

SCHEDULES

SCHEDULE 8

Article 218

PROCEDURE RELATING TO BYELAWS UNDER ARTICLE 218

Confirmation of byelaws

1.—(1) Byelaws made by a relevant undertaker under Article 218 shall not have effect until confirmed by the Department under this Schedule.

(2) At least 28 days before it applies for the confirmation of any such byelaws, a relevant undertaker shall publish in the Belfast Gazette and at least once in each of two successive weeks in at least two newspapers circulating in the locality to which the byelaws relate, a notice—

- (a) stating its intention to apply to the Department for such confirmation;
- (b) stating the general effect of the byelaws;
- (c) specifying a place where a copy of the byelaws may be inspected free of charge at all reasonable times during the period of 28 days beginning with the date of the first publication of the notice in a newspaper;
- (d) stating that any person may, within that period, by notice in writing to the Department, object to the confirmation of the byelaws.

(3) During the period referred to in sub-paragraph (2)(c), the relevant undertaker shall—

- (a) deposit a copy of the byelaws at the place specified under sub-paragraph (2)(c);
- (b) provide reasonable facilities for the inspection free of charge of a copy of the byelaws so deposited; and
- (c) at the request of any person, provide him with a copy of the byelaws on payment of such reasonable charge as the undertaker may determine.

(4) Where the byelaws regulate fishing, the relevant undertaker shall consult the DCAL before submitting the byelaws to the Department for confirmation.

Confirmation with or without modifications

2.—(1) Subject to the following sub-paragraphs, where byelaws are submitted by a relevant undertaker for confirmation under this Schedule, the Department may—

- (a) confirm the byelaws without modification;
- (b) if the relevant undertaker consents, confirm the byelaws with modifications; or
- (c) refuse to confirm any byelaws.

(2) The relevant undertaker which has submitted byelaws for confirmation shall, if so directed by the Department, cause notice of any proposed modifications to be given in accordance with the Department's directions.

(3) Sub-paragraph (4) applies if before the end of the period of 28 days mentioned in paragraph 1(2)(c) or, where the Department has issued directions under sub-paragraph (2), within such further time as the Department may consider reasonable, notice in writing of an objection is received by the

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Department from any person appearing to it to be a person who may be adversely affected by the byelaws as submitted or as proposed to be altered.

(4) The Department, before confirming the byelaws, shall, unless the objections are met or withdrawn or it is satisfied that they are solely of a frivolous or vexatious nature, either—

- (a) cause a local inquiry to be held; or
- (b) afford to the objector an opportunity of appearing before, and being heard by an independent person appointed by the Department for the purpose.

Commencement of byelaws

3.—(1) The Department may fix the date on which any byelaws confirmed under this Schedule are to come into operation.

(2) If no date is so fixed, the byelaws shall come into operation at the end of the period of one month beginning with the date of confirmation.

Availability of confirmed byelaws

4.—(1) Byelaws made by a relevant undertaker and confirmed under this Schedule shall be printed and deposited at one or more of the offices of the relevant undertaker, including (if there is one) at an office in the area to which the byelaw applies, and copies of the byelaws shall be available at those offices, at all reasonable times, for inspection by the public free of charge.

(2) A relevant undertaker shall, at the request of any person, provide him with a copy of the byelaws so deposited on payment of such reasonable charge as the undertaker may determine.

Revocation of byelaws

5. Without prejudice to paragraph (5) of Article 218, if it appears to the Department that the revocation of any byelaws under that Article is necessary or expedient, it may, after—

- (a) giving notice to the relevant undertaker which made the byelaw;
- (b) considering any representations or objections made by that undertaker; and
- (c) if required by that undertaker, holding a local inquiry,

revoke that byelaw.

Proof of byelaws etc.

6. The production of a printed copy of byelaws purporting to be made by a relevant undertaker on which is indorsed a certificate, purporting to be signed on its behalf, stating—

- (a) that the byelaws were made by that undertaker;
- (b) that the copy is a true copy of the byelaws;
- (c) that on a specified date the byelaws were confirmed under this Schedule; and
- (d) the date, if any, fixed under paragraph 3 for the coming into operation of the byelaw,

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate.