

SCHEDULE 4

Protection of UK-wide Interests

PART 1

Protections for defence and national security

Procedure

8.—(1) This paragraph applies where the Secretary of State proposes—

- (a) to give notice under paragraph 3(2), 4(2) or 5(2); or
- (b) to make a direction under paragraph 6(8) or 7(8).

(2) Before making the relevant decision, the Secretary of State must notify the manager and any relevant person in writing of the decision which the Secretary of State proposes to make.

(3) No later than 30 days after the day on which notification is given under sub-paragraph (2), an interested party may make representations to the Secretary of State giving reasons for those representations.

(4) The Secretary of State must have regard to any duly-made representations.

(5) No later than 60 days after the day on which the last duly-made representation is made, the Secretary of State must—

- (a) make the relevant decision; and
- (b) if the decision concerns—
 - (i) a notice under paragraph 5(2) or a direction under paragraph 6(8), notify the manager and the relevant person in writing of that decision,
 - (ii) a direction under paragraph 7(8), notify the manager.

(6) In this paragraph—

“duly-made representation” means a representation made in accordance with sub-paragraph (3);

“interested party” means—

- (a) the manager, or
- (b) a relevant person;

“relevant decision” means a decision—

- (a) whether to give notice as mentioned in sub-paragraph (1)(a), or
- (b) whether to make a direction as mentioned in sub-paragraph (1)(b); and

“relevant person” means—

- (a) in relation to a notice under paragraph 5(2), the person to whom the notice is to be given, and
- (b) in relation to a direction under paragraph 6(8), the person whose request is to be determined in accordance with the terms of the direction.