Status: *Point in time view as at 01/04/2012.*
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SCHEDULES

SCHEDULE 13

Section 128

INFRASTRUCTURE PLANNING COMMISSION: TRANSFER OF FUNCTIONS TO SECRETARY OF STATE

PART 1

AMENDMENTS OF THE PLANNING ACT 2008

Introductory

1 The Planning Act 2008 is amended as follows.

Commencement Information
I1 Sch. 13 para. 1 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Abolition of Infrastructure Planning Commission

2 Omit sections 1 to 3 and Schedule 1 (establishment and governance of Commission and conduct and interests of Commissioners).

Commencement Information
I2 Sch. 13 para. 2 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Fees

3 (1) Amend section 4 (regulations setting fees for performance of Commission's functions) as follows.

(2) In subsection (1) for "charging of fees by the Commission in connection with the performance of any of its functions" substitute " charging of fees by the Secretary of State in connection with the performance of any of the Secretary of State's major-infrastructure functions ".

(3) In subsection (3) (power to set fees calculated by reference to costs incurred)—

(a) for "incurred by the Commission" substitute " incurred by the Secretary of State ", and

(b) for "its functions" (in both places) substitute " the Secretary of State's major-infrastructure functions ".

(4) After subsection (3) insert—

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"(4) In this section "the Secretary of State's major-infrastructure functions" means—

(a) the Secretary of State's functions under Parts 2 to 8 and under Part 12 so far as applying for the purposes of those Parts,

(b) the giving of advice to which section 51 applies, and

(c) the Secretary of State's functions, in relation to proposed applications for orders granting development consent, under statutory provisions implementing—

(i) Council Directive 85/337/EC on the assessment of the effects of certain public and private projects on the environment, as amended from time to time, or

(ii) provisions of an EU instrument which from time to time replace provisions of that Directive.

(5) In subsection (4)(c) "statutory provision" means a provision of an Act or of an instrument made under an Act."

(5) In the heading of Part 1 for "The Infrastructure Planning Commission" substitute " Infrastructure planning: fees ".

Commencement Information

I3 Sch. 13 para. 3 in force at 15.1.2012 for specified purposes by S.I. 2012/57, **art. 2(a)**

I4 Sch. 13 para. 3 in force at 1.4.2012 in so far as not already in force by S.I. 2012/628, **art. 7(a)**

Directions referring applications for other consents to Commission

4 In section 35(6) (relevant authority must refer application to Commission) for "Commission" substitute " Secretary of State ".

Commencement Information

I5 Sch. 13 para. 4 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Applications for orders granting development consent

5 (1) Amend section 37 (applications to be made to Commission, which may give guidance about their contents and set standards for them) as follows.

(2) For "Commission" (in each place) substitute " Secretary of State ".

(3) In subsection (6) for "it" substitute " the Secretary of State ".

Commencement Information

I6 Sch. 13 para. 5 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

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Model provisions for incorporation in draft orders

6 Omit section 38 (Secretary of State may prescribe non-compulsory model provisions).

Commencement Information
I7 Sch. 13 para. 6 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Register of applications

7 (1) Amend section 39 (Commission to maintain and give access to register of applications) as follows.

(2) For "Commission" (in each place) substitute " Secretary of State ".

(3) In subsections (1) and (2) for "it" substitute " the Secretary of State ".

Commencement Information
I8 Sch. 13 para. 7 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Notification of proposed application

8 (1) Amend section 46 (duty to notify Commission of proposed application) as follows.

(2) In subsection (1) for "Commission" (in each place) substitute " Secretary of State ".

(3) In the heading for "Commission" substitute " Secretary of State ".

Commencement Information
I9 Sch. 13 para. 8 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Guidance about pre-application procedure

9 In section 50(2) (guidance may be issued by Commission or Secretary of State) omit "the Commission or".

Commencement Information
I10 Sch. 13 para. 9 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Advice for potential applicants and others

10 (1) Section 51 (giving of advice by Commission and disclosure of advice and requests for advice) is amended as follows.

(2) In subsection (1) for "The Commission may give advice to an applicant or potential applicant, or to others," substitute " This section applies to advice ".

(3) For subsections (2) to (4) substitute—

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"(3) The Secretary of State may by regulations make provision about the giving of advice to which this section applies.

(4) In particular, regulations under subsection (3) may make provision that has the effect that—

(a) a request for advice made by an applicant, potential applicant or other person, or

(b) advice given to an applicant, potential applicant or other person,

must be, or may be, disclosed by the Secretary of State to other persons or to the public generally."

Commencement Information

I11 Sch. 13 para. 10 in force at 15.1.2012 for specified purposes by S.I. 2012/57, **art. 2(a)**

I12 Sch. 13 para. 10 in force at 1.4.2012 in so far as not already in force by S.I. 2012/628, **art. 7(a)**

Information about, and entry onto, land

11 In section 52(2) and (4) (authorisation by Commission to serve notice requiring names and addresses of persons with interests in land) for "Commission" substitute " Secretary of State ".

Commencement Information

I13 Sch. 13 para. 11 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

12 (1) Amend section 53 (rights of entry) as follows.

(2) In subsections (1) and (2) (Commission may authorise entry) for "Commission" (in each place) substitute " Secretary of State ".

(3) In subsection (4)(c) for "Commission's" substitute "Secretary of State's".

Commencement Information

I14 Sch. 13 para. 12 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Acceptance of applications

13 (1) Amend section 55 (acceptance by Commission of applications) as follows.

(2) For "Commission" (in each place) substitute " Secretary of State ".

(3) In subsections (2), (4) and (6) for "it" (in each place) substitute " the Secretary of State ".

(4) In subsection (7)—

(a) for "it cannot accept the application, it" substitute " the application cannot be accepted, the Secretary of State ", and

(b) in paragraph (b) for "its" substitute "the Secretary of State's".

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Commencement Information
I15 Sch. 13 para. 13 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

14 In section 56 (if Commission accepts application, applicant to notify deadline for receipt by Commission of representations) for "Commission" (in each place) substitute " Secretary of State ".

Commencement Information
I16 Sch. 13 para. 14 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

15 In section 58(1) and (2) (applicant must certify to Commission that section 56 has been complied with) for "Commission" substitute " Secretary of State ".

Commencement Information
I17 Sch. 13 para. 15 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

16 In section 59(1) and (2) (applicant must notify Commission of persons affected by any request to authorise compulsory acquisition) for "Commission" substitute " Secretary of State ".

Commencement Information
I18 Sch. 13 para. 16 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

17 (1) Amend section 60 (Commission's duty to seek local impact reports) as follows.

(2) For "Commission" (in each place) substitute " Secretary of State ".

(3) In subsection (2) for "to it" substitute " to the Secretary of State ".

Commencement Information
I19 Sch. 13 para. 17 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Deciding how application is to be handled

18 (1) Amend section 61 (initial choice of Panel or single Commissioner) as follows.

(2) In subsection (1) (which refers to acceptance of an application by the Commission) for "Commission" substitute " Secretary of State ".

(3) For subsections (2) to (5) (person appointed to chair Commission must make initial choice after consultation within the Commission and having regard to Secretary of State's guidance) substitute—

"(2) The Secretary of State must decide whether the application—

(a) is to be handled by a Panel under Chapter 2, or

(b) is to be handled by a single appointed person under Chapter 3.

Status: *Point in time view as at 01/04/2012.*
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(3) The Secretary of State must publish the criteria that are to be applied in making decisions under subsection (2).”

(4) In the heading for “Commissioner” substitute “ appointed person ”.

Commencement Information
I20 Sch. 13 para. 18 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

19 (1) Amend section 62 (switching from single Commissioner to Panel) as follows.

(2) In subsection (1), and in the heading, for “Commissioner” substitute “ appointed person ”.

(3) For subsections (2) to (5) (person appointed to chair Commission may make switch after consultation within the Commission and having regard to the Secretary of State's guidance) substitute—

“(2) The Secretary of State may decide that the application should instead be handled by a Panel under Chapter 2.

(3) The Secretary of State must publish the criteria that are to be applied in making decisions under subsection (2).”

Commencement Information
I21 Sch. 13 para. 19 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Delegation of functions conferred on person appointed to chair Commission

20 Omit section 63 (power for Commission's chair to delegate functions under Part 6 to a deputy).

Commencement Information
I22 Sch. 13 para. 20 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Handling of applications by a Panel

21 In section 64(1)(a) (which refers to an application accepted by the Commission) for “Commission” substitute “ Secretary of State ”.

Commencement Information
I23 Sch. 13 para. 21 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

22 (1) Amend section 65 (appointment of members, and lead member, of Panel) as follows.

(2) For subsection (1) (Commission chair must appoint Panel and Panel chair) substitute—

“(1) The Secretary of State must appoint—

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(a) three, four or five persons to be members of the Panel, and
(b) one of those persons to chair the Panel."

(3) Omit subsections (3) to (5) (self-appointments, and duty to consult within the Commission before making appointments).

Commencement Information
I24 Sch. 13 para. 22 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

23 (1) Amend section 66 (ceasing to be member, or lead member, of Panel) as follows.

(2) Omit subsection (1) (generally, person ceases to be Panel member on ceasing to be a Commissioner).

(3) In subsections (3) and (4) (member, or lead member, may resign by notice to Commission) for "Commission" substitute " Secretary of State ".

(4) In subsection (5) (Commission chair may remove Panel member or lead member)—
(a) for "person appointed to chair the Commission ("the chair")" substitute " Secretary of State ", and
(b) in paragraphs (a) and (b) for "chair" substitute " Secretary of State ".

Commencement Information
I25 Sch. 13 para. 23 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

24 Omit section 67 (Panel member continuing though ceasing to be Commissioner).

Commencement Information
I26 Sch. 13 para. 24 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

25 (1) Amend section 68 (additional appointments to Panel) as follows.

(2) For subsection (2) (Commission chair may appoint additional Panel member) substitute—

"(2) The Secretary of State may appoint a person to be a member of the Panel, but this power may not be exercised so as to cause the Panel to have more than five members."

(3) In subsection (3) (Commission chair must ensure Panel continues to have at least three members) for "person appointed to chair the Commission" substitute "Secretary of State

(4) Omit subsection (5) (self-appointments).

Commencement Information
I27 Sch. 13 para. 25 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

26 (1) Amend section 69 (replacement of lead member of Panel) as follows.

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(2) In subsection (2) (Commission chair must make appointment to fill vacancy in office of lead member) for "person appointed to chair the Commission" substitute " Secretary of State ".

(3) Omit subsection (4) (self-appointments).

Commencement Information
I28 Sch. 13 para. 26 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

27 Omit section 70 (membership of Panel where application relates to land in Wales).

Commencement Information
I29 Sch. 13 para. 27 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

28 (1) Amend section 71 (supplementary provision where Panel replaces single Commissioner) as follows.

(2) In subsection (2) (single Commissioner may be appointed member, or member and lead member, of Panel) for "A Commissioner who has handled the application under Chapter 3" substitute " An appointed person ".

(3) In subsection (3) (power to treat things done by or to single Commissioner as done by or to Panel) for "a Commissioner" substitute " an appointed person ".

(4) After subsection (4) insert—

"(5) In this section "appointed person" means a person appointed to handle the application under Chapter 3."

(5) In the heading for "Commissioner" substitute " appointed person ".

Commencement Information
I30 Sch. 13 para. 28 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

29 (1) Amend section 74 (Panel to decide, or make recommendations in respect of, application) as follows.

(2) Omit subsection (1) (cases in which Panel has function of deciding application).

(3) In subsection (2) (cases in which Panel has function of examining application and reporting on it to the Secretary of State) for "In any other case, the Panel" substitute " The Panel ".

(4) Omit subsection (4) (duty of Commission staff to give support to Panel).

Commencement Information
I31 Sch. 13 para. 29 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Status: *Point in time view as at 01/04/2012.*
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Single-Commissioner procedure to become single-appointed-person procedure

30 (1) Amend section 78 (single Commissioner to handle application) as follows.

(2) In subsection (1)(a) (which refers to an application accepted by the Commission) for "Commission" substitute " Secretary of State ".

(3) In subsection (1)(b) (which refers to decision that application be handled by a single Commissioner) for "Commissioner" substitute " appointed person ".

(4) In subsection (2) (meaning of "the single Commissioner") for "Commissioner" substitute " appointed person ".

(5) In the heading, and in the italic heading immediately preceding the section, for "Commissioner" substitute " appointed person ".

(6) In the heading of Chapter 3 of Part 6 for "SINGLE-COMMISSIONER" substitute " SINGLE-APPOINTED-PERSON ".

Commencement Information
I32 Sch. 13 para. 30 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

31 For section 79 (Commission chair must appoint single Commissioner) substitute—

"**79 Appointment of single appointed person**

The Secretary of State must appoint a person to handle the application."

Commencement Information
I33 Sch. 13 para. 31 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

32 (1) Amend section 80 (person ceasing to be single Commissioner) as follows.

(2) Omit subsection (1) (generally, person ceases to be single Commissioner on ceasing to be a Commissioner).

(3) In subsection (2) (single Commissioner may resign by notice to Commission)—
(a) for "Commissioner" substitute " appointed person ", and
(b) for "Commission" substitute " Secretary of State ".

(4) In subsection (3) (Commission chair may remove single Commissioner)—
(a) for "person appointed to chair the Commission ("the chair")" substitute " Secretary of State ",
(b) for "Commissioner" (in both places) substitute " appointed person ", and
(c) for "if the chair" substitute " if the Secretary of State ".

(5) In the heading for "Commissioner" substitute " appointed person ".

Commencement Information
I34 Sch. 13 para. 32 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Status: *Point in time view as at 01/04/2012.*
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33 Omit section 81 (single Commissioner continuing though ceasing to be Commissioner).

Commencement Information
I35 Sch. 13 para. 33 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

34 In section 82 (appointment of replacement single Commissioner) for "Commissioner" (in each place, including in the heading) substitute " appointed person ".

Commencement Information
I36 Sch. 13 para. 34 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

35 (1) Amend section 83 (single Commissioner to examine and report on application) as follows.

(2) In subsections (1) and (3), in the heading, and in the italic heading immediately preceding the section, for "Commissioner" (in each place, including in the word "Commissioner's") substitute " appointed person ".

(3) In subsection (1)(b) (duty to make report) after "making a report" insert " to the Secretary of State ".

(4) Omit subsection (2) (report to be made to the Commission in some cases and to the Secretary in other cases).

(5) Omit subsection (4) (duty of Commission staff to support single Commissioner).

Commencement Information
I37 Sch. 13 para. 35 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

36 Omit sections 84 and 85 (procedure where single Commissioner's report made to Commission) and the italic heading immediately preceding section 84.

Commencement Information
I38 Sch. 13 para. 36 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Examination of applications

37 In section 86 (Chapter applies to examination by Panel or single Commissioner), and in its heading, for "Commissioner" (in each place) substitute " appointed person ".

Commencement Information
I39 Sch. 13 para. 37 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Status: *Point in time view as at 01/04/2012.*
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38 Omit section 87(2)(b) (Examining authority to have regard to guidance given by Secretary of State or Commission).

Commencement Information
I40 Sch. 13 para. 38 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

39 In section 92 (notifying Commission that compulsory acquisition hearing wanted) for "Commission" (in each place) substitute " Secretary of State ".

Commencement Information
I41 Sch. 13 para. 39 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

40 In section 93 (notifying Commission that open-floor hearing wanted) for "Commission" (in both places) substitute " Secretary of State ".

Commencement Information
I42 Sch. 13 para. 40 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

41 In section 94(2)(b) (Panel member or single Commissioner to preside over hearing) for "Commissioner" substitute " appointed person ".

Commencement Information
I43 Sch. 13 para. 41 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

42 After section 95 insert—

"**95A Hearings: defence and national security**

(1) Subsection (2) applies if the Secretary of State is satisfied that if all or part of the Examining Authority's examination of the application takes the form of a meeting or hearing—

(a) the making of particular oral representations at such a meeting or hearing would be likely to result in the disclosure of information as to defence or national security, and

(b) the public disclosure of that information would be contrary to the national interest.

(2) The Secretary of State may direct that representations of a description specified in the direction may be made only to persons of a description so specified (instead of being made in public).

(3) If the Secretary of State gives a direction under subsection (2), the Attorney General or (where the representations are to be made in Scotland) the Advocate General for Scotland may appoint a person (an "appointed representative") to represent the interests of an interested party who (by virtue of the direction) is prevented from being present when the representations are made.

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(4) Rules under section 97 may (in particular) make provision as to the functions of an appointed representative.

(5) The Secretary of State may direct a person (a "responsible person") to pay the fees and expenses of an appointed representative if the Secretary of State thinks that the responsible person is interested in a meeting or hearing in relation to any representations that are the subject of a direction under subsection (2).

(6) Subsections (7) and (8) apply if the Secretary of State gives a direction under subsection (5).

(7) If the appointed representative and the responsible person are unable to agree the amount of the fees and expenses, the amount must be determined by the Secretary of State.

(8) The Secretary of State must cause the amount agreed between the appointed representative and the responsible person, or determined by the Secretary of State, to be certified.

(9) An amount so certified is recoverable from the responsible person as a civil debt.

(10) In this section "representations" includes evidence."

Commencement Information

I44 Sch. 13 para. 42 in force at 15.1.2012 for specified purposes by S.I. 2012/57, **art. 2(a)**

I45 Sch. 13 para. 42 in force at 1.4.2012 in so far as not already in force by S.I. 2012/628, **art. 7(a)**

43 In section 96(1)(c) (which refers to representations received by the Commission) for "Commission" substitute " Secretary of State ".

Commencement Information

I46 Sch. 13 para. 43 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

44 (1) Amend section 98 (timetable for examining, and reporting on, application) as follows.

(2) In subsection (3) (deadline for making report to Secretary of State) for the words from the beginning to "its report" substitute " The Examining authority is under a duty to make its report under section 74(2)(b) or 83(1)(b) ".

(3) In subsection (4) (Commission chair may extend deadlines under the section) for "person appointed to chair the Commission" substitute " Secretary of State ".

(4) For subsection (6) (extensions of deadlines to be reported to Secretary of State and in Commission's annual report) substitute—

"(6) Subsections (7) and (8) apply where the power under subsection (4) is exercised.

(7) The Secretary of State must—

(a) notify each interested party of the new deadline, and

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(b) publicise the new deadline in such manner as the Secretary of State thinks appropriate.

(8) The Secretary of State exercising the power must make a statement, to the House of Parliament of which that Secretary of State is a member, announcing the new deadline.

(9) A statement under subsection (8) may be written or oral."

Commencement Information
I47 Sch. 13 para. 44 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

45 (1) Amend section 100 (Commission chair may appoint assessors at request of Examining authority) as follows.

(2) In subsection (1) for "person appointed to chair the Commission ("the chair")" substitute " Secretary of State ".

(3) In subsection (2) for "chair" substitute " Secretary of State ".

Commencement Information
I48 Sch. 13 para. 45 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

46 In section 101(1) (Commission chair may appoint lawyer to assist Examining authority) for "person appointed to chair the Commission" substitute " Secretary of State ".

Commencement Information
I49 Sch. 13 para. 46 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

47 In section 102(4) (meaning of "relevant representation") for "Commission" (in each place) substitute " Secretary of State ".

Commencement Information
I50 Sch. 13 para. 47 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Decisions on applications

48 (1) Amend section 103 as follows.

(2) In subsection (1) (cases where Secretary of State is the decision-maker) omit the words after "consent".

(3) Omit subsection (2) (meaning in Act of "decision-maker").

(4) For the heading substitute " Secretary of State is to decide applications ".

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Commencement Information
I51 Sch. 13 para. 48 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

49 (1) Amend section 104 (decisions of Panel and Council) as follows.

(2) In subsection (1) for "the decision-maker is a Panel or the Council" substitute " a national policy statement has effect in relation to development of the description to which the application relates ".

(3) In subsection (2)—
- (a) for "Panel or Council" (in both places) substitute " Secretary of State ",
- (b) in paragraph (b) for "Commission" substitute " Secretary of State ", and
- (c) in paragraph (d) for "its" substitute "the Secretary of State's".

(4) In subsections (3) and (4) for "Panel or Council" substitute " Secretary of State ".

(5) In subsection (5)—
- (a) for "Panel or Council is" substitute " Secretary of State is ", and
- (b) for "Panel or Council, or the Commission, being in breach of any duty imposed on it" substitute " Secretary of State being in breach of any duty imposed on the Secretary of State ".

(6) In subsections (6), (7) and (8) for "Panel or Council" substitute " Secretary of State ".

(7) For the heading substitute " Decisions in cases where national policy statement has effect "

Commencement Information
I52 Sch. 13 para. 49 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

50 (1) Amend section 105 (decisions of Secretary of State) as follows.

(2) In subsection (1) for "if the decision-maker is the Secretary of State" substitute " if section 104 does not apply in relation to the application ".

(3) In subsection (2)(a) (which refers to reports submitted to the Commission) for "Commission" substitute " Secretary of State ".

(4) For the heading substitute " Decisions in cases where no national policy statement has effect ".

Commencement Information
I53 Sch. 13 para. 50 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

51 In section 106(1) (representations which decision-maker may disregard) for "decision-maker" (in both places) substitute " Secretary of State ".

Commencement Information
I54 Sch. 13 para. 51 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Status: *Point in time view as at 01/04/2012.*
Changes to legislation: *Localism Act 2011, SCHEDULE 13 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

52 (1) Section 107 (timetable for decisions) is amended as follows.

(2) In subsection (1) (deadline for deciding application)—

(a) for "decision-maker" substitute " Secretary of State ", and

(b) for "day after the start day" substitute " deadline under section 98(3) ".

(3) Omit subsection (2) (meaning of "the start day").

(4) In subsection (3) (extension of deadline) for "appropriate authority" substitute " Secretary of State ".

(5) Omit subsection (4) (meaning of "appropriate authority").

(6) For subsections (6) to (9) (publicising deadline extensions) substitute—

"(6) Subsection (7) applies where the power under subsection (3) is exercised.

(7) The Secretary of State exercising the power must make a statement, to the House of Parliament of which that Secretary of State is a member, announcing the new deadline.

(8) A statement under subsection (7) must be published in such form and manner as the Secretary of State considers appropriate.

(8A) A statement under subsection (7) may be written or oral."

Commencement Information

I55 Sch. 13 para. 52 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Suspension of decision-making process

53 In section 108(2) (suspension of proceedings on application) for the words from "the following" to the end substitute " examination of the application by a Panel under Chapter 2, or a single appointed person under Chapter 3, is suspended (if not already completed). "

Commencement Information

I56 Sch. 13 para. 53 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Intervention by Secretary of State

54 In Part 6, omit Chapter 7 (which consists of sections 109 to 113 and Schedule 3).

Commencement Information

I57 Sch. 13 para. 54 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Grant or refusal

55 (1) Section 114 (decision-maker to grant or refuse consent) is amended as follows.

Status: *Point in time view as at 01/04/2012.*
Changes to legislation: *Localism Act 2011, SCHEDULE 13 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In subsection (1)—
- (a) for "it" substitute " the Secretary of State ", and
- (b) for "decision-maker" substitute " Secretary of State ".

(3) In subsection (2) for "decision-maker" substitute " Secretary of State ".

Commencement Information
I58 Sch. 13 para. 55 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

56 Omit section 115(6) (Panel or Council to have regard to Secretary of State's guidance in deciding whether development is associated).

Commencement Information
I59 Sch. 13 para. 56 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

57 (1) Amend section 116 (reasons) as follows.

(2) In subsection (1)—
- (a) for "decision-maker" substitute " Secretary of State ", and
- (b) for "its" substitute "the Secretary of State's".

(3) In subsection (2) for "appropriate authority" substitute " Secretary of State ".

(4) In subsection (3)—
- (a) for "appropriate authority" substitute " Secretary of State ", and
- (b) for "the authority" substitute " the Secretary of State ".

(5) Omit subsection (4) (meaning of "appropriate authority").

Commencement Information
I60 Sch. 13 para. 57 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

58 (1) Amend section 117 (orders granting consent: formalities) as follows.

(2) Omit subsections (2) and (5) (orders made by Panel or Council).

(3) In subsection (3) (duty to publish order)—
- (a) for "appropriate authority" substitute " Secretary of State ", and
- (b) for "the authority" substitute " the Secretary of State ".

(4) For subsection (4) (order exercising powers under section 120(5)(a) or (b) must be in statutory instrument) substitute—

"(4) If the order includes provision—
- (a) made under section 120(3) for or relating to any of the matters listed in paragraphs 32A and 32B of Schedule 5, or
- (b) made in the exercise of any of the powers conferred by section 120(5)(a) or (b),

the order must be contained in a statutory instrument."

Status: *Point in time view as at 01/04/2012.*
Changes to legislation: *Localism Act 2011, SCHEDULE 13 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) In subsection (6) for "is made, the appropriate authority" substitute " containing the order is made, the Secretary of State ".

(6) Omit subsection (7) (meaning of "appropriate authority").

Commencement Information
I61 Sch. 13 para. 58 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

59 (1) Amend section 118 (legal challenges) as follows.

(2) In subsection (3) (challenges to Commission decision not to accept application) for "Commission" (in both places) substitute " Secretary of State ".

(3) In subsection (7) (other challenges to things done by Secretary of State or Commission) omit "or the Commission".

Commencement Information
I62 Sch. 13 para. 59 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Orders granting development consent

60 (1) Amend section 120 (what may be contained in order) as follows.

(2) In subsection (5)(b) and (c) (order may contain provision that appears necessary or expedient to decision-maker) for "decision-maker" substitute " Secretary of State ".

(3) For subsection (8) (order may not create offences or make byelaws or confer or amend power to do so) substitute—

"(8) With the exception of provision made under subsection (3) for or relating to any of the matters listed in paragraph 32B of Schedule 5, an order granting development consent may not include—

(a) provision creating offences,

(b) provision conferring power to create offences, or

(c) provision changing an existing power to create offences."

Commencement Information
I63 Sch. 13 para. 60 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

61 Omit section 121 (Secretary of State's control of exercise of legislative powers by Panel or Council).

Commencement Information
I64 Sch. 13 para. 61 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

62 In sections 122(1) and 123(1) (compulsory acquisition may be authorised only if decision-maker satisfied conditions met) for "decision-maker" substitute " Secretary of State ".

Status: *Point in time view as at 01/04/2012.*
Changes to legislation: *Localism Act 2011, SCHEDULE 13 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I65 Sch. 13 para. 62 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

63 Omit section 124 (guidance to Panels and Council about authorising compulsory acquisition).

Commencement Information
I66 Sch. 13 para. 63 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

64 (1) Amend section 127 (statutory undertakers' land) as follows.

(2) In subsection (1)(c) (decision-maker must be satisfied as to use of land) for "decision-maker" substitute " Secretary of State ".

(3) Omit subsection (7)(b) (Secretary of State to notify Commission).

Commencement Information
I67 Sch. 13 para. 64 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

65 Omit sections 131(10)(b) and 132(10)(b) (Secretary of State to notify Commission).

Commencement Information
I68 Sch. 13 para. 65 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

66 (1) Amend section 136 (public rights of way) as follows.

(2) In subsection (1) (decision-maker must be satisfied) for "decision-maker" substitute " Secretary of State ".

(3) In subsections (4)(b) and (5) (revival of right extinguished in connection with abandoned acquisition proposal) for "appropriate authority" substitute " Secretary of State ".

(4) Omit subsection (6) (meaning of "appropriate authority").

Commencement Information
I69 Sch. 13 para. 66 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

67 In section 138(4)(a) (decision-maker must be satisfied) for "decision-maker" substitute " Secretary of State ".

Commencement Information
I70 Sch. 13 para. 67 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

68 (1) Amend section 147 (Green Belt land) as follows.

Status: *Point in time view as at 01/04/2012.*
Changes to legislation: *Localism Act 2011, SCHEDULE 13 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In subsection (2) (decision-maker's duty to notify) for "decision-maker" substitute " Secretary of State ".

(3) Omit subsection (3) (cases where Secretary of State not decision-maker).

Commencement Information
I71 Sch. 13 para. 68 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

69 In section 235(1) (interpretation of Act) omit the definitions of—
"the Commission",
"Commissioner",
"the Council", and
"decision-maker".

Commencement Information
I72 Sch. 13 para. 69 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

70 (1) Amend Schedule 4 (corrections of errors in development consent decisions) as follows.

(2) In paragraph 1(1)(a) for "decision-maker" substitute " Secretary of State ".

(3) In paragraph 1(4), (5) and (7) for "appropriate authority" (in each place) substitute " Secretary of State ".

(4) Omit paragraph 1(9) (instruments made by the Commission).

(5) In paragraph 1(10) for "is made, the appropriate authority" substitute " containing the order is made, the Secretary of State ".

(6) In paragraph 2 for "appropriate authority" (in each place) substitute " Secretary of State ".

(7) In paragraph 2(4) (Secretary of State may specify other persons to whom correction notice is to be given) for the words after "may" substitute " give the correction notice to persons other than those to whom sub-paragraph (3) requires it to be given. "

(8) In paragraph 4 omit the definition of "the appropriate authority".

Commencement Information
I73 Sch. 13 para. 70 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

71 (1) Amend Schedule 5 (provisions relating to, or to matters ancillary to, development) as follows.

(2) In paragraph 18 (order granting development consent may make provision for or relating to charging tolls, fares and other charges) after "fares" insert " (including penalty fares) ".

(3) After paragraph 32 insert—

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"32A The making of byelaws by any person and their enforcement.

32B (1) The creation of offences within sub-paragraph (2) in connection with—

(a) non-payment of tolls, fares or other charges,

(b) a person's failure to give the person's name or address in accordance with provision relating to penalty fares,

(c) enforcement of byelaws, or

(d) construction, improvement, maintenance or management of a harbour.

(2) An offence is within this sub-paragraph if—

(a) it is triable only summarily,

(b) a person guilty of the offence is not liable to imprisonment, and

(c) any fine to which a person guilty of the offence may be liable cannot be higher than level 3 on the standard scale."

Commencement Information

I74 Sch. 13 para. 71 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

72 (1) Amend Schedule 6 (changes to, and revocation of, orders) as follows.

(2) Omit paragraph 1(4) (meaning of "appropriate authority").

(3) Except in paragraphs 3(6) and (7) and 6(2), for "appropriate authority" (in each place) substitute " Secretary of State ".

(4) In paragraph 2(1) for "it" substitute " the Secretary of State ".

(5) In paragraph 2(4) for "Commission" substitute " Secretary of State ".

(6) Omit paragraph 2(10) (instruments made by Commission).

(7) In paragraph 2(11) after "instrument" insert " containing the order ".

(8) Omit paragraph 3(6) (cases where Commission is appropriate authority).

(9) In paragraph 3(7) for "Where the appropriate authority is the Secretary of State, the" substitute " The ".

(10) Omit paragraph 4(8) (instruments made by Commission).

(11) In paragraph 4(9) after "instrument" insert " containing the order ".

(12) In paragraph 6(2) for the words after "payable to the person" substitute " by the Secretary of State. "

Commencement Information

I75 Sch. 13 para. 72 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

73 In Schedule 12 (application of Act to Scotland: modifications) in paragraph 27 (application of Part 1 of Schedule 5) after "32" insert " , 32B(1)(a), (b) and (d) ".

Status: *Point in time view as at 01/04/2012.*
Changes to legislation: *Localism Act 2011, SCHEDULE 13 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I76 Sch. 13 para. 73 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

PART 2

OTHER AMENDMENTS

Parliamentary Commissioner Act 1967 (c. 13)

74 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) omit the entry for the Infrastructure Planning Commission.

Commencement Information
I77 Sch. 13 para. 74 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

House of Commons Disqualification Act 1975 (c. 24)

75 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) omit the entry for the Infrastructure Planning Commission.

Commencement Information
I78 Sch. 13 para. 75 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

76 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) omit the entry for the Infrastructure Planning Commission.

Commencement Information
I79 Sch. 13 para. 76 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Town and Country Planning Act 1990 (c. 8)

77 (1) The Town and Country Planning Act 1990 is amended as follows.

(2) In section 106A(11) (modification and discharge of planning obligations: meaning of "appropriate authority")—

(a) in paragraph (aa) (Secretary of State is appropriate authority in certain development consent cases) omit the words after "any development consent obligation", and

(b) omit paragraph (ab) (Commission is appropriate authority in all other development consent cases).

Status: *Point in time view as at 01/04/2012.*
Changes to legislation: *Localism Act 2011, SCHEDULE 13 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In section 106B(1) (planning obligation appeals otherwise than from Secretary of State or Commission) omit "or the Infrastructure Planning Commission".

(4) In section 106C (development consent obligations: legal challenges) omit "or the Infrastructure Planning Commission" (in both places).

Commencement Information
I80 Sch. 13 para. 77 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Freedom of Information Act 2000 (c. 36)

78 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) omit the entry for the Infrastructure Planning Commission.

Commencement Information
I81 Sch. 13 para. 78 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Government of Wales Act 2006 (c. 32)

79 In Part 1 of Schedule 7 to the Government of Wales Act 2006 (subjects to which provisions of Acts of the Assembly may relate) in the exception to paragraph 18 (Town and Country Planning) for "Functions of the Infrastructure Planning Commission or any of its members under the Planning Act 2008" substitute " Development consent under the Planning Act 2008 ".

Commencement Information
I82 Sch. 13 para. 79 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

Status:
Point in time view as at 01/04/2012.

Changes to legislation:
Localism Act 2011, SCHEDULE 13 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.