

## SCHEDULES

### SCHEDULE 6

Sections 39, 41 and 43

#### ORDERS UNDER SECTIONS 39 AND 41

##### PART 1

#### ORDERS UNDER SECTION 39 AND LAND ORDERS

*Procedure where it is proposed to make, or apply for, an order under section 39 or a land order*

- 1 (1) Before making an order under section 39 or a land order, the Secretary of State must—
  - (a) publish a notice in one or more newspapers circulating in the locality in which the land is situated;
  - (b) serve a notice on every owner, lessee and occupier of any of the land;
  - (c) serve a notice on every local authority within whose area any of the land is situated.
- (2) In this Part “owner” has the meaning given in section 56 of the Civil Aviation Act 1982.
- (3) A notice published or served under sub-paragraph (1) must—
  - (a) state that the Secretary of State proposes to make the order;
  - (b) state the effect of the proposed order;
  - (c) specify the day by which, and the manner in which, any objections to the proposed order may be made.
- (4) The day specified under sub-paragraph (3)(c) must not fall before the end of the period of 28 days beginning with the day on which the notice is published or served.
- (5) This paragraph does not apply if the Secretary of State proposes to make an order following an application from the holder of a range control licence or a spaceport licence (“the licensee”).
- 2 (1) Before making an application for an order under section 39 or for a land order, the licensee must—
  - (a) publish a notice in one or more newspapers circulating in the locality in which the land is situated;
  - (b) serve a notice on every owner, lessee and occupier of any of the land;
  - (c) serve a notice on every local authority within whose area any of the land is situated.
- (2) A notice published or served under sub-paragraph (1) must—
  - (a) state that the licensee proposes to apply for an order;

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*Status: This is the original version (as it was originally enacted).*

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- (b) state the effect of the order that is to be applied for;
  - (c) specify the day by which, and the manner in which, any objections to the proposed order may be made.
- (3) The day specified under sub-paragraph (2)(c) must not fall before the end of the period of 42 days beginning with the day on which the notice is published or served.

*Objections to a proposed order*

- 3 (1) This paragraph applies if a person served with a notice under paragraph 1 or 2 makes an objection, which has not been withdrawn, in accordance with the notice.
- (2) Before making the relevant order, the Secretary of State must either—
- (a) cause a public local inquiry to be held, or
  - (b) give the person who made the objection the opportunity to appear before and be heard by a person appointed by the Secretary of State for that purpose.
- (3) The Secretary of State may make the relevant order if he or she thinks it appropriate to do so after considering—
- (a) the objection, and
  - (b) the report of the person holding the inquiry or the person appointed under sub-paragraph (2)(b) (as the case may be).
- 4 If—
- (a) no person served with a notice under paragraph 1 or 2 makes an objection in accordance with the notice, or
  - (b) any such objections are withdrawn,
- the Secretary of State may make the relevant order.
- 5 Despite paragraphs 3 and 4, the Secretary of State—
- (a) may require a person to provide that person’s objections to a proposed order in writing;
  - (b) may disregard a person’s objections for the purposes of paragraphs 3 and 4 if satisfied that the objections relate exclusively to matters that can be dealt with by the tribunal by whom compensation is to be assessed.

*Procedure after making an order*

- 6 (1) Immediately after the making of an order under section 39 or a land order, the relevant person must—
- (a) publish a notice in one or more newspapers circulating in the locality in which the land is situated, and
  - (b) serve a notice—
    - (i) on every owner, lessee and occupier of any of the land,
    - (ii) on every local authority within whose area any of the land is situated, and
    - (iii) on any person (not within sub-paragraph (i) or (ii)) who duly objected to the making of the order and has not withdrawn that objection.
- (2) A notice under sub-paragraph (1) must—
- (a) state that the relevant order has been made;

- (b) specify a place where a copy of the order may be inspected at reasonable hours.
- (3) In sub-paragraph (1) “the relevant person”—
- (a) in relation to an order under section 39, means the person in whose favour the order is made;
  - (b) in relation to a land order, means the operator of the spaceport specified in the order.

## PART 2

### ORDERS UNDER SECTION 41 THAT ARE NOT LAND ORDERS

#### *Procedure where it is proposed to make an order under section 41 that is not a land order*

- 7 (1) Before making an order under section 41 that is not a land order, the Secretary of State must publish a notice in whatever way the Secretary of State considers is best calculated to bring the proposed order to the notice of those persons who will be affected by it.
- (2) A notice under sub-paragraph (1) must—
- (a) state that the Secretary of State proposes to make the order;
  - (b) state the effect of the proposed order.

#### *Procedure after making an order*

- 8 (1) Immediately after the making of an order under section 41 that is not a land order, the Secretary of State must—
- (a) publish a notice in one or more newspapers circulating in the locality to which the order relates;
  - (b) serve a copy of that notice on any person who, in the opinion of the Secretary of State, is likely to be affected by the order.
- (2) A notice under sub-paragraph (1) must—
- (a) state that the order has been made;
  - (b) specify a place where a copy of the order may be inspected at reasonable hours.