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WELSH STATUTORY INSTRUMENTS

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**2009 No. 3342**

**The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009**

**PART 8**

Miscellaneous

**Application to the High Court**

**54.**—(1) For the purposes of Part XII of the Act (validity of other orders, decisions and directions), the reference in section 288, as applied by paragraph 9(3) of Schedule 2 to the 1991 Act, paragraph 16(4) of Schedule 13 to the 1995 Act or paragraph 9(4) of Schedule 14 to the 1995 Act, to action of the Secretary of State<sup>M1</sup> which is not within the powers of the Act is to be taken to extend to the determination of an EIA application by the Welsh Ministers in contravention of regulation 3.

(2) For the purposes of Part XII of the Act (validity of certain orders, decisions and directions) sections 284 and 288 have effect as if the references in section 284(1)(e) and (2)(e) to an order under paragraph 3 of Schedule 9 to the Act included a reference to an order made under that paragraph pursuant to regulation 51.

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**Marginal Citations**

**M1** The functions of the Secretary of State so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by [S.I. 1999/672](#) and are now exercisable by the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the [Government of Wales Act 2006 \(c. 32\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009, Section 54.