



2010 CHAPTER 14

PART 1

PERMIT SCHEMES

Permit regulations

3.—(1) The Department may by regulations (“permit regulations”) make provision with respect to the content, preparation, operation, variation or revocation of permit schemes.

(2) Permit regulations may—

- (a) set out procedural provisions with which the Department must comply in preparing permit schemes,
- (b) set out standard provisions which may or must be included in a permit scheme,
- (c) make provision as to the publicity to be given to permit schemes,
- (d) make provision with respect to any of the matters mentioned in section 1(2) (including provision as to the conditions or types of conditions which may be imposed by virtue of section 1(2)(d)).

(3) Permit regulations may make provision—

- (a) as to the criteria to be taken into account in the case of decisions with respect to the issue, review or variation of permits or decisions with respect to the imposition, review or variation of conditions under a scheme
- (b) for, or in connection with, the determination, or facilitating the determination, of disputes (including provision with respect to the appointment of persons to determine, or facilitate the determination of, disputes),

- (c) for, or in connection with, appeals to the planning appeals commission,
 - (d) as to the action which may be taken if works are carried out without a permit or if any conditions are not complied with,
 - (e) for, or in connection with, the creation, in prescribed cases (including prescribed cases where works are carried out without a permit or in breach of any conditions), of a criminal offence triable summarily and punishable with a fine not exceeding level 5 on the standard scale,
 - (f) for, or in connection with, excluding or limiting the liability of prescribed persons in prescribed cases,
 - (g) for such incidental, supplemental, consequential or transitional matters as the Department considers necessary or expedient.
- (4) Permit regulations may make provision for, or in connection with, the giving of fixed penalty notices (including, in particular, provision applying Schedule 2A to the Street Works Order with or without modifications) in relation to any offence created by the regulations; and for this purpose “fixed penalty notice” means a notice offering a person the opportunity of discharging any liability to conviction for an offence by payment of a penalty.
- (5) Permit regulations may make provision for, or in connection with, the payment of a fee in respect of any one or more of the following—
- (a) an application for a permit,
 - (b) the issue of a permit,
 - (c) an application for the variation of a permit or the conditions attached to a permit,
 - (d) the variation of a permit or the conditions attached to a permit.
- (6) Provision made under subsection (5) may include provision as to—
- (a) the amount or maximum amount of any fee,
 - (b) cases in which fees are not to be payable or are to be repaid,
 - (c) cases in which fees may be discounted,
 - (d) the time and manner of making payment of fees,
 - (e) the application of sums paid by way of fees.
- (7) Permit regulations may make provision—
- (a) for, or in connection with, the creation and maintenance of a register of permits,
 - (b) with respect to access to information contained in any such register (including provision restricting such access).
- (8) Permit regulations may set out provisions—
- (a) which disapply or modify statutory provisions, an
 - (b) which are to or may apply in the case of permit schemes.

(9) Nothing in subsections (2) to (8) is to be taken as affecting the generality of subsection (1).

(10) No regulations to which this subsection applies shall be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(11) Subsection (10) applies to—

- (a) the first regulations under this section;
- (b) regulations under this section containing any provision which creates a criminal offence or increases a penalty for an existing offence.'

(12) Any other regulations under this section are subject to negative resolution.