

INFRASTRUCTURE (WALES) ACT 2024

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 – Infrastructure consent orders

Changing and revoking infrastructure consent orders etc.

Section 86 – Meaning of “decision documents” and “error”

224. This section sets out definitions for the purposes of sections 87 and 88.

Section 87 – Power to correct errors in decision documents

225. This section gives the Welsh Ministers a power to correct errors in a decision document (a “decision document” is the infrastructure consent order or the notice notifying the applicant that their application for infrastructure consent has been refused).

226. The power to correct errors may be exercised by the Welsh Ministers on receiving a request in writing to correct an error from any person or without such a request being made.

227. Subsection (4) provides that if the decision document is an infrastructure consent order, the power to correct errors must be exercised by order, and if the order being corrected is contained in a statutory instrument, the power must be exercised by statutory instrument.

228. Subsection (5) provides that if the decision document is a notice of refusal, the Welsh Ministers must exercise their power to correct the document by giving the applicant a notice.

Section 88 – Correcting errors: regulations

229. This section provides the Welsh Ministers with a power to make regulations regarding the procedure for correcting an error in a decision document.

230. The regulations may include, for example, provision regarding:

- any consultation that must take place,
- the circumstances in which the Welsh Ministers must publish a statement explaining the reason for correcting the error,
- the effect of making a correction and not making a correction, and
- when a correction takes effect.