

SCHEDULE 2

Transitional provisions

Transitional provisions: appeals

3.—(1) This paragraph applies to appeals against relevant decisions; and in this paragraph a “relevant decision” is a decision or determination of the Department under the 1991 Order (or any order or regulations made under the 1991 Order) which was made before the transfer date.

(2) Where an appeal to which this paragraph applies was made to the PAC before the transfer date but has not been, before that date, decided by the PAC then for the purposes of that appeal the relevant decision shall be treated as if it had been made by the appropriate council and anything done by, to or in relation to the Department in connection with that appeal shall be treated as if it had been done by, to or in relation to that council.

(3) Where an appeal to which this paragraph applies was not made to the PAC before the transfer date but the time limit prescribed in the 1991 Order (or any order or regulation made under the 1991 Order) for making such an appeal has not expired before the transfer date then for the purposes of making such an appeal the relevant decision shall be treated as if it had been made by the appropriate council.

(4) Notwithstanding the repeal of the 1991 Order an appeal as is mentioned in sub-paragraph (3) must be made to the PAC before the expiry of the period prescribed by the 1991 Order (or any order or regulation made under the 1991 Order) for making such an appeal.

(5) An appeal to which this paragraph applies shall be determined in accordance with the 2011 Act except that sections 59, 205 and 206 do not apply to such an appeal.

(6) Nothing in this paragraph shall affect the generality of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954 ^{M1}.

Marginal Citations

M1 [1954 c.33 \(N.I.\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015, Paragraph 3.