

SCHEDULES

SCHEDULE 3

Sections 17 and 47.

PROCEDURE FOR MAKING HARBOUR REVISION AND EMPOWERMENT ORDERS

PART I

PROCEDURE FOR MAKING HARBOUR REVISION ORDERS ON APPLICATION TO THE MINISTER (AS SET OUT), TO THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD (SUBJECT TO PART III) OR TO THE SECRETARY OF STATE (SUBJECT TO PART IV), AND FOR THE MAKING OF HARBOUR EMPOWERMENT ORDERS BY THE MINISTER (SUBJECT TO PART VII), BY THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD (SUBJECT TO PART VIII) OR BY THE SECRETARY OF STATE (SUBJECT TO PART IX)

- 1 An application for a harbour revision order must be accompanied by not less than six copies of a draft of the proposed order and not less than six copies of any map or maps which, if the order is made in the form of the draft, will be required to be annexed to it.
- 2 Where an application for a harbour revision order is duly made to the Minister, he shall take it into consideration and shall give notice to the applicant of his decision either that he refuses the application or that it is (without prejudice, however, to subsequent refusal thereof) to be allowed to proceed.
- 3 Where an applicant for a harbour revision order is given notice under paragraph 2 above that his application is to be allowed to proceed, compliance with the requirement of sub-paragraph (a) below and with such of the requirements of sub-paragraphs (b) to (d) below as are applicable in the circumstances shall be a condition precedent to the taking by the Minister of further steps in the matter of the application, that is to say:—
 - (a) there must be published by the applicant by Gazette and local advertisement and (if so required by the Minister) by such other means as the Minister may specify, a notice stating that application has been made to him for the making of the order, containing a concise summary of the proposed order and (if provision is proposed to be included therein authorising the execution of works or the compulsory acquisition of land) a general description of the nature of the works and the land on which their execution is proposed to be authorised or, as the case may be, of the land whose compulsory acquisition is proposed to be authorised, naming a place where a copy of the draft of the proposed order and (if the application for the order was accompanied by copies of a map or maps) a copy of that map or, as the case may be, copies of those maps may be seen at all reasonable hours and stating that any person who desires to make to the Minister objection to the application should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date (specifying it) of the first local advertisement;

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- (b) if provision is proposed to be included in the order authorising the compulsory acquisition of land, there must, in the case of each parcel of land whose compulsory acquisition is proposed to be authorised, be served by the applicant on every owner, lessee and occupier (except a tenant for a month or any period less than a month) of that parcel a notice stating that application has been made to the Minister for the making of the order with the inclusion therein of provision authorising the compulsory acquisition of that parcel (describing it), naming a place where a copy of the draft of the proposed order and a copy (on the like scale) of the map that accompanied the application therefor on which the boundaries of that parcel are delineated may be seen at all reasonable hours and stating that, if the person served desires to make to the Minister objection to the application so far as regards the inclusion in the order of provision authorising the compulsory acquisition of that parcel, he should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date on which the notice is served on him;
 - (c) if the applicant is not the harbour authority, there must be served by the applicant on that authority a copy of the draft order together (if the application for the order was accompanied by copies of a map or maps) with a copy of that map, or copies of those maps, and, in any event, with a notice stating that application has been made to the Minister for the making of the order and that, if the authority desire to make to the Minister objection to the application, they should do so in writing (stating the grounds of their objection) before the expiration of the period of forty-two days from the date on which the notice is served on them ;
 - (d) if the Minister so requires, there must, on any person specified by him, be contemporaneously served by the applicant the like documents as are required to be served in compliance with sub-paragraph (c) above where it applies.
- 4 (1) Where the proper notices concerning an application for the making of a harbour revision order have been published under paragraph 3 above, and all persons required thereunder to be served in the case of the application with notices and other documents have been properly served therewith, and the time for the due making to the Minister of objection to the application has elapsed, the following provisions of this paragraph shall have effect.
- (2) If no objections to the application were duly made to the Minister or if all objections to the application that were duly made to him have been withdrawn, the Minister, unless he decides that the application shall not proceed further, shall refer the draft order to the Council for consideration and report.
- (3) If objections to the application were duly made to the Minister and have not been withdrawn, the Minister, unless he decides that the application shall not proceed further,—
- (a) in the case of an objection so far as regards the inclusion in the draft order of a provision authorising the compulsory acquisition of a parcel of land, shall either cause an inquiry to be held with respect to the objection or afford to the objector an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose;
 - (b) in the case of any other objection, shall cause an inquiry to be held with respect thereto, unless he is of opinion that it is frivolous or too trivial to warrant the holding of an inquiry with respect to it,

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and, after effect has been given to the foregoing provisions of this sub-paragraph, shall, unless he decides that the application shall not proceed further, refer to the Council for consideration and report the draft order, the objections so made and not withdrawn and the reports of any person who held an inquiry and any person appointed for the purpose of hearing an objector.

- (4) Where an objector to the application avails himself of an opportunity of being heard afforded to him in pursuance of sub-paragraph (3)(a) above, the Minister shall afford to the applicant, and to any other persons to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.
 - (5) Where, in pursuance of the reference to them under sub-paragraph (2) or (3) above, the Council have reported to the Minister, he shall consider their report and the documents reported on, and, unless he decides not to make the order, may make the order applied for in the form of the draft submitted to him or (subject to the restrictions imposed by sub-paragraph (6) of this paragraph and by paragraph 6 below) in that form but subject to such modifications as he thinks fit.
 - (6) Where the Minister proposes to make the order applied for with modifications which appear to him substantially to affect the character of the order as applied for, he shall take such steps as appear to him to be sufficient and reasonably practicable for informing the applicant and other persons likely to be concerned, and shall not make the order until such period for consideration of, and comment upon, the proposed modifications by the applicant and those other persons as he thinks reasonable has elapsed ; nor shall he, unless all persons interested consent, so make the order as to authorise the compulsory acquisition of any land that was not described in the draft submitted to him as being land subject to be acquired compulsorily.
 - (7) The Minister may disregard for the purposes of this paragraph an objection to the application unless it states the grounds on which it is made, and may disregard for those purposes such an objection so far as regards the inclusion in the draft order of a provision authorising the compulsory acquisition of land if he is satisfied that the objection relates exclusively to matters which can be dealt with by the tribunal by whom compensation in respect of the acquisition will fall to be assessed in default of agreement.
- 5 So soon as may be after a harbour revision order has been made, the applicant for it—
- (a) shall publish by Gazette and local advertisement a notice stating that the order has been made and naming a place where a copy thereof (and, if a map or maps is or are annexed to the order, a copy of that map or, as the case may be, copies of those maps) may be inspected at all reasonable hours;
 - (b) shall, if not the harbour authority, serve on that authority a copy of the order, together (if a map or maps is or are annexed to it) with a copy of that map or, as the case may be, copies of those maps;
 - (c) shall serve a copy of the order, together (if a map or maps is or are annexed to it) with a copy of that map or, as the case may be, copies of those maps, on each person on whom, in compliance with a requirement imposed by virtue of paragraph 3(d) above, a copy of the draft of the order as submitted to the Minister was served.
- 6 (1) Where application is made to the Minister for a harbour revision order which includes provision authorising the compulsory acquisition of land which includes land which has been acquired by statutory undertakers for the purposes of their undertaking, then

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if on a representation made to the appropriate Minister before the expiration of the period of forty-two days from the date of the first local advertisement of notice that the application has been so made that Minister is satisfied—

- (a) that any of the said land is used for the purposes of the carrying on of their undertaking, or
- (b) that an interest in any of the said land is held for those purposes,

the order shall not be so made as to authorise the acquisition of any land as to which that Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—

- (i) that, without serious detriment to the carrying on of the undertaking, it can be acquired and not replaced, or
- (ii) that, if acquired, it can, without such detriment as aforesaid, be replaced by other land belonging to, or available for acquisition by, the undertakers,

and certifies accordingly.

- (2) In this paragraph the following expressions have, the meanings hereby assigned to them respectively, that is to say:—

" statutory undertakers " means any person authorised by an Act (whether public, general or local) or by any order or scheme made under or confirmed by an Act to carry on any such undertaking as follows, that is to say.—

- (a) a railway, light railway, tramway or road transport undertaking;
- (b) an undertaking the activities whereof consist in—
 - (i) the maintenance of a canal;
 - (ii) the conservation or improvement of a river or other inland navigation ;
 - (iii) the improvement, maintenance or management of a harbour (whether natural or artificial), port, haven or estuary, a dock (whether used by sea-going ships or not) or a wharf, quay, pier, jetty or other place at which ships (whether sea-going or not) can ship or unship goods or embark or disembark passengers; or
 - (iv) the provision and maintenance of a lighthouse; or
- (c) an undertaking for the supply of electricity, gas, hydraulic power or water ;

" the appropriate Minister "—

- (a) in relation to a railway, light railway, tramway, or road transport undertaking or an undertaking the activities whereof consist in—
 - (i) the maintenance of a canal;
 - (ii) the conservation or improvement of a river or other inland navigation;
 - (iii) the improvement, maintenance or management of any (except it be a fishery harbour or marine work) of the following, namely, a harbour (whether natural or artificial), port, haven or estuary, a dock (whether used by sea-going ships or not) and a wharf, quay, pier, jetty or other place at which ships (whether seagoing or not) can ship or unship goods or embark or disembark passengers; or
 - (iv) the provision and maintenance of a lighthouse; means the Minister;

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- (b) in relation to an undertaking for the supply of electricity, gas or hydraulic power (other than the undertakings of the boards established by the Electricity (Scotland) Acts 1943 to 1962), means the Minister of Power and, in relation to the undertakings of the said boards, means the Secretary of State ;
- (c) in relation to an undertaking for the supply of water in England or Wales, means the Minister of Housing and Local Government and, in relation to any such undertaking in Scotland, means the Secretary of State;
- (d) in relation to an undertaking the activities whereof consist in the improvement, maintenance or management of a fishery harbour, means the Minister of Agriculture, Fisheries and Food;
- (e) in relation to an undertaking the activities whereof consist in the improvement, maintenance or management of a marine work, means the Secretary of State.

PART II

PROCEDURE FOR THE MAKING OF HARBOUR REVISION ORDERS BY THE MINISTER OF HIS OWN MOTION (AS SET OUT), BY THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD OF HIS OWN MOTION (SUBJECT TO PART V) OR BY THE SECRETARY OF STATE OF HIS OWN MOTION (SUBJECT TO PART VI)

- 7 Where the Minister proposes to make, of his own motion, a harbour revision order, he shall, before doing so—
- (a) publish by Gazette and local advertisement and by such (if any) other means as he thinks fit a notice stating that he proposes to make the order, containing a concise summary of the provisions to be embodied in it, naming a place where a copy of the draft of the proposed order may be seen at all reasonable hours and stating that any person who desires to make to him objection to the proposal should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date (specifying it) of the first local advertisement;
 - (b) serve on the harbour authority and on such (if any) other persons as he thinks ought to have notice of the proposal a copy of the draft of the proposed order together with a notice stating that he proposes to make the order and that if the person served desires to make to the Minister objection to the proposal he should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date on which the notice is served on him.
- 8 (1) Where effect has been given to paragraph 7 above in the case of a proposal of the Minister to make, of his own motion, a harbour revision order, and the time for the due making to the Minister of objection to the proposal has elapsed, the following provisions of this paragraph shall have effect.
- (2) If no objections to the proposal were duly made to the Minister, or if all objections to the proposal that were duly made to him have been withdrawn, the Minister, unless he decides to proceed no further in the matter, shall refer the draft of the order to the Council for consideration and report.

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- (3) If objections to the proposal that were duly made to the Minister have not been withdrawn, he shall, unless he decides to proceed no further in the matter, cause an inquiry to be held with respect to each objection so made and not withdrawn unless in his opinion it is frivolous or too trivial to warrant the holding of an inquiry with respect thereto and, after effect has been given to the foregoing provisions of this sub-paragraph, he shall, unless he decides to proceed no further in the matter, refer to the Council for consideration and report, the draft of the order, the objections so made and not withdrawn and the report of any person who held an inquiry.
- (4) Where, in pursuance of the reference to them under sub-paragraph (2) or (3) above, the Council have reported to the Minister, he shall consider their report and the documents reported on, and, unless he decides not to make the order, may make it in the form of the draft or (subject to the restriction imposed by sub-paragraph (5) below) in that form but subject to such modifications as he thinks fit.
- (5) Where the Minister proposes to make the order subject to modifications which appear to him substantially to affect the character of the order as originally proposed to be made, he shall take such steps as appear to him to be reasonably practicable for informing persons likely to be concerned, and shall not make the order until such period for consideration of, and comment upon, the proposed modifications by those persons as he thinks reasonable has elapsed.
- (6) The Minister may disregard for the purposes of this paragraph an objection to the proposal unless it states the grounds on which it is made.
- 9 So soon as may be after a harbour revision order has been made by the Minister of his own motion he shall publish by Gazette and local advertisement a notice stating that the order has been made and naming a place where a copy thereof may be inspected at all reasonable hours, and shall serve a copy of the order on every person on whom notice of the proposal to make the order was served in compliance with the requirement imposed by paragraph 7(b) above.

PART III

MODIFICATIONS SUBJECT TO WHICH PART I IS TO HAVE EFFECT WITH RESPECT TO PROCEDURE FOR MAKING HARBOUR REVISION ORDERS UPON APPLICATION THEREFOR TO THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD

- 10 (1) The modifications subject to which Part I of this Schedule is, by virtue of section 17(1)(c) of this Act, to have effect with respect to the procedure for making harbour revision orders on application therefor to the Minister of Agriculture, Fisheries and Food are those set out in the following provisions of this paragraph.
- (2) For references to the Minister (except in paragraph 6(2)), there shall be substituted references to the Minister of Agriculture, Fisheries and Food.
- (3) In paragraph 4(2), for the words from " unless he decides " (inclusive) onwards, there shall be substituted the words " unless he decides not to make the order, may make the order applied for in the form of the draft submitted to him or (subject to the restrictions imposed by sub-paragraph (6) of this paragraph and by paragraph 6 below) in that form but subject to such modifications as he thinks fit ".
- (4) In paragraph 4(3), for the words from " shall, unless he decides " (inclusive) onwards, there shall be substituted the words " shall consider the objections so made and

not withdrawn and the reports of any person who held an inquiry and any person appointed for the purpose of hearing an objector and, having done so, unless he decides not to make the order, may make the order applied for in the form of the draft submitted to him or (subject to the restrictions imposed by sub-paragraph (6) of this paragraph and by paragraph 6 below) in that form but subject to such modifications as he thinks fit ".

- (5) Paragraph 4(5) shall be omitted.

PART IV

MODIFICATIONS SUBJECT TO WHICH PART I IS TO HAVE EFFECT
WITH RESPECT TO PROCEDURE FOR MAKING HARBOUR REVISION
ORDERS UPON APPLICATION THEREFOR TO THE SECRETARY OF STATE

- 11 (1) The modifications subject to which Part I of this Schedule is, by virtue of section 17(1)(d) of this Act, to have effect with respect to the procedure for making harbour revision orders on application therefor to the Secretary of State are those set out in the following provisions of this paragraph.
- (2) For references to the Minister (except in paragraph 6(2)), there shall be substituted references to the Secretary of State.
- (3) In paragraph 4(2), for the words from " unless he decides " (inclusive) onwards, there shall be substituted the words " unless he decides not to make the order, may make the order applied for in the form of the draft submitted to him or (subject to the restrictions imposed by sub-paragraph (6) of this paragraph and by paragraph 6 below) in that form but subject to such modifications as he thinks fit ".
- (4) In paragraph 4(3), for the words from " shall, unless he decides " (inclusive) onwards, there shall be substituted the words " shall consider the objections so made and not withdrawn and the reports of any person who held an inquiry and any person appointed for the purpose of hearing an objector and, having done so, unless he decides not to make the order, may make the order applied for in the form of the draft submitted to him or (subject to the restrictions imposed by sub-paragraph (6) of this paragraph and by paragraph 6 below) in that form but subject to such modifications as he thinks fit ".
- (5) Paragraph 4(5) shall be omitted.

PART V

MODIFICATIONS SUBJECT TO WHICH PART II IS TO HAVE EFFECT WITH RESPECT
TO PROCEDURE FOR THE MAKING OF HARBOUR REVISION ORDERS BY THE
MINISTER OF AGRICULTURE, FISHERIES AND FOOD OF HIS OWN MOTION

- 12 (1) The modifications subject to which Part II of this Schedule is, by virtue of section 17(1)(e) of this Act, to have effect with respect to the procedure for the making of harbour revision orders by the Minister of Agriculture, Fisheries and Food of his own motion are those set out in the following provisions of this paragraph.
- (2) For references to the Minister there shall be substituted references to the Minister of Agriculture, Fisheries and Food.

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- (3) In paragraph 8(2), for the words from " unless he decides " (inclusive) onwards, there shall be substituted the words " unless he decides not to make the order, may make it in the form of the draft or (subject to the restrictions imposed by sub-paragraph (5) below) in that form but subject to such modifications as he thinks fit ".
- (4) In paragraph 8(3), for the words from " and, after effect has been given" (inclusive) onwards, there shall be substituted the words " and, if after considering the report of the person (or the reports of each of them if more than one) who held an inquiry, he then decides to make the order, may make it in the form of the draft or (subject to the restrictions imposed by sub-paragraph (5) below) in that form but subject to such modifications as he thinks fit ".
- (5) Paragraph 8(4) shall be omitted.

PART VI

MODIFICATIONS SUBJECT TO WHICH PART II IS TO HAVE EFFECT WITH RESPECT TO PROCEDURE FOR THE MAKING OF HARBOUR REVISION ORDERS BY THE SECRETARY OF STATE OF HIS OWN MOTION

- 13
- (1) The modifications subject to which Part II of this Schedule is, by virtue of section 17(1)(f) of this Act, to have effect with respect to the procedure for the making of harbour revision orders by the Secretary of State of his own motion are those set out in the following provisions of this paragraph.
 - (2) For references to the Minister there shall be substituted references to the Secretary of State.
 - (3) In paragraph 8(2), for the words from " unless he decides " (inclusive) onwards there shall be substituted the words " unless he decides not to make the order, may make it in the form of the draft or (subject to the restrictions imposed by sub-paragraph (5) below) in that form but subject to such modifications as he thinks fit ".
 - (4) In paragraph 8(3), for the words from " and, after effect has been given" (inclusive) onwards, there shall be substituted the words " and, if after considering the report of the person (or the reports of each of them if more than one) who held an inquiry, he then decides to make the order, may make it in the form of the draft or (subject to the restrictions imposed by sub-paragraph (5) below) in that form but subject to such modifications as he thinks fit ".
 - (5) Paragraph 8(4) shall be omitted.

PART VII

MODIFICATIONS SUBJECT TO WHICH PART I IS TO HAVE EFFECT WITH RESPECT TO PROCEDURE FOR THE MAKING OF HARBOUR EMPOWERMENT ORDERS BY THE MINISTER

- 14
- (1) The modifications subject to which Part I of this Schedule is, by virtue of section 17(1)(g) of this Act, to have effect with respect to the procedure for the making of harbour empowerment orders by the Minister are those set out in the following provisions of this paragraph.

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- (2) For references to a harbour revision order there shall be substituted references to a harbour empowerment order.
- (3) For the reference, in paragraph 3, to the requirements of sub-paragraphs (b) to (d), there shall be substituted a reference to the requirements of sub-paragraphs (b) and (c), and for sub-paragraphs (c) and (d) of that paragraph, there shall be substituted the following sub-paragraph:—
 - “(c) if the Minister so requires, there must, on any person specified by him, be served by the applicant a copy of the draft order together (if the application for the order was accompanied by a copy of a map or copies of maps) with a copy of that map, or copies of those maps, and, in any event, with a notice stating that application has been made to the Minister for the making of the order and that, if the person served desires to make to the Minister objection to the application, he should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date on which the notice is served on him”.
- (4) Sub-paragraph (b) of paragraph 5 shall be omitted, and for the reference, in sub-paragraph (c) of that paragraph, to paragraph 3(d), there shall be substituted a reference to paragraph 3(c).

PART VIII

MODIFICATIONS SUBJECT TO WHICH PART I IS TO HAVE EFFECT WITH RESPECT TO PROCEDURE FOR THE MAKING OF HARBOUR EMPOWERMENT ORDERS BY THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD

- 15 (1) The modifications subject to which Part I of this Schedule is, by virtue of section 17(1)(h) of this Act, to have effect with respect to the procedure for the making of harbour empowerment orders by the Minister of Agriculture, Fisheries and Food are those set out in the following provisions of this paragraph.
- (2) For references to a harbour revision order there shall be substituted references to a harbour empowerment order and for references (except in paragraph 6(2)) to the Minister there shall be substituted references to the Minister of Agriculture, Fisheries and Food.
- (3) For the reference, in paragraph 3, to the requirements of sub-paragraphs (b) to (d), there shall be substituted a reference to the requirements of sub-paragraphs' (b) and (c), and for sub-paragraphs (c) and (d) of that paragraph, there shall be substituted the following sub-paragraph:—
 - “(c) if the Minister of Agriculture, Fisheries and Food so requires, there must, on any person specified by him, be served by the applicant a copy of the draft order together (if the application for the order was accompanied by a copy of a map or copies of maps) with a copy of that map, or copies of those maps, and, in any event, with a notice stating that application has been made to that Minister for the making of the order and that, if the person served desires to make to that Minister objection to the application, he should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date on which the notice is served on him”.

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- (4) In paragraph 4(2) for the words from " unless he decides " (inclusive) onwards, there shall be substituted the words " unless he decides not to make the order, may make the order applied for in the form of the draft submitted to him or (subject to the restrictions imposed by sub-paragraph (6) of this paragraph and by paragraph 6 below) in that form but subject to such modifications as he thinks fit ".
- (5) In paragraph 4(3) for the words from " shall, unless he decides " (inclusive) onwards, there shall be substituted the words " shall consider the objections so made and not withdrawn and the reports of any person who held an inquiry and any person appointed for the purpose of hearing an objector and, having done so, unless he decides not to make the order, may make the order applied for in the form of the draft submitted to him or (subject to the restrictions imposed by sub-paragraph (6) of this paragraph and by paragraph 6 below) in that form but subject to such modifications as he thinks fit ".
- (6) Paragraph 4(5) shall be omitted.
- (7) Sub-paragraph (b) of paragraph 5 shall be omitted, and for the reference, in sub-paragraph (c) of that paragraph, to paragraph 3(d), there shall be substituted a reference to paragraph 3(c).

PART IX

MODIFICATIONS SUBJECT TO WHICH PART I IS TO HAVE EFFECT WITH RESPECT TO PROCEDURE FOR THE MAKING OF HARBOUR EMPOWERMENT ORDERS BY THE SECRETARY OF STATE

- 16 (1) The modifications subject to which Part I of this Schedule is, by virtue of section 17(1)(i) of this Act, to have effect with respect to the procedure for the making of harbour empowerment orders by the Secretary of State are those set out in the following provisions of this paragraph.
- (2) For references to a harbour revision order there shall be substituted references to a harbour empowerment order and for references (except in paragraph 6(2)) to the Minister there shall be substituted references to the Secretary of State.
- (3) For the reference, in paragraph 3, to the requirements of sub-paragraphs (b) to (d), there shall be substituted a reference to the requirements of sub-paragraphs (b) and (c), and for sub-paragraphs (c) and (d) of that paragraph, there shall be substituted the following sub-paragraph:—
 - “(c) if the Secretary of State so requires, there must, on any person specified by him, be served by the applicant a copy of the draft order together (if the application for the order was accompanied by a copy of a map or copies of maps) with a copy of that map, or copies of those maps, and, in any event, with a notice stating that application has been made to the Secretary of State for the making of the order and that, if the person served desires to make to the Secretary of State objection to the application, he should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date on which the notice is served on him”.
- (4) In paragraph 4(2) for the words from " unless he decides " (inclusive) onwards, there shall be substituted the words " unless he decides not to make the order, may

make the order applied for in the form of the draft submitted to him or (subject to the restrictions imposed by sub-paragraph (6) of this paragraph and by paragraph 6 below) in that form but subject to such modifications as he thinks fit ".

- (5) In paragraph 4(3) for the words from " shall, unless he decides " (inclusive) onwards, there shall be substituted the words " shall consider the objections so made and not withdrawn and the reports of any person who held an inquiry and any person appointed for the purpose of hearing an objector and, having done so, unless he decides not to make the order, may make the order applied for in the form of the draft submitted to him or (subject to the restrictions imposed by sub-paragraph (6) of this paragraph and by paragraph 6 below) in that form but subject to such modifications as he thinks fit ".
- (6) Paragraph 4(5) shall be omitted.
- (7) Sub-paragraph (b) of paragraph 5 shall be omitted, and for the reference, in sub-paragraph (c) of that paragraph, to paragraph 3(d), there shall be substituted a reference to paragraph 3(c).