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SCHEDULES

SCHEDULE 12

CONSENTS TO CERTAIN DISCHARGES

Charges in respect of applications and consents

- 9 (1) Where—
- (a) an application is made to the Authority for a consent for the purposes of section 108(1)(a) or (5)(a) or 109 of this Act;
 - (b) the Authority gives a consent under paragraph 5 above or a consent for the purposes of section 108(5)(a) or 109 of this Act; or
 - (c) a consent for the purposes of section 108(1)(a) or (5)(a) or 109 of this Act is for the time being in force,
- the Authority may require the payment to it of such charges as may be specified in or determined under a scheme made by it under this paragraph.
- (2) The persons who shall be liable to pay charges which are required to be paid by virtue of a scheme under this paragraph shall be—
- (a) in the case of a charge by virtue of sub-paragraph (1)(a) above, the person who makes the application;
 - (b) in the case of a charge by virtue of sub-paragraph (1)(b) above, any person who is authorised to do anything by virtue of the consent and on whom the instrument giving the consent is served; and
 - (c) in the case of a charge by virtue of sub-paragraph (1)(c) above, any person who makes a discharge in pursuance of the consent at any time during the period to which, in accordance with the scheme, the charge relates;
- and provision made by a scheme for the purposes of paragraph (c) above may impose a single charge in respect of the whole period for which the consent is in force or separate charges in respect of different parts of that period or both such a single charge and such separate charges.
- (3) The Authority shall not make a scheme under this paragraph unless its provisions have been approved by the Secretary of State; and the consent of the Treasury shall be required for the giving of such an approval.
- (4) Before submitting a scheme under this paragraph to the Secretary of State for his approval the Authority shall, in such manner as it considers appropriate for bringing it to the attention of persons likely to be affected by it, publish a notice setting out its proposals and specifying the period within which representations or objections with respect to the proposals may be made to the Secretary of State.
- (5) Where any proposed scheme has been submitted to the Secretary of State for his approval, it shall be the duty of the Secretary of State, in determining whether or not to approve the scheme or to approve it subject to modifications—

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- (a) to consider any representations or objections duly made to him and not withdrawn; and
 - (b) to have regard to the matters specified in sub-paragraph (6) below.
- (6) The matters mentioned in sub-paragraph (5) above are—
- (a) the desirability of ensuring that the amount recovered by the Authority by way of charges fixed by or under schemes under this paragraph does not exceed, taking one year with another, such amount as appears to the Secretary of State to be reasonably attributable to the expenses incurred by the Authority in carrying out its functions under this Schedule and otherwise in relation to discharges into controlled waters; and
 - (b) the need to ensure that no undue preference is shown, and that there is no undue discrimination, in the fixing of charges by or under the scheme.
- (7) A scheme under this paragraph may—
- (a) make provision with respect to the times and methods of payment of the charges which are required to be paid by virtue of the scheme;
 - (b) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and
 - (c) contain supplemental, consequential and transitional provision for the purposes of the scheme;
- and such a scheme may revoke or amend a previous scheme under this paragraph.
- (8) It shall be the duty of the Authority to take such steps as it considers appropriate for bringing the provisions of any scheme under this paragraph which is for the time being in force to the attention of persons likely to be affected by them.