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WELSH STATUTORY INSTRUMENTS

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**2004 No. 1813 (W.198) (C.73)**

**TOWN AND COUNTRY PLANNING, WALES**

**The Planning and Compulsory Purchase Act 2004  
(Commencement No. 2) (Wales) Order 2004**

*Made*       -   -   -   -

*13 July 2004*

The National Assembly for Wales (“the National Assembly”), in exercise of the powers conferred upon it by section 121(5) of the Planning and Compulsory Purchase Act 2004 (“the Act”)(**1**), hereby makes the following Order:

**Citation**

**1.** This Order may be cited as the Planning and Compulsory Purchase Act 2004 (Commencement No. 2) (Wales) Order 2004.

**Appointed day**

- 2.** The appointed day for the coming into force of the following provisions of the Act, namely—
- (a) section 62(4) and (5)(g) (form and content of plans);
  - (b) section 63(3)(a) and (7) (power to prescribe persons to be included in a community involvement scheme and preparation requirements for plans);
  - (c) section 75 (guidance);
  - (d) section 76(2) and (3), but only for the purpose of empowering the National Assembly to make regulations prescribing the matters referred to in those subsections (annual monitoring reports);
  - (e) section 77 (regulation-making powers); and
  - (f) section 78 (interpretation),

is 1 August 2004.

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(1) 2004 c. 5.

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**Status:** This is the original version (as it was originally made).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

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Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

13 July 2004

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(2) 1998 c. 38.

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## EXPLANATORY NOTE

*(This note does not form part of the Order)*

This Order brings certain provisions of Part 6 (Wales) of the Planning and Compulsory Purchase Act 2004 (“the Act”) into force on the 1 August 2004, namely sections 62(4) and (5)(g), 63(3)(a) and (7), 75, 76(2) and (3), 77 and 78.

Part 6 of the Act (sections 60 to 78) establishes, in Wales, a system of local development plans (“plans”) in place of the unitary development plans required under Chapter I of Part II of the Town and Country Planning Act 1990. The effect of the Order will be to enable the National Assembly for Wales (“the National Assembly”) to make regulations and to give guidance to local planning authorities in Wales in preparation for the coming into force of the new system of development plans, which will take place at a later date.

Section 62(4) empowers the National Assembly to prescribe, by regulations, the form and content of plans.

Section 62(5)(g) empowers the National Assembly to prescribe, by regulations, matters additional to those listed in subsection (5) to which local planning authorities must have regard when preparing a plan.

Section 63 provides for community involvement schemes, which will state the authority’s policy for involving certain persons in the exercise of the authority’s functions under Part 6. Section 63(3)(a) empowers the National Assembly to prescribe, by regulations, who those persons are to include.

Section 63(7) of the Act empowers the National Assembly to prescribe, by regulations, various matters relating to the preparation of plans.

Section 75 requires authorities, when exercising any function conferred under or by virtue of Part 6, to have regard to any guidance issued by the National Assembly.

Section 76(2) requires annual monitoring reports made by authorities under subsection (1) to include such information as is prescribed by the National Assembly by regulations.

Section 76(3) requires annual monitoring reports to be made at such times, in such form and including such information as is prescribed by the National Assembly by regulations.

Section 77 empowers the National Assembly, by regulations, to make provision in relation to the exercise of functions under Part 6 and, in particular, to make provision in relation to the matters listed in section 77(2).

Section 78 defines terms used in Part 6 of the Act.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provision of Part 6 of the Planning and Compulsory Purchase Act 2004 came into force on the date indicated below by virtue of the Planning and Compulsory Purchase Act 2004 (Commencement No. 1 and Transitional Provision) (Wales) Order 2004 (S.I.2004/1814 (W.199) (C.74)).

Provision	Date
Section 60	14 July 2004

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