposes referred to in paragraph 4(1) 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 pipeline) or to marine flora or fauna;
 - (b) the purpose of facilitating the use of the pipeline by persons other than the applicant where it appears to the Secretary of State that such persons desire to use the pipeline;
 - (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.

- 7 Where the Secretary of State—
- (a) is satisfied that an applicant for a works authorisation has complied with paragraph 3; and
 - (b) has considered any representations relating to the application which were made to the Secretary of State—
 - (i) within the period specified in the notice published in respect of the application under paragraph 3(a);
 - (ii) at a hearing held under paragraph 5(1); and
 - (iii) in accordance with a notice served by the Secretary of State in respect of the application under paragraph 5(2),he shall decide whether to issue an authorisation in consequence of the application.

- 8 (1) Where the Secretary of State decides not to issue a works authorisation in consequence of an application he shall serve on—
- (a) the applicant; and
 - (b) each person on whom a copy of notice of the application was required to be served under paragraph 3(c),

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.

- (2) Where the Secretary of State decides to issue a works authorisation in consequence of an application he shall—
- (a) serve notice of the decision on—
 - (i) the applicant;
 - (ii) each person mentioned in sub-paragraph (1)(b); and
 - (iii) any other person who made representations as mentioned in paragraph 7(b)(ii) or (iii); and
 - (b) 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.

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- 9 (1) Sub-paragraphs (2) and (3) apply where the Secretary of State issues a works authorisation.
- (2) The Secretary of State shall serve on the persons on whom notice in respect of the authorisation was required to be served by paragraph 8(2)(a)(ii) and (iii) a notice stating that the authorisation has been issued and containing—
- (a) the name and address of the person to whom it was issued;
 - (b) such particulars as the Secretary of State considers appropriate of—
 - (i) the route of the pipeline;
 - (ii) its authorised capacity;
 - (iii) the things authorised to be conveyed by it; and
 - (iv) the persons authorised to use it; and
 - (c) such other information (if any) about the pipeline as the Secretary of State considers appropriate.
- (3) The Secretary of State shall 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.

PART II

OTHER AUTHORISATIONS

- 10 Where the Secretary of State issues an authorisation other than a works authorisation, he shall publish 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, a notice stating that the authorisation has been issued and containing—
- (a) the name and address of the person to whom it was issued;
 - (b) such particulars as the Secretary of State considers appropriate of—
 - (i) the route and capacity of the relevant pipeline;
 - (ii) the things authorised to be conveyed by it; and
 - (iii) the persons authorised to use it; and
 - (c) such other information (if any) about the pipeline as the Secretary of State considers appropriate.

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Changes and effects yet to be applied to :

- Sch. 2 para. 1(2) omitted by 2016 c. 20 Sch. 1 para. 32(2)
- Sch. 2 para. 9(3) substituted by 2016 c. 20 Sch. 1 para. 38(4)
- Sch. 2 para. 2 word substituted by 2016 c. 20 Sch. 1 para. 32(3)(a)
- Sch. 2 para. 2(b) word substituted by 2016 c. 20 Sch. 1 para. 32(3)(b)
- Sch. 2 para. 3 word substituted by 2016 c. 20 Sch. 1 para. 32(4)(a)
- Sch. 2 para. 3 word substituted by 2016 c. 20 Sch. 1 para. 32(4)(b)
- Sch. 2 para. 3 word substituted by 2016 c. 20 Sch. 1 para. 32(4)(c)
- Sch. 2 para. 4(1) word substituted by 2016 c. 20 Sch. 1 para. 33(2)(a)
- Sch. 2 para. 4(1) word substituted by 2016 c. 20 Sch. 1 para. 33(2)(b)
- Sch. 2 para. 4(1) word substituted by 2016 c. 20 Sch. 1 para. 33(2)(c)
- Sch. 2 para. 4(2) word substituted by 2016 c. 20 Sch. 1 para. 33(3)(a)
- Sch. 2 para. 4(2) word substituted by 2016 c. 20 Sch. 1 para. 33(3)(b)
- Sch. 2 para. 4(3) word substituted by 2016 c. 20 Sch. 1 para. 33(4)(a)
- Sch. 2 para. 4(3) word substituted by 2016 c. 20 Sch. 1 para. 33(4)(b)
- Sch. 2 para. 4(3) word substituted by 2016 c. 20 Sch. 1 para. 33(4)(c)
- Sch. 2 para. 5(1) word substituted by 2016 c. 20 Sch. 1 para. 34(2)(a)
- Sch. 2 para. 5(2) word substituted by 2016 c. 20 Sch. 1 para. 34(3)(a)
- Sch. 2 para. 7 word substituted by 2016 c. 20 Sch. 1 para. 36(a)
- Sch. 2 para. 7 word substituted by 2016 c. 20 Sch. 1 para. 36(b)
- Sch. 2 para. 8(1) word substituted by 2016 c. 20 Sch. 1 para. 37(2)(a)
- Sch. 2 para. 8(1) word substituted by 2016 c. 20 Sch. 1 para. 37(2)(b)
- Sch. 2 para. 8(2) word substituted by 2016 c. 20 Sch. 1 para. 37(3)(a)
- Sch. 2 para. 8(2) word substituted by 2016 c. 20 Sch. 1 para. 37(3)(b)
- Sch. 2 para. 9(1) word substituted by 2016 c. 20 Sch. 1 para. 38(2)
- Sch. 2 para. 9(2) word substituted by 2016 c. 20 Sch. 1 para. 38(3)
- Sch. 2 para. 10 word substituted by 2016 c. 20 Sch. 1 para. 39(a)
- Sch. 2 para. 5(1) words substituted by 2016 c. 20 Sch. 1 para. 34(2)(b)
- Sch. 2 para. 5(1) words substituted by 2016 c. 20 Sch. 1 para. 34(2)(c)
- Sch. 2 para. 5(2) words substituted by 2016 c. 20 Sch. 1 para. 34(3)(b)
- Sch. 2 para. 6 words substituted by 2016 c. 20 Sch. 1 para. 35
- Sch. 2 para. 8(2)(b) words substituted by 2016 c. 20 Sch. 1 para. 37(3)(c)
- Sch. 2 para. 10 words substituted by 2016 c. 20 Sch. 1 para. 39(b)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)-(1C) inserted by 2016 c. 11 s. 48(7)
- s. 4(1A) words inserted by 2017 c. 4 Sch. 6 para. 15(2)
- s. 4(1B) words inserted by 2017 c. 4 Sch. 6 para. 15(2)
- s. 4(1C) words inserted by 2017 c. 4 Sch. 6 para. 15(2)
- s. 4(3A) inserted by 2016 c. 11 s. 48(9)
- s. 4(3B) inserted by 2017 c. 4 Sch. 6 para. 15(3)
- s. 4(3ZA) inserted by S.I. 2016/898 reg. 3(3)(b)
- s. 4(4A) inserted by 2016 c. 11 s. 48(10)
- s. 4(4B) inserted by 2017 c. 4 Sch. 6 para. 15(4)
- s. 4A(1) word substituted by S.I. 2016/898 reg. 13(3)
- s. 4A(1) words inserted by 2017 c. 4 Sch. 6 para. 16(2)
- s. 4A(1A) inserted by 2017 c. 4 Sch. 6 para. 16(3)
- s. 4A(3) words inserted by 2017 c. 4 Sch. 6 para. 16(4)

- s. 4A(3A) inserted by 2017 c. 4 Sch. 6 para. 16(5)
- s. 4A(4)(5) words inserted by 2017 c. 4 Sch. 6 para. 16(6)
- s. 4A(7) words substituted by 2017 c. 4 Sch. 6 para. 16(7)
- s. 4B(4)(a) words inserted by 2017 c. 4 Sch. 6 para. 17(2)
- s. 4B(4)(b) words inserted by 2017 c. 4 Sch. 6 para. 17(2)
- s. 4B(7)(a) words omitted by 2017 c. 4 Sch. 6 para. 17(3)(a)
- s. 4B(7)(b) omitted by 2017 c. 4 Sch. 6 para. 17(3)(b)
- s. 4B(7A)-(7C) inserted by 2017 c. 4 Sch. 6 para. 17(4)
- s. 4B(8) word substituted by S.I. 2016/898 reg. 13(4)
- s. 4B(8) words inserted by 2017 c. 4 Sch. 6 para. 17(5)(c)
- s. 4B(8) words substituted by 2017 c. 4 Sch. 6 para. 17(5)(a)
- s. 4B(8) words substituted by 2017 c. 4 Sch. 6 para. 17(5)(b)
- s. 4B(8) words substituted by S.I. 2016/1154 Sch. 29 Pt. 1 para. 14
- s. 4B(9) words inserted by 2017 c. 4 Sch. 6 para. 17(6)(a)
- s. 4B(9) words inserted by 2017 c. 4 Sch. 6 para. 17(6)(b)
- s. 4B(9A) inserted by 2017 c. 4 Sch. 6 para. 17(7)
- s. 4B(10)(a) words inserted by 2017 c. 4 Sch. 6 para. 17(8)
- s. 4B(12)(13) inserted by 2017 c. 4 Sch. 6 para. 17(9)
- s. 7(2)(d) and word inserted by 2016 c. 11 s. 48(14)(b)
- s. 7(2)(d)(ia) inserted by 2017 c. 4 Sch. 6 para. 18(b)
- s. 7(2)(d) words substituted by S.I. 2016/898 reg. 3(7)
- s. 7(2)(d)(i) word omitted by 2017 c. 4 Sch. 6 para. 18(a)
- s. 8A inserted by 2016 c. 11 s. 48(16)
- s. 8A(1A) inserted by S.I. 2016/898 reg. 3(9)
- s. 8A(1A)(aa) inserted by 2017 c. 4 s. 23(2)
- s. 8A(2)(aa) inserted by 2017 c. 4 s. 23(3)
- s. 8A(5)-(7) inserted by 2017 c. 4 s. 23(4)
- s. 9A(1)(b)(v) inserted by 2016 c. 20 s. 73(2)
- s. 9B(ca) inserted by 2016 c. 20 Sch. 1 para. 8(c)
- s. 9C(5)-(7) inserted by 2016 c. 20 s. 73(3)(b)
- s. 9G(3)-(3B) substituted for s. 9G(3) by 2016 c. 20 Sch. 1 para. 13(4)
- s. 9BA inserted by 2016 c. 20 Sch. 1 para. 9
- s. 9HA inserted by 2016 c. 20 s. 73(4)
- s. 28A inserted by 2016 c. 20 Sch. 2 para. 2
- s. 29(1A) inserted by 2016 c. 20 Sch. 2 para. 3(2)
- s. 29(2A)(2B) inserted by 2016 c. 20 Sch. 2 para. 3(3)
- s. 32(2A) inserted by 2016 c. 20 Sch. 2 para. 4(2)
- s. 32(6)(7) inserted by 2016 c. 20 Sch. 2 para. 4(3)
- s. 33(3A)(3B) inserted by 2016 c. 20 Sch. 2 para. 5
- s. 34(4A)(4B) inserted by 2016 c. 20 Sch. 2 para. 6(2)
- s. 34(7A)(7B) inserted by 2016 c. 20 Sch. 2 para. 6(3)
- s. 34A inserted by 2016 c. 20 Sch. 2 para. 7
- s. 36A inserted by 2016 c. 20 Sch. 2 para. 8
- s. 37(1A)(1B) inserted by 2016 c. 20 Sch. 2 para. 9
- s. 42(2)(ea) inserted by 2016 c. 20 Sch. 2 para. 12(2)
- s. 42(5)(ea) inserted by 2016 c. 20 Sch. 2 para. 12(3)
- s. 45A(9A) inserted by S.I. 2018/797 reg. 3(3)
- s. 48(1A) inserted by 2016 c. 20 Sch. 1 para. 31