



# Infrastructure (Wales) Act 2024

2024 asc 3

## PART 6

### INFRASTRUCTURE CONSENT ORDERS

*Provision in orders: general*

#### **63 What may be included in an infrastructure consent order**

- (1) An infrastructure consent order may impose requirements relating to the development for which consent is granted.
- (2) The requirements may, among other things, include—
  - (a) requirements corresponding to conditions which could have been imposed on the grant of any permission, consent or authorisation, or the giving of any notice which but for section 20(1) or provision made under section 84(1) would have been required for the development;
  - (b) requirements to obtain the approval of the Welsh Ministers or any other person, so far as not within paragraph (a).
- (3) An infrastructure consent order may make provision relating to, or to matters ancillary to, the development for which consent is granted.
- (4) The provision that may be made under subsection (3) includes, among other things, provision relating to any of the matters listed in Part 1 of Schedule 1.
- (5) Regulations may—
  - (a) add a matter to Part 1 of Schedule 1;
  - (b) remove or vary a matter listed in Part 1 of Schedule 1.
- (6) An infrastructure consent order may—
  - (a) apply, modify or exclude an enactment which relates to any matter for which provision may be made in the order;

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (b) make amendments, repeals or revocations of enactments of local application that appear to the Welsh Ministers to be appropriate in consequence of a provision of the order or in connection with the order;
  - (c) include any provision that appears to the Welsh Ministers to be appropriate for giving full effect to any other provision of the order;
  - (d) include incidental, consequential, supplementary, transitional or saving provision.
- (7) With the exception of provision made under subsection (3) relating to any of the matters listed in paragraph 29 of Schedule 1, an infrastructure consent order may not include—
- (a) provision creating offences,
  - (b) provision conferring power to create offences, or
  - (c) provision changing an existing power to create offences.
- (8) To the extent that provision for or relating to a matter may be included in an infrastructure consent order, none of the following may include provision of the same kind—
- (a) an order under section 14 or 16 of the Harbours Act 1964 (c. 40) (orders in relation to harbours, docks and wharves);
  - (b) an order under section 1 or 3 of the Transport and Works Act 1992 (c. 42) (orders as to railways, tramways, inland waterways etc.).