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*Status: Point in time view as at 18/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, Part I. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 6

#### PLANNING CONDITIONS

##### PART I

#### QUALIFYING AUTHORITIES

##### *Specification*

- 1 (1) As soon after the day on which this Act is passed as the Secretary of State considers reasonably practicable, he shall, by order made by statutory instrument, specify every relevant local 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 him undertakings with respect to the handling of planning matters arising under this Schedule which he 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) above is a qualifying authority for the purposes of this Schedule.
- (3) The Secretary of State may, if he considers it expedient to do so, by order made by statutory instrument provide that an authority shall cease to be a qualifying authority for the purposes of this Schedule.
- (4) If, in relation to a relevant local 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, he may by order made by statutory instrument provide that the authority shall be a qualifying authority for the purposes of this Schedule.
- (5) Before making an order under sub-paragraph (3) or (4) above, the Secretary of State shall consult—
  - (a) the nominated undertaker, and
  - (b) unless the authority concerned has requested him to make the order, that authority.
- (6) A statutory instrument containing an order under sub-paragraph (3) or (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In sub-paragraph (4) above, the reference to the relevant day is—

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- (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) above, 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.
- (8) For the purposes of this paragraph, a local authority is a relevant local authority if it has functions under Part II or III of this Schedule in relation to the giving of approval.

#### *Transition*

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- (1) An order under paragraph 1 above may contain such transitional provision and savings as the Secretary of State thinks fit.
  - (2) Without prejudice to the generality of sub-paragraph (1) above, provision under that sub-paragraph may include provision with respect to the effect, in a case where the nominated undertaker has obtained, or requested, approval under this Schedule, of the authority which granted the approval, or to which the request has been made, ceasing to be, or becoming, a qualifying authority for the purposes of this Schedule.
  - (3) The Secretary of State may by agreement fetter the exercise of his discretion under sub-paragraph (1) above.

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