



Planning (Wales) Act 2015

2015 anaw 4

PART 7

ENFORCEMENT, APPEALS ETC

Appeals etc: costs and procedure

50 Procedure for certain proceedings

In TCPA 1990, after section 323 insert—

“323A Procedure for certain proceedings: Wales

- (1) The Welsh Ministers may by regulations prescribe the procedure to be followed in connection with—
 - (a) an inquiry or hearing held or to be held by or on behalf of the Welsh Ministers under or by virtue of any provision of this Act;
 - (b) proceedings on an application, appeal or reference that, under or by virtue of any provision of this Act, is to be considered by or on behalf of the Welsh Ministers on the basis of representations in writing.
- (2) The regulations may include provision—
 - (a) about the procedure to be followed in connection with matters preparatory or subsequent to an inquiry or hearing or to the making of representations in writing;
 - (b) about the conduct of proceedings.
- (3) The regulations may include provision about the procedure to be followed—
 - (a) where steps have been taken with a view to the holding of an inquiry or hearing which does not take place,
 - (b) where steps have been taken with a view to the determination of any matter by a person appointed by the Welsh Ministers and the

Status: This is the original version (as it was originally enacted).

proceedings are the subject of a direction that the matter must instead be determined by the Welsh Ministers, or

- (c) where steps have been taken in pursuance of such a direction and a further direction is made revoking that direction,

and may provide that such steps are to be treated as compliance, in whole or in part, with the requirements of the regulations.

- (4) The regulations may—

- (a) provide for a time limit within which any party to the proceedings must submit representations in writing and any supporting documents,
- (b) prescribe the time limit (which may be different for different classes of proceedings) or enable the Welsh Ministers to give directions setting the time limit in a particular case or class of case,
- (c) enable the Welsh Ministers to proceed to a decision taking into account only such written representations and supporting documents as were submitted within the time limit, and
- (d) enable the Welsh Ministers, after giving the parties written notice of their intention to do so, to proceed to a decision even though no written representations were made within the time limit, if it appears to them that they have sufficient material before them to enable them to reach a decision on the merits of the case.

- (5) The regulations may also make provision as to the circumstances in which—

- (a) a direction under section 322C(2) may be given;
- (b) an order for costs under section 322C(4) may be made.

- (6) The Welsh Ministers may by regulations provide that in prescribed circumstances a matter may not be raised in proceedings on an appeal made under or by virtue of this Act to the Welsh Ministers unless it has been previously raised before a prescribed time or it is shown that it could not have been raised before that time.”