

*Status: Point in time view as at 06/09/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Planning (Wales) Act 2015, Cross Heading: Orders under TCPA 1990. (See end of Document for details)*

## SCHEDULE 7

### REGULATIONS AND ORDERS MADE BY WELSH MINISTERS

#### *Orders under TCPA 1990*

- 5 In section 59 of TCPA 1990 (development orders: general), after subsection (3) insert—
- “(4) In this Act, references to a development order are—
- (a) in relation to England, references to a development order made by the Secretary of State;
  - (b) in relation to Wales, references to a development order made by the Welsh Ministers.”
- 6 (1) Section 333 of TCPA 1990 is amended as follows.
- (2) In subsection (4), after “power” insert “ of the Secretary of State ”.
- (3) For subsection (4A) substitute—
- “(4A) The power of the Welsh Ministers to make development orders and orders under sections 2(1B), 55(2)(f), 87(3), 149(3)(a), 293(1)(c) and 319B(9) is exercisable by statutory instrument.
- (4B) A development order made by the Welsh Ministers may make different provision for different purposes, for different cases (including different classes of development) and for different areas.”
- (4) In subsection (5)—
- (a) in paragraph (a), after “an order under” insert “ subsection (1) of ”;
  - (b) in paragraph (b)—
    - (i) after “a development order” insert “ made by the Secretary of State ”;
    - (ii) after “an order” insert “ made by the Secretary of State ”;
    - (iii) omit “(unless it is made by the National Assembly for Wales)”.
- (5) After subsection (5A) insert—
- “(5B) A statutory instrument containing any of the following is subject to annulment in pursuance of a resolution of the National Assembly for Wales—
- (a) an order under subsection (1B) of section 2 which has been made after a local inquiry has been held in accordance with subsection (2) of that section,
  - (b) a development order made by the Welsh Ministers, or
  - (c) an order under section 87(3) or 149(3)(a) made by the Welsh Ministers.
- (5C) The Welsh Ministers may not make a statutory instrument containing an order under section 62L(9), 293(1)(c) or 319B(9) unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.”
- (6) In subsection (6)—
- (a) after “subsection (5)” insert “ or (5B) ”;

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- (b) after “each House of Parliament” insert “ (in the case of an order made by the Secretary of State) or the National Assembly for Wales (in the case of an order made by the Welsh Ministers) ”.
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- (1) TCPA 1990 is further amended as follows.
  - (2) In section 78 (right to appeal against planning decisions and failure to take such decisions), omit subsections (4B) to (4D).
  - (3) In section 195 (appeals against refusal or failure to give decision on application for certificate), omit subsections (1D) to (1F).
  - (4) In section 293 (application of Act to Crown land: preliminary definitions), in subsection (5), after “order made” insert “ by the Secretary of State ”.
  - (5) In section 319B (determination of procedure for certain proceedings), omit subsection (11).

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