

SCHEDULES

SCHEDULE 4

AUTHORISATION AND APPROVAL

PART II

APPROVAL REQUIRED BY SECTION 29

Approval by Lord Chancellor and designated judges

- 11 (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) whether the approval required by section 29(3) or (4) should be given.
- (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);
 - (b) inform each designated judge as to whether he proposes to give the required approval; and
 - (c) where he proposes to withhold that approval, inform each designated judge of his reason for doing so.
- (5) It shall then be the duty of each designated judge to consider, in the light of the material sent to him by the Lord Chancellor under sub-paragraph (4), whether the required approval should be given.
- (6) The applicant shall provide each designated judge with such additional information as may reasonably be required.
- (7) If the Lord Chancellor, or any of the designated judges, is satisfied that the alteration is incompatible with the statutory objective or the general principle, he shall refuse to give the required approval.

Status: This is the original version (as it was originally enacted).

- (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 refuses to give the required approval, the alteration in question shall not have effect.
- (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.