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

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## SCHEDULE 7

### REGULATIONS AND ORDERS MADE BY WELSH MINISTERS

#### *Regulations under TCPA 1990*

- 3 In section 333 of TCPA 1990 (regulations and orders), after subsection (3A) insert—
- “(3B) Subsection (3) does not apply to a statutory instrument containing regulations made by the Welsh Ministers.
- (3C) A statutory instrument containing regulations made by the Welsh Ministers under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (3D) Subsection (3C) does not apply to a statutory instrument if—
- (a) it contains only regulations under section 88(7),
  - (b) it contains (whether alone or with other provision) regulations under section 315, or
  - (c) it is within subsection (3F).
- (3E) The Welsh Ministers may not make a statutory instrument within subsection (3F) unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.
- (3F) A statutory instrument is within this subsection if it contains (whether alone or with other provision) regulations under—
- (a) section 9, if the regulations include provision amending an Act of Parliament or an Act or Measure of the National Assembly for Wales;
  - (b) section 62D(3);
  - (c) section 62H;
  - (d) section 116;
  - (e) section 303;
  - (f) section 303ZA;
  - (g) section 316, if the regulations relate to land of the Welsh Ministers or to the development of land by the Welsh Ministers;
  - (h) section 319ZB.”
- 4 (1) TCPA 1990 is further amended as follows.
- (2) In section 116 (modification of compensation provisions in respect of mineral working etc)—
- (a) in subsection (3), after “shall be made” insert “ by the Secretary of State ”;
  - (b) in subsection (4)—
    - (i) after “Secretary of State” insert “ or (as the case may be) the Welsh Ministers ”;
    - (ii) after “him” insert “ or them ”.
- (3) In section 202A (tree preservation regulations: general), which is inserted by section 192(7) of the Planning Act 2008 (c. 29), omit subsections (6) and (7).

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- (4) In section 208 (appeals against notices under section 207), omit subsections (4B) and (4C).
- (5) In section 303 (fees for planning applications etc)—
  - (a) in subsection (8)—
    - (i) after “under this section” insert “ by the Secretary of State ”;
    - (ii) omit the words after “each House of Parliament”;
  - (b) omit subsection (9).
- (6) In section 303ZA (fees for appeals), which is inserted by section 200 of the Planning Act 2008—
  - (a) in subsection (6)—
    - (i) after “under this section” insert “ by the Secretary of State ”;
    - (ii) omit the words after “each House of Parliament”;
  - (b) omit subsection (7).
- (7) In section 321B (special provision in relation to planning inquiries: Wales), omit subsection (6).

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