
*Changes to legislation: There are currently no known outstanding effects for the
Local Government (Wales) Act 1994, Paragraph 15. (See end of Document for details)*

SCHEDULES

SCHEDULE 17

SAVINGS AND TRANSITIONAL PROVISIONS

PART II

TRANSITIONAL PROVISIONS

Planning

- 15 (1) This paragraph applies where, immediately before 1st April 1996—
- (a) a planning obligation is in force, in relation to any land in Wales, under section 106 of the planning Act (planning obligations: general) or any provision in any earlier enactment from which that provision was derived; and
 - (b) the enforcing authority are the county planning authority or the district planning authority for the area in which the land is situated.
- (2) On and after 1st April 1996 the enforcing authority shall be the new planning authority and—
- (a) the provision in the instrument by which the planning obligation was entered into identifying the enforcing authority in accordance with section 106(9)(d) shall be read as if it instead so identified the new planning authority, and
 - (b) section 106 shall have effect accordingly.
- (3) In this paragraph—
- “enforcing authority” means the authority by whom the obligation is enforceable;
 - “new planning authority” means—
- (a) the local planning authority who are a county council, county borough council, joint planning board or special planning board in whose area that land becomes situated on 1st April 1996; but
 - (b) where a part of the land becomes situated in the area of each of two or more such authorities, such of those authorities as they may agree between them, or, in default of agreement, as may be determined by the Secretary of State.
- (4) This paragraph has effect in relation to planning obligations entered into under section 299A of the planning Act (Crown planning obligations) as it has effect in relation to planning obligations entered into under section 106 of that Act, but as if for references to section 106, and to subsection (9)(d) of that section, there were substituted references to section 299A of that Act, and to subsection (2)(d) of section 299A, respectively.

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Modifications etc. (not altering text)

C1 [Sch. 17 para. 15](#) applied (with modifications) (23.11.1995) by S.I. 1995/2803, art. 17, [Sch. 4](#)

Changes to legislation:

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