

**2014 No. 2777 (W. 283)**

**TOWN AND COUNTRY  
PLANNING, WALES**

**The Planning (Hazardous  
Substances) (Determination of  
Procedure) (Prescribed Period)  
(Wales) Regulations 2014**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made by the Welsh Ministers in exercise of the powers conferred by sections 21B and 40 of the Planning (Hazardous Substances) Act 1990 (“the 1990 Act”).

These Regulations are preceded by the Town and Country Planning (Determination of Procedure) (Wales) Order 2014, which inserted section 21B into the 1990 Act.

Section 21B of the 1990 Act gives the Welsh Ministers the power to determine the procedure for certain proceedings in Wales, namely proceedings for applications referred to the Welsh Ministers under section 20 and appeals under section 21 of the 1990 Act. Determinations of procedure for such proceedings must be made by the Welsh Ministers before the end of the prescribed period.

These Regulations prescribe that period as seven working days from the relevant date, which is defined for these purposes.

An impact assessment has been prepared in relation to this instrument. Copies may be obtained from the Planning Division of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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(Wales) Regulations 2014**

*Made* 14 October 2014

*Laid before the National Assembly for Wales*  
17 October 2014

*Coming into force* 12 November 2014

The Welsh Ministers, in exercise of the powers conferred on them by section 21B(1) of the Planning (Hazardous Substances) Act 1990 and conferred on the Secretary of State by section 40(2) of that Act, and now exercisable by them(3), make the following Regulations:

**Title, commencement and interpretation**

1.—(1) The title of these Regulations is the Planning (Hazardous Substances) (Determination of Procedure) (Prescribed Period) (Wales) Regulations 2014.

(2) These Regulations come into force on 12 November 2014.

(3) In these Regulations “the 1990 Act” (“*Deddf 1990*”) means the Planning (Hazardous Substances) Act 1990.

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- (1) 1990 c. 10. Section 21B of the 1990 Act was inserted by the Town and Country Planning (Determination of Procedure) (Wales) Order 2014, S.I.2014/2773 (W.280).
- (2) There are amendments to section 40 of the 1990 Act but none are relevant to these Regulations.
- (3) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Planning (Hazardous Substances) Act 1990.

## Prescribed period

2.—(1) For the purposes of section 21B(3) of the 1990 Act the prescribed period is seven working days from the relevant date.

(2) In paragraph (1)—

“working day” (“*diwrnod gwaith*”) means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday in Wales; and

“the relevant date” (“*y dyddiad perthnasol*”) means—

- (a) in relation to referrals under section 20(1) of the 1990 Act, the day on which the Welsh Ministers receive notice of the referral from the hazardous substances authority; and
- (b) in relation to an appeal under section 21(2) of the 1990 Act, the day on which the Welsh Ministers receive notice of the appeal accompanied by information as may be prescribed.

*Carl Sargeant*

Minister for Natural Resources, one of the Welsh Ministers

14 October 2014

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(1) There are amendments to section 20 of the 1990 Act but none are relevant to these Regulations.

(2) Section 21 of the 1990 Act was amended by section 197 of, and paragraph 6 of Schedule 11 to the Planning Act 2008. There are other amendments but none are relevant to these Regulations.