

## SCHEDULES

### SCHEDULE 1

#### PROVISIONS AS TO MAKING, VARIATION AND REVOCATION OF PROTECTION ORDERS

##### *Making of protection order*

- 1 Before the Secretary of State makes a protection order he shall require a person from whom he has received proposals under section 1(3)(a) of this Act to give notice in such form as the Secretary of State may direct—
  - (a) stating the general effect of those proposals ;
  - (b) naming a place or places where a copy of the proposals and any map accompanying the proposals may be inspected free of charge at all reasonable hours; and
  - (c) specifying the time (not being less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposals may be made.
- 2 The notice to be given under paragraph 1 above shall be given by publication in the Edinburgh Gazette and in such number of such newspapers as the Secretary of State may direct.
- 3 The Secretary of State may direct that, in addition to publication of the notice as required by paragraph 2 above, a copy or copies of it shall be affixed by a person duly authorised in writing by the Secretary of State to some conspicuous object or objects on the banks of any waters to which the proposals relate or of such other waters as the Secretary of State may direct and at such number of places as he may direct.
- 4 If no representations or objections are duly made, or if any so made are withdrawn, the Secretary of State may make a protection order.
- 5
  - (1) If any representation or objection duly made is not withdrawn, the Secretary of State may, after considering the same, forthwith make a protection order or may cause a local inquiry to be held.
  - (2) The Secretary of State shall appoint a person to hold the inquiry and to report thereon to him.
  - (3) Notification of the time when and the place where the inquiry is to be held shall be sent to any person who has duly made and has not withdrawn representations or objections to the proposals, and shall be published in such newspaper or newspapers as the Secretary of State may direct.
  - (4) The person appointed to hold the inquiry may, on the motion of any party thereto or on his own motion, serve a notice in writing on any person requiring him to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry ;

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

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Provided that—

- (i) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him ; and
  - (ii) nothing in this sub-paragraph shall empower the person appointed to hold the inquiry to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.
- (5) The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person.
- (6) Any person who refuses or wilfully neglects to attend in obedience to a notice under sub-paragraph (4) above or to give evidence or who wilfully alters, suppresses, conceals, destroys, or refuses to produce, any book or document which he may be required to produce by any such notice shall be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a period not exceeding 3 months.
- (7) The Secretary of State may make orders as to the expenses incurred by him in relation to the inquiry (including such reasonable sum as he may determine for the services of the person appointed to hold the inquiry) and as to the expenses incurred by the parties to the inquiry and as to the parties by whom such expenses shall be paid.
- (8) Any order of the Secretary of State under sub-paragraph (7) above requiring any party to pay expenses may be enforced in like manner as a recorded decree arbitral.
- 6       After considering the report of the person appointed to hold the inquiry in pursuance of paragraph 5 above and any representations or objections which were duly made, the Secretary of State may make a protection order.
- 7       As soon as may be after a protection order has been made—
- (a) the Secretary of State shall publish the making of the order in the Edinburgh Gazette and in such number of local newspapers circulating in the area to which the order relates as he thinks fit; and
  - (b) a person duly authorised in writing by the Secretary of State or a warden shall affix and maintain a copy or copies of the order and such other notice as the Secretary of State may consider necessary of the incidence of the order to some conspicuous object or objects, at such places as the Secretary of State may direct, on the banks of any waters to which the order relates or elsewhere.