

## SCHEDULES

### FIRST SCHEDULE

#### PROCEDURE FOR MAKING IMPROVEMENT ORDERS AND ORDERS VARYING OR REVOKING IMPROVEMENT ORDERS AND AS TO THE VALIDITY OF ORDERS

**Modifications etc. (not altering text)**

**C1** Sch. 1 restricted (1.8.1999) by S.S.I. 1999/1, reg. 57

### PART II

#### *Procedure for making orders varying or revoking improvement orders*

- 9 Before making an order varying or revoking an improvement order the Secretary of State shall prepare a draft order and shall—
- (a) serve on—
    - (i) every owner and every occupier of land situated in the improvement area to which the improvement order relates, and
    - (ii) every owner and every occupier of land (other than land so situated) on which the execution of drainage or protective works is authorised or required by the improvement order, and
    - (iii) any local authority or other statutory body which in the opinion of the Secretary of State may be affected by the making of the order varying or revoking the improvement order, and
    - (iv) every other person who in the opinion of the Secretary of State may be affected by the order varying or revoking the improvement order,

a copy of the draft order together with a notice stating that such owner, occupier, authority, body or other person may, within twenty-eight days of the service of the notice, object in such manner as may be specified in the notice to the making of the order or to any provision contained therein; and
  - (b) in two successive weeks publish in one or more newspapers circulating in the locality in which the said improvement area is situated a notice stating the general effect of the draft order, naming a place within the locality where a copy of the draft order and of any maps, plans or specifications referred to therein may be inspected at all reasonable hours, and stating that any person may, within twenty-eight days of the first publication of such notice, object in such manner as may be specified in the notice to the making of the order or to any provision contained therein.
- 10 If no objection is duly made under the foregoing paragraph or if all objections so made are withdrawn, the Secretary of State may, subject to the provisions of paragraph 12 of this Schedule, make the order with or without modifications.

***Changes to legislation:*** *There are currently no known outstanding effects for the*  
*Land Drainage (Scotland) Act 1958, Part II. (See end of Document for details)*

---

- 11 If any objection duly made as aforesaid is not withdrawn, the Secretary of State shall, before deciding whether to make the order, cause a public local inquiry to be held, and after considering the objection and the report of the person who held the inquiry may, if he thinks fit and subject to the provisions of the next following paragraph, make the order with or without modifications.
- 12 Where the Secretary of State proposes to make any modification in the draft order by virtue either of paragraph 10 of this Schedule or of the last foregoing paragraph he shall, before deciding to make the order as so modified, serve on each of the persons referred to in sub-paragraph (a) of paragraph 9 of this Schedule and on any other person who in his opinion may be affected by such modification a notice specifying the modification and stating that such person may, within fourteen days of the service of the notice, make representations in writing concerning the modification to the Secretary of State, and the Secretary of State shall consider any representations so made before he decides whether to make the order as so modified.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Drainage (Scotland) Act 1958, Part II.