

# **GROWTH AND INFRASTRUCTURE ACT 2013**

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## **EXPLANATORY NOTES**

### **TERRITORIAL EXTENT AND APPLICATION**

#### ***Territorial extent***

10. This is largely an amending piece of legislation, with the amendments having the same extent as the provisions they amend. The exception to this general rule in relation to amendments is section 25, which modifies the application of the special parliamentary procedure in certain cases. The existing provisions in the Statutory Orders (Special Procedure) Act 1945 extend to England and Wales, Scotland and (for certain purposes) Northern Ireland. The amendments made in that Act by section 25 only extend to England and Wales, and Scotland.
11. The majority of the provisions extend to England and Wales.
12. The following provisions also extend to Scotland. Section 9(1), (2) and (4) relate to section 109 of the Communications Act 2003 (power to specify the restrictions and conditions subject to which the electronic communications code is to apply). Section 18 relates to section 14 of the Energy Act 1976 (fuelling of new and converted power stations). Section 19 relates to conditions on licences made under section 7B of the Gas Act 1986. Sections 20 and 21 make provision about consents granted under section 36 of the Electricity Act 1989 and deemed planning permission granted under section 57 of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”) as well as section 90 of the Town and Country Planning Act 1990. Section 22 amends the Planning Act 2008 (“the 2008 Act”) in relation to consents under regimes superseded by that Act. Section 23 amends the 2008 Act to remove certain certification and consent requirements. Section 24 relates to sections 128 to 132 of the 2008 Act, amending the application of the special parliamentary procedure to the development consent regime. As mentioned above, section 25 extends to Scotland. Section 26 provides for applications for consent for certain nationally significant business and commercial projects to be able to be considered through the 2008 Act regime. Section 31 relates to certain employment rights.
13. [Section 9\(1\), \(2\) and \(4\)](#), which relate to section 109 of the Communications Act 2003 (restrictions and conditions subject to which the electronic communications code applies), also extend to Northern Ireland.

#### ***Territorial application***

14. Most of the provisions in this Act apply to England only. Those provisions that apply beyond England are detailed below.
15. [Section 9](#) is designed to facilitate the provision of communications infrastructure. It makes provision in relation to section 109 of the Communications Act 2003, which relates to the electronic communications code. These provisions also apply to Wales, Scotland and Northern Ireland, and are dealt with in subsections (1), (2) and (4) of the section.

*These notes refer to the Growth and Infrastructure Act  
2013 (c.27) which received Royal Assent on 25 April 2013*

16. [Section 9](#) also makes provision in relation to section 11A of the National Parks and Access to the Countryside Act 1949, and section 85 of the Countryside and Rights of Way Act 2000. Both of these provisions also apply to Wales. Section 9 also makes provision in relation to the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985, which applies only to Northern Ireland, and to section 14 of the National Parks (Scotland) Act 2000, which applies only to Scotland.
17. The following provisions also apply to Wales. Sections 11 and 13 (highways) and 14 and 17 (town and village greens) contain provisions which, in addition to amending the law applicable to England, simply restate the existing law applicable to Wales. Section 30 makes provision in the Local Government Finance Act 1988 relating to Welsh rating lists. This allows Welsh Ministers to delay the compilation of the ratings list and applies only to Wales.
18. The following provisions also apply in relation to Wales and Scotland. Section 18 relates to section 14 of the Energy Act 1976 (fuelling of new and converted power stations). Section 19 relates to conditions on licences made under section 7B of the Gas Act 1986. Section 20 relates to consents granted under section 36 of the Electricity Act 1989. Section 21 makes amendments linked to section 20: subsections (1) to (3) make amendments in the Town and Country Planning Act 1990 which also apply to Wales; subsections (4) to (6) make amendments to the Town and Country Planning (Scotland) Act 1997 which only apply to Scotland. Section 22 is about the relationship between the Planning Act 2008 and consents that pre-date that Act. Section 23 amends provisions of the Planning Act 2008 relating to land and apparatus of statutory undertakers and communications network operators. Section 24, and section 25 insofar as it modifies the Statutory Orders (Special Procedure) Act 1945 where an order is subject to special parliamentary procedure under the Planning Act 2008 (“the 2008 Act”), relate to provisions in the 2008 Act regarding the application and operation of that procedure to the development consent regime. That regime applies to Scotland only in connection with cross-border pipelines. Section 31 relates to certain employment rights.