

Explanatory Memorandum to the Infrastructure (Wales) Act 2024 (Amendment to Commencement Order No. 2) Order 2026

This Explanatory Memorandum has been prepared by the Planning Directorate for laying before Senedd Cymru alongside the Infrastructure (Wales) Act 2024 (Amendment to Commencement Order No. 2) Order 2026. This is in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Infrastructure (Wales) Act 2024 (Amendment to Commencement Order No. 2) Order 2026.

Rebecca Evans MS
Cabinet Secretary for Economy, Energy and Planning

9 March 2026

1. Purpose and overview

1.1. This Order amends the Infrastructure (Wales) Act 2024 (Commencement No. 2) Order 2025. The Infrastructure (Wales) Act 2024 (Commencement No. 2) Order 2025 brings into force the following provisions of the Infrastructure (Wales) Act 2024 (“the Act”) on 16 March 2026:

- Section 40(2) (appointing a person or a panel of persons to examine an application to revoke or change an infrastructure consent order)
- Section 90 (power to change or revoke infrastructure consent orders)
- Section 91 (procedure: changing and revoking infrastructure consent orders)
- Section 92(1)(c) and (3) (changing and revoking infrastructure consent orders: formalities) to the extent not already in force)
- Section 93 (changing or revoking an infrastructure consent order: compensation)
- Section 96(5), (6) and (8) (legal challenges) to the extent not already in force
- Section 124(3)(a)(ii) (fees for performance of infrastructure consent functions and services)
- Schedule 2 (compensation for changing or revoking infrastructure consent orders)

1.2. Please refer to the ‘Notes to earlier commencement orders table’ found within the commencement order for further information.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

2.1. This Order makes amendments to the Infrastructure (Wales) Act 2024 (Commencement No. 2) Order 2025 as agreed to in response to the Legislation, Justice and Constitution Committee’s report on the 2025 Order SL(6)696¹.

3. Legislative background

3.1. This Order is made under section 147(2) of the Act. Although a commencement order does not follow a Senedd procedure, it is still required

¹ <https://business.senedd.wales/mglIssueHistoryHome.aspx?IId=46943>

to be laid before Senedd Cymru under section 37F of the Legislation (Wales) Act 2019.

4. Regulatory Impact Assessment (RIA)

- 4.1. An RIA has not been completed for this Order. This is in line with the exemption in section 3.2 of the Welsh Ministers' code of practice for carrying out regulatory impact assessments for subordinate legislation.