



# Leasehold Reform, Housing and Urban Development Act 1993

## 1993 CHAPTER 28

### PART III

#### DEVELOPMENT OF URBAN AND OTHER AREAS

##### *The Urban Regeneration Agency*

#### 158 The Agency.

- (1) There shall be a body corporate to be known as the Urban Regeneration Agency (“the Agency”) for the purpose of exercising the functions conferred on it by the following provisions of this Part.
- (2) Schedule 17 to this Act shall have effect with respect to the constitution of the Agency and Schedule 18 to this Act shall have effect with respect to the finances of the Agency.
- (3) It is hereby declared that, except as provided by section 175, the Agency is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and that its property is not to be regarded as the property of, or property held on behalf of, the Crown.

#### **Extent Information**

- E1** S. 158: by s. 188(6)(b) it is provided that, in Pt. III of this Act, Sch. 17 para. 8 also extends to S. and N.I., and subject thereto s. 188(4)(c) provides that Pt. III of this Act extends to E.W. only.

#### 159 Objects of Agency.

- (1) The main object of the Agency shall be to secure the regeneration of land in England—

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- (a) which is land of one or more of the descriptions mentioned in subsection (2); and
  - (b) which the Agency (having regard to guidance, and acting in accordance with directions, given by the Secretary of State under section 167) determines to be suitable for regeneration under this Part.
- (2) The descriptions of land referred to in subsection (1)(a) are—
- (a) land which is vacant or unused;
  - (b) land which is situated in an urban area and which is under-used or ineffectively used;
  - (c) land which is contaminated, derelict, neglected or unsightly; and
  - (d) land which is likely to become derelict, neglected or unsightly by reason of actual or apprehended collapse of the surface as the result of the carrying out of relevant operations which have ceased to be carried out;
- and in this subsection “relevant operations” has the same meaning as in section 1 of the <sup>M1</sup>Derelict Land Act 1982.
- (3) The Agency shall also have the object of securing the development of land in England which the Agency—
- (a) having regard to guidance given by the Secretary of State under section 167;
  - (b) acting in accordance with directions given by the Secretary of State under that section; and
  - (c) with the consent of the Secretary of State,
- determines to be suitable for development under this Part.
- (4) The objects of the Agency are to be achieved in particular by the following means (or by such of them as seem to the Agency to be appropriate in any particular case), namely—
- (a) by securing that land and buildings are brought into effective use;
  - (b) by developing, or encouraging the development of, existing and new industry and commerce;
  - (c) by creating an attractive and safe environment;
  - (d) by facilitating the provision of housing and providing, or facilitating the provision of, social and recreational facilities.

#### **Marginal Citations**

**M1** 1982 c. 42.

## **160 General powers of Agency.**

- (1) Subject to the following provisions of this Part, for the purpose of achieving its objects the Agency may—
- (a) acquire, hold, manage, reclaim, improve and dispose of land, plant, machinery, equipment and other property;
  - (b) carry out the development or redevelopment of land, including the conversion or demolition of existing buildings;
  - (c) carry out building and other operations;
  - (d) provide means of access, services or other facilities for land;

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- (e) seek to ensure the provision of water, electricity, gas, sewerage and other services;
  - (f) carry on any business or undertaking for the purposes of its objects;
  - (g) with the consent of the Secretary of State, form, or acquire interests in, bodies corporate;
  - (h) act with other persons, whether in partnership or otherwise;
  - (i) give financial assistance to other persons;
  - (j) act as agent for other persons;
  - (k) provide advisory or other services and facilities; and
  - (l) generally do anything necessary or expedient for the purposes of its objects or for purposes incidental to those purposes.
- (2) Nothing in section 159 or this section shall empower the Agency—
- (a) to provide housing otherwise than by acquiring existing housing accommodation and making it available on a temporary basis for purposes incidental to the purposes of its objects;
  - (b) to acquire an interest in a body corporate which at the time of the acquisition is carrying on a trade or business, if the effect of the acquisition would be to make the body corporate a subsidiary of the Agency; or
  - (c) except with the consent of the Secretary of State, to dispose of any land otherwise than for the best consideration which can reasonably be obtained.
- (3) For the avoidance of doubt it is hereby declared that subsection (1) relates only to the capacity of the Agency as a statutory corporation and nothing in section 159 or this section authorises it to disregard any enactment or rule of law.
- (4) In this section—
- “improve”, in relation to land, includes refurbish, equip and fit out;
  - “subsidiary” has the meaning given by section 736 of the <sup>M2</sup>Companies Act 1985;
- and in this section and the following provisions of this Part references to land include land not falling within subsection (1) or (3) of section 159.

**Modifications etc. (not altering text)**

C1 S. 160(1) extended (31.3.1998) by S.I. 1998/569, art. 4.

C2 S. 160(2)(b) excluded (31.3.1998) by S.I. 1998/569, art. 4.

**Marginal Citations**

M2 1985 c. 6.

**161 Vesting of land by order.**

- (1) Subject to subsections (2) and (3), the Secretary of State may by order provide that land specified in the order which is vested in a local authority, statutory undertakers or other public body, or in a wholly-owned subsidiary of a public body, shall vest in the Agency.
- (2) An order under subsection (1) may not specify land vested in statutory undertakers which is used for the purpose of carrying on their statutory undertakings or which is held for that purpose.

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- (3) In the case of land vested in statutory undertakers, the power to make an order under subsection (1) shall be exercisable by the Secretary of State and the appropriate Minister.
- (4) An order under subsection (1) shall have the same effect as a declaration under the <sup>M3</sup>Compulsory Purchase (Vesting Declarations) Act 1981 except that, in relation to such an order, the enactments mentioned in Schedule 19 to this Act shall have effect with the modifications specified in that Schedule.
- (5) Compensation under the <sup>M4</sup>Land Compensation Act 1961, as applied by subsection (4) and Schedule 19 to this Act, shall be assessed by reference to values current on the date the order under subsection (1) comes into force.
- (6) No compensation is payable, by virtue of an order under subsection (1), under Part IV of the Land Compensation Act 1961.
- (7) In this section—
- “the appropriate Minister”—
- (a) in relation to statutory undertakers who are or are deemed to be statutory undertakers for the purposes of any provision of Part XI of the <sup>M5</sup>Town and Country Planning Act 1990, shall be construed as if contained in that Part;
- (b) in relation to any other statutory undertakers, shall be construed in accordance with an order made by the Secretary of State;
- and the reference to the Secretary of State and the appropriate Minister shall be similarly construed;
- “local authority” means a county council, a district council, a London borough council or the Common Council of the City of London;
- “statutory undertakers”, except where the context otherwise requires, means—
- (a) persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power;
- (b) British Shipbuilders, the Civil Aviation Authority, the British Coal Corporation and the Post Office;
- (c) any other authority, body or undertakers specified in an order made by the Secretary of State;
- (d) any wholly-owned subsidiary of any person, authority or body mentioned in paragraphs (a) and (b) or of any authority, body or undertakers specified in an order made under paragraph (c);
- and “statutory undertaking” shall be construed accordingly;
- “wholly-owned subsidiary” has the meaning given by section 736 of the <sup>M6</sup>Companies Act 1985.
- (8) If any question arises as to which Minister is the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury.
- (9) An order under subsection (1) shall be made by statutory instrument but no such order shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

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- (10) An order under subsection (7) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Marginal Citations**

- M3** 1981 c. 66.  
**M4** 1961 c. 33.  
**M5** 1990 c. 8.  
**M6** 1985 c. 6.

**162 Acquisition of land.**

- (1) The Agency may, for the purpose of achieving its objects or for purposes incidental to that purpose, acquire land by agreement or, on being authorised to do so by the Secretary of State, compulsorily.
- (2) The Agency may, for those purposes, be authorised by the Secretary of State, by means of a compulsory purchase order, to acquire compulsorily such new rights over land as are specified in the order.
- (3) Where the land referred to in subsection (1) or (2) forms part of a common, open space or fuel or field garden allotment, the Agency may acquire (by agreement or, on being authorised to do so by the Secretary of State, compulsorily) land for giving in exchange for the land or, as the case may be, rights acquired.
- (4) Subject to section 169, the <sup>M7</sup>Acquisition of Land Act 1981 shall apply to the compulsory acquisition of land by virtue of subsection (1) or (3).
- (5) Schedule 3 to that Act shall apply to the compulsory acquisition of a right by virtue of subsection (2) but with the modification that the reference in paragraph 4(3) to statutory undertakers includes a reference to the Agency.
- (6) The provisions of Part I of the <sup>M8</sup>Compulsory Purchase Act 1965 (so far as applicable), other than section 31, shall apply to the acquisition by the Agency of land by agreement; and in that Part as so applied “land” has the meaning given by the <sup>M9</sup>Interpretation Act 1978.
- (7) In subsection (2)—
- “new rights over land” means rights over land which are not in existence when the order specifying them is made;
- “compulsory purchase order” has the same meaning as in the <sup>M10</sup>Acquisition of Land Act 1981.

**Marginal Citations**

- M7** 1981 c. 67.  
**M8** 1965 c. 56.  
**M9** 1978 c. 30.  
**M10** 1981 c. 67.

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### **163 Power to enter and survey land.**

- (1) Any person who is duly authorised in writing by the Agency may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with—
  - (a) any proposal to acquire that land or any other land; or
  - (b) any claim for compensation in respect of any such acquisition.
- (2) The power to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals in it.
- (3) A person authorised under this section to enter any land—
  - (a) shall, if so required, produce evidence of his authority before entry, and
  - (b) shall not demand admission as of right to any land which is occupied unless 28 days' notice of the intended entry has been given to the occupier by the Agency.
- (4) Any person who wilfully obstructs a person acting in exercise of his powers under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) If any person who, in compliance with the provisions of this section, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him in it as to any manufacturing process or trade secret, he shall be guilty of an offence.
- (6) Subsection (5) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the premises.
- (7) A person who is guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.
- (8) Where any land is damaged—
  - (a) in the exercise of a right of entry under this section, or
  - (b) in the making of any survey under this section,
 compensation in respect of that damage may be recovered by any person interested in the land from the Agency.
- (9) The provisions of section 118 of the <sup>M11</sup>Town and Country Planning Act 1990 (determination of claims for compensation) shall apply in relation to compensation under subsection (8) as they apply in relation to compensation under Part IV of that Act.
- (10) No person shall carry out under this section any works authorised by virtue of subsection (2) unless notice of his intention to do so was included in the notice required by subsection (3).
- (11) The authority of the appropriate Minister shall be required for the carrying out of any such works if—
  - (a) the land in question is held by statutory undertakers; and
  - (b) they object to the proposed works on the ground that the execution of the works would be seriously detrimental to the carrying on of their undertaking;

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and expressions used in this subsection have the same meanings as they have in section 325(9) of the <sup>M12</sup>Town and Country Planning Act 1990 (supplementary provisions as to rights of entry).

#### Marginal Citations

M11 1990 c. 8.

M12 1990 c. 8.

### 164 Financial assistance.

- (1) The consent of the Secretary of State is required for the exercise of the Agency's power to give financial assistance; and such assistance—
  - (a) may be given by the Agency only in respect of qualifying expenditure; and
  - (b) may be so given on such terms and conditions as the Agency, with the consent of the Secretary of State, considers appropriate.
- (2) Expenditure incurred in connection with any of the following matters is qualifying expenditure—
  - (a) the acquisition of land;
  - (b) the reclamation, improvement or refurbishment of land;
  - (c) the development or redevelopment of land, including the conversion or demolition of existing buildings;
  - (d) the equipment or fitting out of land;
  - (e) the provision of means of access, services or other facilities for land;
  - (f) environmental improvements.
- (3) Financial assistance may be given in any form and may, in particular, be given by way of—
  - (a) grants;
  - (b) loans;
  - (c) guarantees; or
  - (d) incurring expenditure for the benefit of the person assisted;but the Agency shall not in giving financial assistance purchase loan or share capital in a company.
- (4) A consent under subsection (1) may be given only with the approval of the Treasury.
- (5) The terms and conditions on which financial assistance is given may, in particular, include provision as to—
  - (a) the circumstances in which the assistance must be repaid, or otherwise made good, to the Agency, and the manner in which that is to be done;
  - (b) the circumstances in which the Agency is entitled to recover the proceeds or part of the proceeds of any disposal of land in respect of which the assistance was provided.
- (6) Any person receiving financial assistance shall comply with the terms and conditions on which it is given and compliance may be enforced by the Agency.

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## 165 Connection of private streets to highway.

- (1) For the purpose of achieving its objects or for purposes incidental to that purpose, the Agency may serve a notice (a “connection notice”) on the local highway authority requiring the authority to connect a private street to an existing highway (whether or not it is a highway which for the purposes of the <sup>M13</sup>Highways Act 1980 is a highway maintainable at the public expense).
- (2) A connection notice must specify—
  - (a) the private street and the existing highway;
  - (b) the works which appear to the Agency to be necessary to make the connection; and
  - (c) the period within which those works should be carried out.
- (3) Before serving a connection notice the Agency shall consult the local highway authority about the proposed contents of the notice.
- (4) Within the period of two months beginning with the date on which the connection notice was served, the local highway authority may appeal against the notice to the Secretary of State.
- (5) After considering any representations made to him by the Agency and the local highway authority, the Secretary of State shall determine an appeal under subsection (4) by setting aside or confirming the connection notice (with or without modifications).
- (6) A connection notice becomes effective—
  - (a) where no appeal is made within the period of two months referred to in subsection (4), upon the expiry of that period;
  - (b) where an appeal is made within that period but is withdrawn before it has been determined by the Secretary of State, on the date following the expiry of the period of 21 days beginning with the date on which the Secretary of State is notified of the withdrawal;
  - (c) where an appeal is made and the connection notice is confirmed by a determination under subsection (5), on such date as the Secretary of State may specify in the determination.
- (7) Where a connection notice becomes effective, the local highway authority shall carry out the works specified in the notice within such period as may be so specified and may recover from the Agency the expenses reasonably incurred by them in doing so.
- (8) If the local highway authority do not carry out the works specified in the notice within such period as may be so specified, the Agency may itself carry out or complete those works or arrange for another person to do so.
- (9) In this section “local highway authority” has the same meaning as in the Highways Act 1980.

### Marginal Citations

M13 1980 c. 66.



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