
WELSH STATUTORY INSTRUMENTS

2020 No. 1318 (W. 290)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (General Permitted Development) (Amendment) (No. 3) (Wales) Order 2020

<i>Made</i>	- - - -	<i>19 November 2020</i>
<i>Laid before Senedd Cymru</i>		<i>20 November 2020</i>
<i>Coming into force</i>	- -	<i>21 December 2020</i>

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 59, 60(1) and (3), 61(1) and 333(4B) and (7) of the Town and Country Planning Act 1990⁽¹⁾ and now vested in them⁽²⁾ and, in relation to article 4(8), by paragraph 1A of Schedule 2 to the European Communities Act 1972⁽³⁾.

This Order make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for the references in this Order to Commission Implementing Regulation (EU) 2020/1070⁽⁴⁾ on specifying the characteristics of small-area wireless access points pursuant to Article 57 paragraph 2 of EU Directive 2018/1972 of the European Parliament and Council establishing the European Electronic Communications Code⁽⁵⁾, to be construed as references to that instrument as amended from time to time.

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- (1) 1990 c. 8. Section 59(4) was inserted by section 55 of, and paragraph 5 of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4) (“the 2015 Act”). Section 333(4B) was substituted by section 55, of and paragraph 6(3) of Schedule 7 to, the 2015 Act. There are other amendments which are not relevant to this instrument.
- (2) The functions of the Secretary of State under sections 59, 60(1), 61(1) and (3) and 333(7) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): see the entry in Schedule 1 for the Town and Country Planning Act 1990 as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). By virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32) the functions of the National Assembly for Wales were transferred to the Welsh Ministers.
- (3) The European Communities Act 1972 (“the 1972 Act”) was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) with effect from exit day. “Exit day” is defined in section 20 of the 2018 Act as 31 January 2020 at 11pm. Despite that repeal the 1972 Act continues to have effect with modifications until IP completion day, by virtue of section 1A of the 2018 Act. Section 1A was inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”). “IP completion day” is defined in section 1A as 31 December 2020 at 11pm (the meaning given in section 39 of the 2020 Act). Paragraph 1A of Schedule 2 to the 1972 Act was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and amended by section 3(3) of, and Part 1 of the Schedule, to the European Union (Amendment) Act 2008 (c. 7) and S.I. 2007/1388.
- (4) OJ No L 234, 21.7.2020, p. 11.
- (5) OJ No L 321, 17.12.2018, p. 36.