

SCHEDULES

SCHEDULE 7

Sections 19, 20, 21, 25, 59 & 61.

PROCEDURE RELATING TO STATEMENTS OF MINIMUM ACCEPTABLE FLOWS, AND TO CERTAIN ORDERS AND SCHEMES

PART I

Preparation and approval of draft statements, orders and schemes

- 1 In this Part of this Schedule "draft statement" means a draft statement prepared under section 19 or section 20(1)(a) of this Act.
- 2 Before submitting a draft statement to the Minister, the river authority shall publish a notice—
 - (a) stating the general effect of the draft statement;
 - (b) specifying a place in the river authority area where a copy of the draft statement and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of twenty-eight days beginning with the date of first publication of the notice; and
 - (c) stating that any person may within that period, by notice in writing to the Minister, object to the approval of the statement.
- 3 A notice under the last preceding paragraph shall be published ether—
 - (a) at least once in each of two successive weeks in one or more newspapers circulating in the river authority area, or
 - (b) in any other manner which, in any particular case, may be certified by the Minister to be expedient in that case.
- 4 Not later than the date on which the notice is first published in pursuance of the last preceding paragraph, the river authority shall serve a copy of the notice on—
 - (a) every local authority whose area comprises any inland water to which the draft statement relates;
 - (b) any statutory water undertakers having the right to abstract water from any such inland water;
 - (c) any other statutory water undertakers who were consulted in relation to the draft statement in pursuance of paragraph (b) of section 19(4) of this Act (including that paragraph as applied by any other provision of Part III of this Act);
 - (d) any internal drainage board whose district comprises any such inland water or from whose district water is discharged into any such inland water ;
 - (e) any navigation authority, harbour authority or conservancy authority having functions in relation to any such inland water, or, where any such inland water is a tidal water and there is no such authority, the Minister of Transport;

- (f) any navigation authority, harbour authority or conservancy authority having functions in relation to any other inland water, where it appears to the river authority that changes in the flow of an inland water to which the draft statement relates may affect the flow of that other inland water, or, 'if that other inland water is a tidal water and there is no such navigation authority, harbour authority or conservancy authority, the Minister of Transport;
 - (g) every person who has given notice to the river authority requesting them to notify him of action taken in connection with the determination of a minimum acceptable flow for an 'inland water to which the draft statement relates, and, if the river authority have required him to pay a reasonable Charge for being so notified, has paid that charge; and
 - (h) the Central Electricity Generating Board.
- 5 The river authority shall also publish a notice in the London Gazette stating that the draft statement has been submitted to the Minister, naming the areas of local authorities which comprise any inland waters to which the draft statement relates, specifying a place Where a copy of the draft statement and of any relevant map or plan may be inspected, and (where the notice required by paragraph 2 of this Schedule is published in a newspaper) giving the name of the newspaper and the date of an issue containing the notice.
- 6 The river authority shall, at the request of any person, furnish him with a copy of the draft statement on payment of such charge, not exceeding two shillings, as the river authority think reasonable.
- 7 The Minister may approve the statement ether in the form off the draft or in that form as altered in such manner as he thinks fit; but where he proposes to make any alteration, and considers that any persons are likely to be adversely affected by it, the river authority shall give and publish such additional notices, and in such manner, as the Minister may require.
- 8 If before the end of the period of twenty-eight days referred to in paragraph 2 of this Schedule, or of twenty-five days from the publication in the London Gazette of the notice under paragraph 5 of this Schedule, or of any period specified in notices under the last preceding paragraph, notice in writing of an objection as received by the Minister from any person on whom a notice is required by this Schedule to be served, or from any other person appearing to the Minister to be affected by the statement, ether as prepared in draft or as proposed to be altered, and the objection is not withdrawn, the Minister, before approving the statement, shall ether—
- (a) cause a local inquiry to be held, or
 - (b) afford to the objector and to the river authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
- 9 Where a statement is approved under this Schedule, whether in the form of the draft proposed by the river authority or with alterations, the Minister shall give notice to the river authority—
- (a) stating that the statement has been approved, ether without alteration or with alterations specified in the notice, and
 - (b) specifying the date (not being earlier than twenty-eight days after the date of the notice under this paragraph) on which the statement shall have effect;

and the river authority shall forthwith publish the notice and shall keep a copy of the statement as approved under this Schedule available at their offices for inspection by the public, free of charge, at all reasonable times.

PART II

Proposals for amending statements

- 10 Paragraphs 2 to 6 of this Schedule shall have effect in relation to proposals prepared by a river authority under section 20(1)(b) of this Act as they have effect in relation to a draft statement within the meaning of Part I of this Schedule, subject to the modification that, in sub-paragraph (c) of the said paragraph 2, for the reference to the approval of the draft statement there shall be substituted a reference to the amendment, in accordance with the proposals, of the statement of minimum acceptable flows to which the proposals relate.
- 11 The Minister may amend the statement of minimum acceptable flows to which any such proposals relate either in accordance with the proposals as submitted by the river authority or in accordance with the proposals as altered in such manner as he thinks fit; but where he proposes to alter any such proposals, and considers that any persons are likely to be adversely affected by the alteration, the river authority shall give and publish such additional notices, and in such manner, as the Minister may require.
- 12 If before the end of the period of twenty-eight days beginning with the date of first publication of the notice under paragraph 2 of this Schedule relating to the proposals, or of twenty-five days from the publication in the London Gazette of the notice relating thereto under paragraph 5 of this Schedule, or of any period specified in notices under 'the last preceding paragraph, notice in writing of an objection is received by the Minister from any person on whom a notice is required by this Schedule to be served, or from any other person appearing to the Minister to be affected by the proposals, either as submitted to him or as proposed to be altered, and the objection is not withdrawn, the Minister, before amending the statement of minimum acceptable flows to which the proposals relate, shall either—
- (a) cause a local inquiry to be held, or
 - (b) afford to the objector and to the river authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
- 13 Where a statement of minimum acceptable flows is amended under this Schedule, whether or not in accordance with the proposals submitted by the river authority, the Minister shall give notice to the river authority—
- (a) stating that the statement has been amended, either in accordance with the proposals as submitted or in accordance with those proposals as altered in the manner specified in the notice, and
 - (b) specifying the date (not being earlier than twenty-eight days after the date of the notice under this paragraph) on which the amendment shall take effect;

and the river authority shall forthwith publish the notice and shall keep a copy of the statement as amended under this Schedule available at their offices for inspection by the public, free of charge, at all reasonable times.

PART III

Procedure for purposes of section 21

- 14 The provisions of Part I of this Schedule, except paragraph 1 thereof, shall have effect with respect to any draft statement submitted to the Minister under section 21(1) of this Act, subject to the following modifications:—
- (a) except in paragraph 4(g) and paragraph 9 of this Schedule, any reference to the river authority, unless the reference is to the river authority area, shall be construed as a reference to the Water Resources Board ;
 - (b) in paragraph 9 of this Schedule, the first reference to the river authority shall be construed as a reference to the Water Resources Board and the second such reference shall be construed as a reference to the river authority and the Board;
 - (c) the river authority shall be included among the bodies on whom, under paragraph 4 of this Schedule, a copy of the notice is required to be served.
- 15 (1) This paragraph applies to any proposals of the Minister for amending a statement in accordance with section 21 (3) of this Act.
- (2) The Minister shall give notice of the proposals to the river authority ; and the river authority shall publish such a notice as the Minister may require—
- (a) stating the general effect of the proposals ;
 - (b) specifying a place in the river authority area where a copy of the proposals and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of twenty-eight days beginning with the date of first publication of the notice; and
 - (c) stating that any person may within that period, by notice in writing to the Minister, object to the amendment, in accordance with the proposals, of the statement of minimum acceptable flows to which the proposals relate.
- (3) Paragraphs 3 to 6 of this Schedule shall have effect in relation to any proposals to which this paragraph applies as they have effect in relation to a draft statement within the meaning of Part I of this Schedule, subject to the modification that in paragraph 5, for the words " draft statement has been submitted to", there shall be substituted the words " proposals have been prepared by ".
- (4) Paragraphs 11 to 13 of this Schedule shall have effect with respect to any proposals to which this paragraph applies, subject to the modification that any reference to the proposals as submitted to the Minister shall be construed as a reference to the proposals as prepared by the Minister.
- (5) In any provision of Part I or Part II of this Schedule as applied by this paragraph, any reference to paragraph 2 of this Schedule shall be construed as a reference to sub-paragraph (2) of this paragraph.

PART IV

Joint action by Ministers in certain cases

- 16 For the purposes of this Part of this Schedule—

- (a) a case falls within this sub-paragraph if, in accordance with paragraph 8 or paragraph 12 of this Schedule, as applied by section 19 or section 20 of this Act or by Part III of this Schedule, an objection is received by the Minister from any navigation authority, harbour authority or conservancy authority required by this Act to be consulted before the preparation of the draft statement or the submission of the proposals, as the case may be;
 - (b) a case falls within this sub-paragraph if either—
 - (i) in accordance with paragraph 8 or paragraph 12 of this Schedule as so applied, an objection is received by the Minister from any internal drainage board whose district comprises any inland water to which the draft statement relates or the proposals relate, as the case may be or from whose district water is discharged into such an inland water; or
 - (ii) in accordance with either of those paragraphs as so applied, an objection is received by the Minister from an association or person claiming to represent a substantial fishery interest which is affected by the statement or the proposals, as the case may be, and it is certified to the Minister by the Minister of Agriculture, Fisheries and Food that the association or person in question appears to the last-mentioned Minister to represent such an interest;
 - (c) a case falls within this sub-paragraph if it is the case of an order under section 25 of this Act and either—
 - (i) in accordance with paragraph 8 of this Schedule as applied by that section, an objection is received by the Minister from any navigation authority, harbour authority or conservancy authority having functions in relation to an inland water to which the order relates (either as prepared in draft or as proposed to be altered), or
 - (ii) the order (either as prepared in draft or as proposed to be altered) relates to a tidal water in respect of which there is no relevant authority for the purposes of that section other than the river authority.
- 17 (1) In any case falling within any sub-paragraph of the last preceding paragraph, paragraphs 7 to 9 or paragraphs 11 to 13 of this Schedule, as the case may be, shall apply as if for any reference to the Minister, except in the words "an objection is received by the Minister ", there were substituted a reference to the Ministers.
- (2) In this paragraph " the Ministers "—
- (a) in relation to a case falling within sub-paragraph (a) or sub-paragraph (c), but not falling within sub-paragraph (b), of the last preceding paragraph, means the Minister and the Minister of Transport acting jointly;
 - (b) in relation to a case falling within sub-paragraph (b), but not within sub-paragraph (a), of the last preceding paragraph, means the Minister and the Minister of Agriculture, Fisheries and Food acting jointly; and
 - (c) in relation to a case falling within both sub-paragraph (a) and sub-paragraph (b) of the last preceding paragraph, means the Minister, the Minister of Transport and the Minister of Agriculture, Fisheries and Food acting jointly.