

SCHEDULES

SCHEDULE 17

CONDITIONS OF DEEMED PLANNING PERMISSION

PART 2

QUALIFYING AUTHORITIES

Specification of qualifying authorities

- 13 (1) As soon after the day on which this Act is passed as the Secretary of State considers reasonably practicable, the Secretary of State must by order specify every planning authority which—
- (a) had, on or before the day on which the Bill for this Act was reported from Select Committee in the House of Lords, given the Secretary of State undertakings with respect to the handling of planning matters arising under this Schedule which he or she considered satisfactory, and
 - (b) has not subsequently been released from its undertakings.
- (2) Subject to the following provisions of this paragraph, an authority which is specified under sub-paragraph (1) is a qualifying authority for the purposes of this Schedule.
- (3) The Secretary of State may, if he or she considers it expedient to do so, by order provide that an authority is to cease to be a qualifying authority for the purposes of this Schedule.
- (4) If, in relation to a planning authority which is not a qualifying authority for the purposes of this Schedule, the Secretary of State considers that the way in which the authority carries out its functions has been significantly affected by a change of circumstances occurring since the relevant day, the Secretary of State may by order provide that the authority is to be a qualifying authority for the purposes of this Schedule.
- (5) In sub-paragraph (4), the reference to the relevant day is—
- (a) in relation to an authority which has never been a qualifying authority for the purposes of this Schedule, to the day mentioned in sub-paragraph (1)(a), and
 - (b) in relation to an authority which has been a qualifying authority for the purposes of this Schedule, to the day on which it ceased, or last ceased, to be such an authority.
- (6) Before making an order under sub-paragraph (3) or (4), the Secretary of State must consult—
- (a) the nominated undertaker, and
 - (b) unless the authority concerned has requested the making of the order, that authority.

Status: This is the original version (as it was originally enacted).

Transition

- 14 (1) An order under paragraph 13 may contain such transitional provision and savings as the Secretary of State thinks fit.
- (2) Without prejudice to the generality of sub-paragraph (1), provision under that sub-paragraph may include provision with respect to the effect of the authority becoming or ceasing to be a qualifying authority in relation to an approval which has already been requested or given.
- (3) The Secretary of State may by agreement fetter the exercise of his or her discretion under sub-paragraph (1).