

SCHEDULES

SCHEDULE 4

AUTHORISATION AND APPROVAL

PART I

AUTHORISATION OF BODIES

Approval by Lord Chancellor and designated judges

- 5 (1) When he has received the advice of the Advisory Committee and that of the Director, the Lord Chancellor shall send a copy of the advice to the applicant.
- (2) The applicant shall be allowed a period of 28 days, beginning with the day on which the copy is sent to him, to make representations about the advice—
- (a) to the Lord Chancellor; or
 - (b) where the Lord Chancellor appoints a person for the purposes of this sub-paragraph, to that person.
- (3) When the period of 28 days has expired the Lord Chancellor shall consider, in the light of the advice and of any representations duly made by the applicant under sub-paragraph (2)—
- (a) whether the regulations and rules should be approved for the purposes of section 27 or 28; and
 - (b) whether the application should be approved.
- (4) When the Lord Chancellor has complied with sub-paragraph (3) he shall—
- (a) send to each designated judge a copy of—
 - (i) the advice; and
 - (ii) any representations duly made by the applicant under sub-paragraph (2); and
 - (b) inform each of those judges of the answers which he proposes to give to the questions which he has considered under sub-paragraph (3).
- (5) It shall then be the duty of each designated judge to consider the regulations and rules and, in the light of the other material sent to him by the Lord Chancellor under sub-paragraph (4), to consider the questions considered by the Lord Chancellor under sub-paragraph (3).
- (6) The applicant shall provide each designated judge with such additional information about the regulations and rules as he may reasonably require.
- (7) If the Lord Chancellor, or any of the designated judges, is satisfied that approving the application would be incompatible with the statutory objective or the general

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principle (whether because of any provision of the regulations or rules, or for any other reason), he shall refuse to approve the application.

- (8) When each designated judge has discharged his duties under this paragraph he shall notify the Lord Chancellor in writing both of his decision and of his reasons for reaching it.
- (9) When—
- (a) the Lord Chancellor has discharged his duties under this paragraph; and
 - (b) the designated judges have notified him of their decisions,
- the Lord Chancellor shall notify the applicant of the result of its application.
- (10) If the Lord Chancellor or any of the designated judges has refused to approve the application it shall fail.
- (11) The Lord Chancellor shall, if the applicant applies to him in writing, notify the applicant of—
- (a) his reasons for reaching his decision; and
 - (b) the reasons given by each designated judge for reaching his decision.