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*Changes to legislation:* There are currently no known outstanding effects for the Local Government (Wales) Act 1994, Cross Heading: Default powers. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 5

#### UNITARY DEVELOPMENT PLANS IN WALES

#### PART III

#### TRANSITIONAL PROVISIONS

**Modifications etc. (not altering text)**

- C1** Sch. 5 Pt. III applied (1.4.1996) (*temp.*) by 1990 c. 8, s. 28A(1)(b) (as inserted (1.4.1996) by 1994 c. 19, s. 20(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, Sch. 2) Sch. 5 Pt. III: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

#### *Default powers*

- 13 (1) This paragraph applies where—
- (a) a new planning authority have been given approval or permission under paragraph 12(2) or (5);
  - (b) the Secretary of State has required that proposals for a modified plan or modified proposals or modified structure plan proposals be submitted to him; or
  - (c) a new planning authority have prepared, but have not adopted, a modified plan, modified proposals or modified structure plan proposals.
- (2) Where this paragraph applies—
- (a) if at any time the Secretary of State is satisfied, after holding a local inquiry or other hearing, that the new planning authority are not taking the steps necessary to enable them to submit or adopt the proposals for a modified plan or the modified proposals or modified structure plan proposals within a reasonable period, or
  - (b) in a case where a condition was imposed in the approval given under paragraph 12(2) for the submission of a copy of the plan or proposals within a specified period, if that copy has not been submitted within that period,
- the Secretary of State may take such steps, which may include the alteration of any plan, as he thinks fit.
- (3) The provisions of Chapter II of Part II of the planning Act shall, so far as applicable, apply with any necessary modifications in relation to the doing of anything under this paragraph by the Secretary of State and the thing so done.
- (4) The new planning authority shall on demand repay to the Secretary of State so much of any expenses incurred by him in connection with the doing of anything which

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should have been done by them as he certifies to have been incurred by him in the performance of their functions.

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