



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

ADRODDIAD GAN Y PWYLLGOR DEDDFAU

LEGISLATION COMMITTEE REPORT

**The Town and Country Planning (Enforcement Notices and Appeals) (Wales)
Regulations 2003**

These contain provisions relating to the contents of enforcement notices under the Town and Country Planning Act and the procedure to be followed in relation to appeals against such notices and against listed building and conservation area enforcement notices.

Standing Order 11.5

The Assembly is invited to pay special attention to a discrepancy between the English and Welsh texts. The former has a coming into force date of 1 April 2003 whereas the latter has a date of 1 March 2003. This discrepancy arises both in relation to the headings on page 3 and the textual references in regulation 1(1).

This will be capable of correction by means of a memorandum of corrections.

Observations

The Joint Committee on Statutory Instruments has reported defective drafting in relation to the equivalent England regulations (SI 2002/2682). The corresponding provision in the Wales regulations, is in regulations 8(3) and 9. The point is as follows –

- “documents” in regulation 9 might be construed as including the regulation 8 statement.

- But if so, the regulation 9 notice cannot be sent until the regulation 8 statement has been sent, thus contradicting regulation 8(3)(a) which provides for the regulation 8 statement to be sent after the regulation 9 notice.

It is not considered that this is a matter for reporting to the Assembly as defective drafting, however, since it is felt that regulation 9 (“all the documents required to enable it to entertain the appeal”) must be interpreted as referring not to every document required under the procedure but merely those necessary to ascertain that a valid appeal has been made.

Mick Bates AM
Chair, Legislation Committee

11 February 2003