

SCHEDULE 6

APPEALS: FURTHER PROVISION

Hearings

8.—(1) In determining the appeal, the Scottish Ministers may afford the appellant and SEPA an opportunity of appearing before and being heard by them (or, as the case may be, a reporter).

(2) A hearing held under sub-paragraph (1) may, if the Scottish Ministers so decide, be held wholly, or held to any extent, in private.

(3) If the Scottish Ministers cause a hearing to be held under sub-paragraph (1), they must give the appellant and SEPA at least 28 days' written notice (or such shorter period of notice as they may agree with the appellant and SEPA) of the date, time and place fixed for the holding of the hearing.

(4) In the case of a hearing which is to be held wholly or partly in public, the Scottish Ministers must, at least 21 days before the date fixed for the holding of the hearing publish a copy of the notice mentioned in sub-paragraph (3) in a newspaper circulating in the locality in which the controlled reservoir (to which the matters appealed relate) is located.

(5) The Scottish Ministers may vary the date fixed for the holding of any hearing and sub-paragraphs (3) and (4) apply to the variation of a date as they applied to the date originally fixed.

(6) The Scottish Ministers may vary the time or place for the holding of a hearing and must give such notice of any such variation as appears to them to be reasonable.

(7) The persons entitled to be heard at any hearing are the appellant (and the person, if any, representing them) and SEPA.

(8) Nothing in sub-paragraph (7) prevents the Scottish Ministers from permitting any other person to be heard at the hearing and such permission must not be unreasonably withheld.

(9) Where a reporter is appointed (under paragraph 4(1)) to exercise the functions of the Scottish Ministers under this paragraph, the reporter must give a report in writing ("the report") to the Scottish Ministers after the conclusion of any hearing held by the reporter under this paragraph.

(10) The report under sub-paragraph (9) must include—

- (a) a detailed summary of the representations made at the hearing;
- (b) an evaluation of those representations by the reporter; and
- (c) the advice (including any conclusions and recommendations) of the reporter as to how the appeal ought to be determined, or the reasons for not making any such recommendations.