



Infrastructure (Wales) Act 2024

2024 asc 3

PART 6

INFRASTRUCTURE CONSENT ORDERS

Provision in orders authorising compulsory acquisition

68 Statutory undertakers' land

- (1) This section applies in relation to land (“statutory undertakers’ land”) if—
 - (a) the land has been acquired by statutory undertakers for the purposes of their undertaking,
 - (b) a representation has been made about an application for infrastructure consent before the completion of the examination of the application, and the representation has not been withdrawn, and
 - (c) as a result of the representation the Welsh Ministers are satisfied that—
 - (i) the land is used for the purposes of carrying on the statutory undertakers’ undertaking, or
 - (ii) an interest in the land is held for those purposes.
- (2) An infrastructure consent order may include provision authorising the compulsory acquisition of statutory undertakers’ land only to the extent that the Welsh Ministers are satisfied of the matters set out in subsection (3).
- (3) The matters are that the nature and situation of the land are such that—
 - (a) it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or
 - (b) if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking.
- (4) Subsections (2) and (3) do not apply in a case within subsection (5).

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (5) An infrastructure consent order may include provision authorising the compulsory acquisition of a right over statutory undertakers' land by the creation of a new right over land only to the extent that the Welsh Ministers are satisfied of the matters set out in subsection (6).
- (6) The matters are that the nature and situation of the land are such that—
- (a) the right can be purchased without serious detriment to the carrying on of the undertaking, or
 - (b) any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.
- (7) In this section, “statutory undertakers” has the meaning given by section 8 of the Acquisition of Land Act 1981 (c. 67) and also includes the undertakers—
- (a) that are deemed to be statutory undertakers for the purposes of that Act, by virtue of another enactment;
 - (b) that are statutory undertakers for the purposes of section 16(1) and (2) of that Act (see section 16(3) of that Act).
- (8) In the application of this section to a statutory undertaker which is a health service body (as defined in section 60(7) of the National Health Service and Community Care Act 1990 (c. 19)), references to land acquired or available for acquisition by the statutory undertakers are to be construed as references to land acquired or available for acquisition by the Welsh Ministers for use or occupation by the body.