

PLANNING (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 7

242. [Schedule 7](#) makes a number of amendments to the PCPA 2004, the TCPA 1990 and the Commons Act 2006. The amendments relate to the powers of the Welsh Ministers to make orders and regulations under those Acts. They bring the relevant provisions in each Act together in one place, update some terminology, and apply appropriate procedures to new powers to make orders and regulations that are inserted into each Act.
243. In relation to the PCPA 2004, paragraph 1 provides that the approval of the National Assembly for Wales will be required before regulations or orders amending primary legislation can be made by the Welsh Ministers. In all other cases, regulations and orders can be made by the Welsh Ministers without first obtaining Assembly approval. The Assembly will have power to annul any regulations or orders so made.
244. In relation to the TCPA 1990, paragraph 3 makes similar provision in relation to regulations. Paragraph 3 amends section 333 to provide that certain regulations cannot be made without Assembly approval, these are listed in new subsection (3F). All others can be made by the Welsh Ministers without first obtaining Assembly approval but in most cases can be annulled by the Assembly.
245. [Paragraph 5](#) makes similar provision in relation to orders made under the TCPA 1990. Most orders can be made without the Welsh Ministers first obtaining Assembly approval but can be annulled by the Assembly. The only orders which require Assembly approval before being made are orders under sections 62L(9), 293(1)(c) and 319B(9). (An order under section 62L(9) allows the Welsh Ministers to change the determination period, see paragraph 95 above. An order under section 293(1)(c) allows the Welsh Ministers to specify “Crown interests” for the purposes of Part 13 of that Act. An order under section 319B (9) allows the Welsh Ministers to add or remove proceedings to which that section applies.)
246. [Paragraph 8](#) makes similar provision in relation to orders and regulations under the Commons Act 2006. New subsection 59(5) sets out those regulations and orders which require Assembly approval before they can be made. All others can be made by the Welsh Ministers without first obtaining Assembly approval but can be annulled by the Assembly.
247. The Schedule makes further amendments required as a result of those changes.