

Status: Point in time view as at 22/11/2012.

Changes to legislation: Localism Act 2011, Cross Heading: Decisions on applications is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 13

INFRASTRUCTURE PLANNING COMMISSION: TRANSFER OF FUNCTIONS TO SECRETARY OF STATE

PART 1

AMENDMENTS OF THE PLANNING ACT 2008

Decisions on applications

- 48 (1) Amend section 103 as follows.
- (2) In subsection (1) (cases where Secretary of State is the decision-maker) omit the words after “consent”.
- (3) Omit subsection (2) (meaning in Act of “decision-maker”).
- (4) For the heading substitute “ Secretary of State is to decide applications ”.

Commencement Information

II Sch. 13 para. 48 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 49 (1) Amend section 104 (decisions of Panel and Council) as follows.
- (2) In subsection (1) for “the decision-maker is a Panel or the Council” substitute “ a national policy statement has effect in relation to development of the description to which the application relates ”.
- (3) In subsection (2)—
- (a) for “Panel or Council” (in both places) substitute “ Secretary of State ”,
- (b) in paragraph (b) for “Commission” substitute “ Secretary of State ”, and
- (c) in paragraph (d) for “its” substitute “the Secretary of State's”.
- (4) In subsections (3) and (4) for “Panel or Council” substitute “ Secretary of State ”.
- (5) In subsection (5)—
- (a) for “Panel or Council is” substitute “ Secretary of State is ”, and
- (b) for “Panel or Council, or the Commission, being in breach of any duty imposed on it” substitute “ Secretary of State being in breach of any duty imposed on the Secretary of State ”.
- (6) In subsections (6), (7) and (8) for “Panel or Council” substitute “ Secretary of State ”.
- (7) For the heading substitute “ Decisions in cases where national policy statement has effect ”

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Commencement Information

I2 Sch. 13 para. 49 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 50 (1) Amend section 105 (decisions of Secretary of State) as follows.
- (2) In subsection (1) for “if the decision-maker is the Secretary of State” substitute “ if section 104 does not apply in relation to the application ”.
- (3) In subsection (2)(a) (which refers to reports submitted to the Commission) for “Commission” substitute “ Secretary of State ”.
- (4) For the heading substitute “ Decisions in cases where no national policy statement has effect ”.

Commencement Information

I3 Sch. 13 para. 50 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 51 In section 106(1) (representations which decision-maker may disregard) for “decision-maker” (in both places) substitute “ Secretary of State ”.

Commencement Information

I4 Sch. 13 para. 51 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 52 (1) Section 107 (timetable for decisions) is amended as follows.
- (2) In subsection (1) (deadline for deciding application)—
- (a) for “decision-maker” substitute “ Secretary of State ”, and
- (b) for “day after the start day” substitute “ deadline under section 98(3) ”.
- (3) Omit subsection (2) (meaning of “the start day”).
- (4) In subsection (3) (extension of deadline) for “appropriate authority” substitute “ Secretary of State ”.
- (5) Omit subsection (4) (meaning of “appropriate authority”).
- (6) For subsections (6) to (9) (publicising deadline extensions) substitute—
- “(6) Subsection (7) applies where the power under subsection (3) is exercised.
- (7) The Secretary of State exercising the power must make a statement, to the House of Parliament of which that Secretary of State is a member, announcing the new deadline.
- (8) A statement under subsection (7) must be published in such form and manner as the Secretary of State considers appropriate.
- (8A) A statement under subsection (7) may be written or oral.”

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Commencement Information

I5 Sch. 13 para. 52 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

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