

SCHEDULE 3

Regulations 5(4), 7(3) and 8(4)

PROCEDURE FOR REFUSAL OR WITHDRAWAL OF APPROVAL AS AN OPERATOR, OR FOR GIVING DIRECTIONS, ETC.

1. Before—
 - (a) refusing an application for approval as an Operator made under regulation 4 (whether or not pursuant to paragraph 1(1) of Schedule 2);
 - (b) withdrawing an Operator's approval under regulation 7(2);
 - (c) giving a direction under regulation 8;
 - (d) exercising any power conferred by paragraph 1(3) of Schedule 2;
 - (e) exercising the power to refuse leave under paragraph 2(2) of Schedule 2; or
 - (f) giving a direction under paragraph 2(4) of Schedule 2, the Treasury shall—
 - (i) give written notice of their intention to do so to the Operator;
 - (ii) take such steps as they consider reasonably practicable to bring the notice to the attention of system-users; and
 - (iii) publish the notice in such manner as they think appropriate for bringing it to the attention of other persons who are, in their opinion, likely to be affected.
2. A notice under paragraph 1 shall—
 - (a) state why the Treasury intend to refuse the application, withdraw the approval, give the direction, or exercise the power in question; and
 - (b) draw attention to the right to make representations conferred by paragraph 3.
3. Before the end of the period for making representations—
 - (a) the Operator,
 - (b) any system-user, and
 - (c) any other person who is likely to be affected by the proposed withdrawal or direction,may make representations to the Treasury.
4. The period for making representations is—
 - (a) two months beginning—
 - (i) with the date on which the notice under paragraph 1 is served on the Operator; or
 - (ii) if later, with the date on which that notice is published; or
 - (b) such longer period as the Treasury may allow in the particular case.
5. In deciding whether to refuse the application, withdraw the approval, give the direction, or exercise the power in question, the Treasury shall have regard to any representations made in accordance with paragraph 3.
6. When the Treasury have decided whether to refuse the application, withdraw the approval, give the direction, or exercise the power in question they shall, if they have decided to refuse the application, withdraw the Operator's approval under regulation 7(2), give a direction under regulation 8 or exercise a power conferred by paragraph 1(3) of Schedule 2—
 - (a) give the Operator written notice of their decision; and
 - (b) take such steps as they consider reasonably practicable for bringing their decision to the attention of system-users and of any other persons who are, in the Treasury's opinion, likely to be affected.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

7. If the Treasury consider it essential to do so, they may withdraw an Operator's approval under regulation 7(2) or give a direction under regulation 8—

- (a) without following the procedure set out in this Schedule; or
- (b) if the Treasury have begun to follow that procedure, regardless of whether the period for making representations has expired.

8. If the Treasury have, in relation to a particular matter, followed the procedure set out in paragraphs 1 to 5, they need not follow it again if, in relation to that matter, they decide to take action other than that specified in their notice under paragraph 1.