



Infrastructure Act 2015

2015 CHAPTER 7

PART 5 **U.K.**

PLANNING, LAND AND BUILDINGS

Nationally significant infrastructure projects

26 **Timing of appointment of examining authority** **U.K.**

In section 61 of the Planning Act 2008 (decision as to whether application for order granting development consent should be handled by Panel or single appointed person) for subsection (1) substitute—

“(1) Subsection (2) applies where the Secretary of State has accepted an application for an order granting development consent.”

Commencement Information

II S. 26 in force at 12.4.2015 by [S.I. 2015/758](#), [reg. 2](#) (with [reg. 4\(2\)](#))

27 **Two-person Panels** **U.K.**

- (1) In section 65 of the Planning Act 2008 (appointment of Panel to examine application for order granting development consent) in subsection (1)(a) (Panel to consist of three, four or five persons) before “three” insert “two,”.
- (2) In section 68(3) of that Act (duty of Secretary of State to appoint additional members if Panel comes to have two members or a single member)—
 - (a) omit “two members or”, and
 - (b) for “three” substitute “two”.
- (3) In section 73(1)(b) of that Act (Panel's continuing identity not affected by its coming to have two members or a single member) omit “two members or”.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Infrastructure Act 2015, PART 5. (See end of Document for details)

- (4) In section 75 of that Act (decision-making by Panel)—
- (a) before subsection (1) insert—
- “(A1) If the members of a Panel with two members disagree as to a proposed decision by the Panel, the view of the lead member is to prevail.”, and
- (b) in subsection (1) (decision by Panel requires the agreement of a majority) for “the Panel” substitute “ a Panel with three or more members ”.

Commencement Information

I2 S. 27 in force at 5.4.2017 by [S.I. 2017/315](#), **reg. 2**

28 Changes to, and revocation of, development consent orders **U.K.**

- (1) Schedule 6 to the Planning Act 2008 (changes to, and revocation of, orders granting development consent) is amended as follows.
- (2) In paragraph 2 (non-material changes to orders)—
- (a) in sub-paragraph (8) (duty for Secretary of State to comply with prescribed consultation and publicity requirements) after “Secretary of State” insert “ and the person who has made the application under sub-paragraph (4) ”, and
- (b) after that sub-paragraph insert—
- “(8A) The power to make regulations under sub-paragraph (8) includes power to allow the Secretary of State or the person who has made the application under sub-paragraph (4) to exercise a discretion.”
- (3) In paragraph 3 (changes to, and revocation of, orders) after sub-paragraph (5) insert—
- “(5A) The Secretary of State may refuse to exercise the power on an application made under sub-paragraph (4) or (5) if, in particular, the Secretary of State considers that the development that would be authorised as a result of the change should properly be the subject of an application under section 37 for a development consent order.”
- (4) In paragraph 4 (supplementary provisions about changes to, and revocation of, orders) after sub-paragraph (5) insert—
- “(5A) The power to make regulations under sub-paragraph (4) includes power to allow a person to exercise a discretion.”

Commencement Information

I3 S. 28 partly in force; s. 28 in force for specified purposes at Royal Assent, see s. 57(5)(b)

I4 S. 28 in force at 14.7.2015 in so far as not already in force by [S.I. 2015/758](#), **reg. 3** (with **reg. 4(3)**)

Deemed discharge of planning conditions

29 Deemed discharge of planning conditions **U.K.**

After section 74 of the Town and Country Planning Act 1990 insert—

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Infrastructure Act 2015, PART 5. (See end of Document for details)

“74A Deemed discharge of planning conditions

- (1) The Secretary of State may by development order make provision for the deemed discharge of a condition to which this section applies.
- (2) This section applies to a condition which—
 - (a) has been imposed on the grant of planning permission for the development of land in England, and
 - (b) requires the consent, agreement or approval of a local planning authority to any matter.
- (3) Deemed discharge of a condition means that the local planning authority's consent, agreement or approval to any matter as required by the condition is deemed to have been given.
- (4) A development order which makes provision for deemed discharge of a condition must provide that the condition is deemed to be discharged only if—
 - (a) a person (“the applicant”) has applied to the local planning authority for the consent, agreement or approval required by the condition,
 - (b) the period for the authority to give notice of their decision on the application has elapsed without that notice having been given, and
 - (c) the applicant has taken such further steps (if any) as are prescribed under subsection (5).
- (5) The Secretary of State may by development order make provision about the procedure for the deemed discharge of a planning condition and, in particular, provision—
 - (a) allowing or requiring steps to be taken by the applicant or the local planning authority;
 - (b) as to the time at which or period within which a step may or must be taken;
 - (c) as to the time at which the deemed discharge takes effect (including for this to be determined by the applicant, subject to such limitations as may be prescribed);
 - (d) for a time or period within paragraph (b) or (c) to be modified by agreement between the applicant and the local planning authority;
 - (e) as to the form or content of any notice which may or must be given as part of the procedure, and as to the means by which it may or must be given.
- (6) The Secretary of State may by development order provide that provision for deemed discharge of a condition does not apply—
 - (a) in relation to a condition of a prescribed description;
 - (b) in relation to a condition imposed on the grant of planning permission of a prescribed description;
 - (c) in relation to a condition imposed on the grant of planning permission for development of a prescribed description;
 - (d) in other prescribed circumstances.
- (7) The power in subsection (6)(d) includes power to provide that provision for deemed discharge of a condition does not apply where an applicant for planning

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permission and the local planning authority to whom the application is made agree, before or after planning permission is granted, that it should not apply in relation to a condition imposed on the grant of permission.

- (8) The Secretary of State may by development order make provision for section 78(2) (appeals to the Secretary of State) not to apply, or to apply with modifications, where—
- (a) a person has applied for the consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission,
 - (b) the local planning authority have not given notice to that person of their decision on the application within the period mentioned in section 78(2), and
 - (c) the person has taken such further steps (if any) as are prescribed to bring about the deemed discharge of the planning condition.
- (9) A development order which makes provision for deemed discharge of a condition must limit the application of that provision to a condition imposed on the grant of planning permission following an application made after the development order comes into force.
- (10) In this section—
- “condition” includes a limitation;
- “prescribed” means prescribed by development order made by the Secretary of State.”

Mayoral development orders

30 **Mayoral development orders** U.K.

- (1) Schedule 4 (Mayoral development orders) has effect.
- (2) The Secretary of State may by regulations make consequential provision in connection with any provision made by that Schedule.
- (3) Regulations under this section may amend, repeal, revoke or otherwise modify the application of any enactment (but, in the case of an Act, only if the Act was passed before the end of the Session in which this Act is passed).
- (4) In this section “enactment” includes an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978.

Commencement Information

I5 [S. 30](#) partly in force; [s. 30](#) in force for specified purposes at Royal Assent, see [s. 57\(5\)\(d\)](#)

The Homes and Communities Agency and other bodies

31 **Property etc transfers to the HCA and the GLA** U.K.

- (1) The Housing and Regeneration Act 2008 is amended in accordance with subsections (2) to (4).

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Infrastructure Act 2015, PART 5. (See end of Document for details)

(2) After section 53 (and after the italic heading before section 54) insert—

“53A Other property etc transfers to the HCA

- (1) The Secretary of State may at any time make one or more schemes for the transfer to the HCA of designated property, rights or liabilities of a specified public body.
- (2) In subsection (1) “specified public body” means a public body which is for the time being specified, or of a description specified, by regulations made by the Secretary of State.
- (3) On the date specified by a scheme as the date on which the scheme is to have effect, the designated property, rights or liabilities are transferred and vest in accordance with the scheme.
- (4) Schedule 6 applies to a scheme under this section.
- (5) The Secretary of State may not make a scheme under this section unless the specified public body to which the scheme relates has consented to its provisions.
- (6) A scheme under this section may not make provision in relation to land which is held by the Secretary of State and was acquired, or is treated as having been acquired, under section 39 of the Forestry Act 1967 (power to acquire land which is suitable for afforestation or purposes connected with forestry).
- (7) In this section—
 - “designated”, in relation to a scheme, means specified in or determined in accordance with the scheme;
 - “public body” means a person or body with functions of a public nature.
- (8) This section and section 53B bind the Crown, but do not have effect in relation to property, rights or liabilities belonging to—
 - (a) Her Majesty in right of the Crown,
 - (b) Her Majesty in right of Her private estates,
 - (c) Her Majesty in right of the Duchy of Lancaster, or
 - (d) the Duchy of Cornwall.
- (9) The reference in subsection (8) to Her Majesty's private estates is to be construed in accordance with section 1 of the Crown Private Estates Act 1862.

53B Tax consequences of transfers under section 53A

- (1) The Treasury may by regulations make provision for varying the way in which a relevant tax has effect from time to time in relation to—
 - (a) any property, rights or liabilities transferred in accordance with a transfer scheme under section 53A, or
 - (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities in accordance with such a transfer scheme.

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Changes to legislation: There are currently no known outstanding effects for the Infrastructure Act 2015, PART 5. (See end of Document for details)

- (2) The provision that may be made under subsection (1)(a) includes, in particular, provision for—
- (a) a tax provision not to apply, or to apply with modifications, in relation to any property, rights or liabilities transferred;
 - (b) any property, rights or liabilities transferred to be treated in a specified way for the purposes of a tax provision;
 - (c) the Secretary of State to be required or permitted, with the consent of the Treasury, to determine, or to specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to any property, rights or liabilities transferred.
- (3) The provision that may be made under subsection (1)(b) includes, in particular, provision for—
- (a) a tax provision not to apply, or to apply with modifications, in relation to anything done for the purposes of, or in relation to, or in consequence of, the transfer;
 - (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer to have or not to have a specified consequence or be treated in a specified way;
 - (c) the Secretary of State to be required or permitted, with the consent of the Treasury, to determine, or to specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything done for the purposes of, or in relation to, or in consequence of, the transfer.
- (4) In this section—
- “relevant tax” means income tax, corporation tax, capital gains tax, stamp duty, stamp duty land tax or stamp duty reserve tax;
- “tax provision” means a provision of an enactment about a relevant tax.
- (5) References in this section to the transfer of property, rights or liabilities in accordance with a transfer scheme under section 53A include references to—
- (a) the creation of interests, rights or liabilities under the scheme, and
 - (b) the modification of interests, rights or liabilities under the scheme, (and “transferred”, in relation to property, rights or liabilities, is to be read accordingly).”
- (3) In section 51 (property etc transfers) after subsection (3) insert—
- “(3A) A scheme under this section may not make provision in relation to land which is held by the Secretary of State and was acquired, or is treated as having been acquired, under section 39 of the Forestry Act 1967 (power to acquire land which is suitable for afforestation or purposes connected with forestry).”
- (4) In section 320 (orders and regulations)—
- (a) in subsection (7) (instruments subject to annulment in pursuance of a resolution of either House of Parliament) after paragraph (c) insert—
 - “(ca) regulations under section 53A(2),” and
 - (b) after that subsection insert—

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“(7A) An instrument containing regulations under section 53B is subject to annulment in pursuance of a resolution of the House of Commons.”

- (5) The Greater London Authority Act 1999 is amended in accordance with subsections (6) to (9).
- (6) After section 333D insert—

“333DA Transfer schemes

- (1) The Secretary of State may at any time make one or more schemes for the transfer of designated property, rights or liabilities of a specified public body to—
- (a) the Authority, or
 - (b) a company or body through which the Authority exercises functions in relation to housing or regeneration.
- (2) In subsection (1) “specified public body” means a public body which is for the time being specified, or of a description specified, by regulations made by the Secretary of State.
- (3) On the date specified by a scheme as the date on which the scheme is to have effect, the designated property, rights or liabilities are transferred and vest in accordance with the scheme.
- (4) The Secretary of State may not make a scheme under this section unless the specified public body to which the scheme relates has consented to its provisions.
- (5) A scheme under this section may not make provision in relation to land which is held by the Secretary of State and was acquired, or is treated as having been acquired, under section 39 of the Forestry Act 1967 (power to acquire land which is suitable for afforestation or purposes connected with forestry).
- (6) In this section—
- “designated”, in relation to a scheme, means specified in or determined in accordance with the scheme;
- “public body” means a person or body with functions of a public nature.
- (7) This section and sections 333DB and 333DC bind the Crown, but do not have effect in relation to property, rights or liabilities belonging to—
- (a) Her Majesty in right of the Crown,
 - (b) Her Majesty in right of Her private estates,
 - (c) Her Majesty in right of the Duchy of Lancaster, or
 - (d) the Duchy of Cornwall.
- (8) The reference in subsection (7) to Her Majesty's private estates is to be construed in accordance with section 1 of the Crown Private Estates Act 1862.

333DB Further provisions about transfer schemes

- (1) A transfer scheme may—

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- (a) create for the transferor interests in, or rights over, property transferred by virtue of the scheme,
 - (b) create for a transferee interests in, or rights over, property retained by the transferor or transferred to another transferee,
 - (c) create rights or liabilities between the transferor and a transferee or between transferees.
- (2) A transfer scheme may provide for the transfer of property, rights or liabilities that would not otherwise be capable of being transferred or assigned.
- (3) In particular, a transfer scheme may provide for the transfer to take effect regardless of a contravention, liability or interference with an interest or right that would otherwise exist by reason of a provision having effect in relation to the terms on which the transferor is entitled to the property or right, or subject to the liability, in question.
- (4) It does not matter whether the provision referred to in subsection (3) has effect under an enactment or an agreement or in any other way.
- (5) A certificate by the Secretary of State that anything specified in the certificate has vested in any person by virtue of a transfer scheme is conclusive evidence for all purposes of that fact.
- (6) A transfer scheme may contain provision for the payment of compensation by the Secretary of State to any person whose interests are adversely affected by it.
- (7) A transfer by virtue of a transfer scheme does not affect the validity of anything done by or in relation to the transferor before the transfer takes effect.
- (8) Anything which—
- (a) is done by the transferor for the purposes of, or otherwise in connection with, anything transferred by virtue of a transfer scheme, and
 - (b) is in effect immediately before the transfer date,
- is to be treated as done by the transferee.
- (9) There may be continued by or in relation to the transferee anything (including legal proceedings)—
- (a) which relates to anything transferred by virtue of a transfer scheme, and
 - (b) which is in the process of being done by or in relation to the transferor immediately before the transfer date.
- (10) Subsection (11) applies to any document—
- (a) which relates to anything transferred by virtue of a transfer scheme, and
 - (b) which is in effect immediately before the transfer date.
- (11) Any references in the document to the transferor are to be read as references to the transferee.
- (12) A transfer scheme may include supplementary, incidental, transitional and consequential provision.

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(13) In this section—

“enactment” includes subordinate legislation within the meaning of the Interpretation Act 1978;

“transfer scheme” means a transfer scheme under section 333DA;

“transfer date” means a date specified by a transfer scheme as the date on which the scheme is to have effect.

333DC Tax consequences of transfers under section 333DA

(1) The Treasury may by regulations make provision for varying the way in which a relevant tax has effect from time to time in relation to—

- (a) any property, rights or liabilities transferred in accordance with a transfer scheme, or
- (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities in accordance with such a transfer scheme.

(2) The provision that may be made under subsection (1)(a) includes, in particular, provision for—

- (a) a tax provision not to apply, or to apply with modifications, in relation to any property, rights or liabilities transferred;
- (b) any property, rights or liabilities transferred to be treated in a specified way for the purposes of a tax provision;
- (c) the Secretary of State to be required or permitted, with the consent of the Treasury, to determine, or to specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to any property, rights or liabilities transferred.

(3) The provision that may be made under subsection (1)(b) includes, in particular, provision for—

- (a) a tax provision not to apply, or to apply with modifications, in relation to anything done for the purposes of, or in relation to, or in consequence of, the transfer;
- (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer to have or not to have a specified consequence or be treated in a specified way;
- (c) the Secretary of State to be required or permitted, with the consent of the Treasury, to determine, or to specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything done for the purposes of, or in relation to, or in consequence of, the transfer.

(4) In this section—

“enactment” includes subordinate legislation within the meaning of the Interpretation Act 1978;

“relevant tax” means income tax, corporation tax, capital gains tax, stamp duty, stamp duty land tax or stamp duty reserve tax;

“tax provision” means a provision of an enactment about a relevant tax;

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Changes to legislation: There are currently no known outstanding effects for the Infrastructure Act 2015, PART 5. (See end of Document for details)

“transfer scheme” means a transfer scheme under section 333DA.

(5) References in this section to the transfer of property, rights or liabilities in accordance with a transfer scheme include references to—

- (a) the creation of interests, rights or liabilities under the scheme, and
- (b) the modification of interests, rights or liabilities under the scheme, (and “transferred”, in relation to property, rights or liabilities, is to be read accordingly).”

(7) In section 408 (transfers of property, rights or liabilities to the Greater London Authority etc) after subsection (8) insert—

“(8A) An order under subsection (1) above may not make provision in relation to land which is held by the Secretary of State and was acquired, or is treated as having been acquired, under section 39 of the Forestry Act 1967 (power to acquire land which is suitable for afforestation or purposes connected with forestry).”

(8) In section 409 (transfer schemes for transfers to the Greater London Authority etc) after subsection (8) insert—

“(8A) A scheme under subsection (1) or (2) above may not make provision in relation to land which is held by the Secretary of State and was acquired, or is treated as having been acquired, under section 39 of the Forestry Act 1967 (power to acquire land which is suitable for afforestation or purposes connected with forestry).”

(9) In section 420 (regulations and orders)—

- (a) in subsection (7) (instruments subject to annulment in pursuance of a resolution of either House of Parliament) after the entry for section 243(7) insert— “ section 333DA(2);”, and ”, and
- (b) after subsection (8) insert—

“(8A) A statutory instrument which contains regulations under section 333DC shall be subject to annulment in pursuance of a resolution of the House of Commons.”

Commencement Information

I6 S. 31 in force at 12.4.2015, see s. 57(5)(e)

32 Easements etc affecting land U.K.

- (1) The Housing and Regeneration Act 2008 is amended in accordance with subsections (2) to (4).
- (2) In section 11 (which introduces the provision made about land of the HCA in Schedule 3) for “land of the HCA” substitute “ land acquired by the HCA ”.
- (3) In the title to Schedule 3 (main powers in relation to land of the HCA) for “land of the HCA” substitute “ land acquired by the HCA ”.

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Changes to legislation: There are currently no known outstanding effects for the Infrastructure Act 2015, PART 5. (See end of Document for details)

(4) In paragraph 1 of that Schedule (powers to override easements etc in undertaking works on, or using, land of the HCA) in each of sub-paragraphs (1) and (3) for “land of the HCA” substitute “ land which has been vested in or acquired by the HCA ”.

(5) Section 333ZB of the Greater London Authority Act 1999 (powers in relation to land held for housing or regeneration purposes) is amended in accordance with subsections (6) to (9).

^{F1}(6)

^{F2}(7)

^{F3}(8)

(9) After subsection (4) insert—

“(5) In this section references to the Authority include a company or body through which the Authority exercises functions in relation to housing or regeneration.

(6) Subsection (5) does not affect the application of Parts 3 and 4 of Schedule 4 to the Housing and Regeneration Act 2008—

(a) in relation to the acquisition of land by the Authority under this Part, or

(b) in relation to land in respect of which functions of the Authority relating to housing or regeneration are being or have been exercised.”

^{F4}(10)

(11) The amendments made by this section do not apply in relation to land the freehold interest in which was disposed of by the Homes and Communities Agency, the Greater London Authority, a company or body through which the Authority exercises functions in relation to housing or regeneration or a Mayoral development corporation before the day on which this section comes into force.

(12) The reference in subsection (11) to land disposed of by the Greater London Authority does not include land disposed of to a company or body through which the Authority exercises functions in relation to housing or regeneration.

Textual Amendments

F1 S. 32(6) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 19 para. 18](#); S.I. 2016/733, reg. 3(m)

F2 S. 32(7) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 19 para. 18](#); S.I. 2016/733, reg. 3(m)

F3 S. 32(8) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 19 para. 18](#); S.I. 2016/733, reg. 3(m)

F4 S. 32(10) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 19 para. 18](#); S.I. 2016/733, reg. 3(m)

Commencement Information

I7 S. 32 in force at 12.4.2015, see s. 57(5)(e)

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects
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33 Expenditure of Greater London Authority on housing or regeneration **U.K.**

(1) In section 31 of the Greater London Authority Act 1999 (limits of the general power) after subsection (5A) insert—

“(5B) Nothing in subsection (1)(a) above shall be taken to prevent the Authority incurring expenditure in doing anything for the purposes of, or relating to, housing or regeneration.”

(2) The amendment made by subsection (1) applies in relation to expenditure incurred before as well as after the coming into force of this section.

Her Majesty's Land Registry

34 Transfer of responsibility for local land charges to Land Registry **U.K.**

(1) Schedule 5 (transfer of responsibility for local land charges to Land Registry) has effect.

(2) In that Schedule—

- (a) Part 1 amends the Local Land Charges Act 1975,
- (b) Part 2 amends the Land Registration Act 2002,
- (c) Part 3 amends other Acts, and
- (d) Part 4 contains transitional provision.

Commencement Information

I8 S. 34 in force at 12.4.2015, see s. 57(5)(e)

35 Conferral of additional powers on Land Registry **U.K.**

(1) In section 105 of the Land Registration Act 2002 (power of registrar to provide or arrange for the provision of consultancy or advisory services about the registration of land in England and Wales or elsewhere) in subsection (1) for the words from “, consultancy or advisory services” to the end substitute “—

- (a) consultancy or advisory services about land or other property in England and Wales or elsewhere,
- (b) information services about land or other property in England and Wales, or
- (c) services relating to documents or registers which relate to land or other property in England and Wales.”

(2) For the title to that section substitute “ Services relating to land or other property ”.

Commencement Information

I9 S. 35 in force at 12.4.2015, see s. 57(5)(e)

*Status: This version of this part contains provisions that are prospective.
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for the Infrastructure Act 2015, PART 5. (See end of Document for details)*

36 **Transfer of power to nominate member of Rule Committee** **U.K.**

- (1) In section 127(2)(h) of the Land Registration Act 2002 (power of Lord Chancellor to nominate consumer affairs member of Rule Committee) for “Lord Chancellor” substitute “ Secretary of State ”.
- (2) This section applies in relation to the nomination of a member of the Rule Committee on or after the day on which this section comes into force.

Commencement Information

I10 S. 36 in force at 12.4.2015, see s. 57(5)(e)

PROSPECTIVE

Off-site carbon abatement measures

37 **Provision in building regulations for off-site carbon abatement measures** **U.K.**

- (1) The Building Act 1984 is amended as follows.
- (2) In section 1(1A) (matters that may be covered by building regulations) after paragraph (c) insert “;
(d) the action to be taken as a result of a building's contribution to or effect on emissions of carbon dioxide (whether or not from the building itself).”
- (3) Schedule 1 (building regulations) is amended as follows.
- (4) After paragraph 7 insert—

- “7A
- (1) This paragraph applies if building regulations impose a requirement in relation to a building as respects its contribution to or effect on emissions of carbon dioxide (whether or not the requirement relates to emissions from the building itself).
 - (2) Building regulations may make provision for a person to whom the requirement applies to meet it (in whole or in part) by taking action otherwise than in relation to the building.
 - (3) Such action may include—
 - (a) doing things which consist of, or cause or contribute, directly or indirectly to—
 - (i) reductions in emissions of carbon dioxide, or
 - (ii) the removal of carbon dioxide from the atmosphere;
 - (b) agreeing with another person that the person will do things within paragraph (a);
 - (c) making a payment or payments to a fund—

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- (i) which is administered by, or by a person acting on behalf of, the Secretary of State or the Welsh Ministers, and
 - (ii) the proceeds of which are used to pay (directly or indirectly) for activities within paragraph (a).
- (4) Provision made under paragraph 4A for the use of certificates as evidence of compliance with building regulations by virtue of action within sub-paragraph (3) may include provision—
- (a) for the creation and maintenance of a register for keeping track of the use of certificates for that purpose;
 - (b) about the administration of the register;
 - (c) for charges to be imposed in connection with the registration of any matter in the register or for the disclosure of information held in the register.
- (5) If building regulations make provision for the creation and maintenance of a register, building regulations must make provision for the register to be administered by, or by a person acting on behalf of, the Secretary of State or the Welsh Ministers.
- (6) Building regulations made by the Welsh Ministers may make provision for the use, in relation to action taken in respect of a building in Wales, of a register administered by, or by a person acting on behalf of, the Secretary of State.
- (7) Building regulations made by the Secretary of State may make provision about the use of such a register for that purpose.
- (8) Building regulations may make provision for the creation and maintenance of a fund of a kind referred to in sub-paragraph (3)(c), including provision about—
- (a) the administration of such a fund;
 - (b) the purposes for which proceeds from such a fund may be used.
- (9) Building regulations may make provision about—
- (a) the calculation of payments to be made into a fund of a kind referred to in sub-paragraph (3)(c);
 - (b) the maximum payment which may be required to be made into such a fund in respect of a building.
- (10) Building regulations made by the Welsh Ministers may make provision for a payment or payments in respect of a building in Wales to be made to a fund administered by, or by a person acting on behalf of, the Secretary of State.
- (11) Building regulations made by the Secretary of State may make provision about the use of such a fund for that purpose.
- (12) Paragraph 8(2) does not prevent building regulations from providing for action within sub-paragraph (3) to be taken in relation to a building erected before the date on which the regulations come into force.”
- (5) In paragraph 8(2) (requirement for building regulations not to apply to buildings erected before regulations come into force, subject to exceptions) after “Subject to sub-paragraphs (3) to (6) below and to” insert “ paragraph 7A(12) above and ”.

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects
for the Infrastructure Act 2015, PART 5. (See end of Document for details)

- (6) The reference to the Building Act 1984 in article 2(a) of the Welsh Ministers (Transfer of Functions) (No 2) Order 2009 (SI 2009/3019) is to be treated as referring to that Act as amended by this section.

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Infrastructure Act 2015, PART 5.