

SL(6)745 – The Infrastructure Consent (Fees) (Wales) (Amendment) Regulations 2026

Background and Purpose

These Regulations amend the Infrastructure Consent (Fees) (Wales) Regulations 2025 (“the 2025 Regulations”) to make provision for the charging of fees in connection with applications and proposed applications to make a change to, or revoke, an infrastructure consent order.

The Infrastructure (Wales) Act 2024 (“the 2024 Act”) establishes a unified application and consenting process to enable the making and consideration of applications for infrastructure consent. The process applies to the significant infrastructure projects that are specified in Part 1 of the 2024 Act.

Part 6 of the 2024 Act makes provision about infrastructure consent orders (orders granting infrastructure consent) including giving the Welsh Ministers power, by order, to change or revoke an infrastructure consent order.

The 2024 Act enables the Welsh Ministers to make provision for or in connection with the charging of fees by specified public authorities for the performance of an infrastructure consent function and the provision of an infrastructure consent service.

Procedure

Senedd approval procedure

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

- 1. Standing Order 21.3(i) – that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment**



The Regulations make provision for the charging of fees in connection with applications and proposed applications to make a change to, or revoke, an infrastructure consent order. These fees are payable to the Welsh Ministers.

Also, in relation to fees payable under the new regulations 17 and 18 of the 2025 Regulations, the new regulation 19 of the 2025 Regulations, as inserted by regulation 2(3), provides that the Welsh Ministers must refund to the applicant any part of the fee paid which was not spent after the determination of the application to change or revoke an infrastructure consent order.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The Regulations provide that the fees payable in connection with applications and proposed applications to make a change to, or revoke, an infrastructure consent order are to be the amounts published on a website maintained by or on behalf of the Welsh Ministers, rather than amounts set out on the face of the Regulations.

This follows the approach taken in the 2025 Regulations, which confers similar powers in relation to other fees payable to specified public authorities, for example the Welsh Ministers, planning authorities and Natural Resources Wales. Under the 2025 Regulations, in relation to fees payable to a specified public authority other than the Welsh Ministers, the requirement to maintain a website and publish amounts on that website is conferred on the collecting authority.

This approach is notable in that, if amounts for relevant fees were set out on the face of the Regulations, further regulations to amend those amounts would be required and would be made under section 124 of the 2024 Act. Regulations made under section 124 are subject to the Senedd approval procedure, in accordance with section 141(3) and (4)(h) of the 2024 Act, and would require the approval of the Senedd before they could be made by the Welsh Ministers.

However, it is noted that the enabling power in section 124(4)(b) of the 2024 Act expressly states that regulations may make provision about *“the amount that may be charged (including provision specifying the amount or **provision conferring a power to specify the amount**)”* (emphasis added).

Likewise, section 124(5) goes on to state that regulations *“may confer a function, including a function involving the exercise of a discretion, on any person”*.

The Welsh Government’s consultation document, [‘Implementing the Infrastructure \(Wales\) Act 2024’](#), also states (at para. 10.11):

“It is also proposed that the detail of fees will be contained in a statement published on the Welsh Government website that can be updated from time to time. This allows a certain level of flexibility in fees to respond to external factors such as inflation.”



Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

12 February 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee