



# Welsh Development Agency Act 1975

## 1975 CHAPTER 70

An Act to establish a Welsh Development Agency and a Welsh Industrial Development Advisory Board; and for connected purposes. [12th November 1975]

### Modifications etc. (not altering text)

- C1** Act (with exceptions in Sch. 3 para. 4, Sch. 4 paras. 11, 12): transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- C2** Act extended (E.W.S) (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xxiii)**; S.I. 1996/218, art. 2.  
Act modified (E.W.S) (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(10)(e)**; S.I. 1996/218, art. 2.
- C3** Act extended by **Gas Act 1986** (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(1)(xxxii), **Sch. 8 para. 33**.
- C4** Act modified by **Gas Act 1986** (c. 44, SIF 44:2), s. 67(1)(3), **Sch. 7 para. 2(9)(h)**, Sch. 8 para. 33.
- C5** Act extended by **Water Act 1989** (c. 15, SIF 130), s. 190, **Sch. 25 para. 1(2)** (xx) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58).
- C6** Act modified by **Water Act 1989** (c. 15, SIF 130), s. 190, **Sch. 25 para. 1(10)(v)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 25 para. 1(10)(v), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58).
- C7** Act extended by **Electricity Act 1989** (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 1(1)(xxix), Sch. 17 paras. 33, **35(1)**.
- C8** Act modified by **Electricity Act 1989** (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 3(1)(e), Sch. 17 paras. 33, **35(1)**.

### Commencement Information

- I1** Act partly in force at Royal Assent see s. 29(2), Act wholly in force at 1.1.1976.

## 1 The Welsh Development Agency.

- (1) There shall be established a body to be called the Welsh Development Agency (in this Act referred to as “the Agency”) having the functions specified in the following provisions of the Act.
- (2) The purposes for which the Agency may exercise their functions are—

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- (a) to further the economic [<sup>F1</sup>and social] development of Wales or any part of Wales [<sup>F2</sup>, and in that connection to provide, maintain or safeguard employment];
  - (b) to promote [<sup>F3</sup>efficiency in business] and international competitiveness in Wales;
  - (c) ..... <sup>F4</sup>
  - (d) to further the improvement of the environment in Wales (having regard to existing amenity).
- (3) Without prejudice to the following provisions of this Act, the functions of the Agency shall be—
- (a) to promote Wales as a location [<sup>F5</sup>for businesses], or assist or concert its promotion as such a location;
  - (b) to provide finance for persons carrying on or intending to carry on [<sup>F6</sup>businesses];
  - (c) to carry on industrial undertakings and to establish and carry on new [<sup>F6</sup>businesses];
  - (d) otherwise to promote or assist the establishment, growth . . . <sup>F7</sup>, modernisation or development of [<sup>F8</sup>businesses, or a particular business or particular businesses];
  - [<sup>F9</sup>(da) to make land available for development;]
  - (e) ..... <sup>F10</sup>
  - (f) to provide sites, premises, services and facilities for [<sup>F6</sup>businesses];
  - (g) to manage sites and premises for [<sup>F6</sup>businesses];
  - (h) to bring derelict land into use or improve its appearance; . . . <sup>F11</sup>
  - (i) to undertake the development and redevelopment of the environment.
  - [<sup>F12</sup>(j) to promote the private ownership of interests in [<sup>F6</sup>businesses] by the disposal of securities and other property held by the Agency or any of their subsidiaries.]
- (4) In exercising their functions the Agency shall have regard to the requirements of agriculture and efficient land management.
- (5) The Agency may only exercise functions under subsection (3)(c) above through subsidiaries.
- (6) The Agency shall have power to do anything, whether in Wales or elsewhere, which is calculated to facilitate the discharge of their functions specified in subsection (3) above, or is incidental or conducive to their discharge.
- (7) In particular, but without prejudice to the generality of subsection (6) above, the Agency shall have power—
- (a) to acquire, hold and dispose of securities;
  - (b) to form bodies corporate;
  - (c) to form partnerships with other persons;
  - (d) to make loans;
  - (e) to guarantee obligations (arising out of loans or otherwise) incurred by other persons;
  - (f) to make grants;
  - (g) to act as agent for other persons;

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- (h) to acquire and dispose of land, plant, machinery and equipment and other property;
  - (i) to manage land, and to develop land and carry out works on land, and to maintain works or assist in their maintenance;
  - (k) to make land, plant, machinery and equipment and other property available for use by other persons;
  - (l) to provide advisory or other services or facilities in relation to any of their functions, or assist in their provision; and
  - (m) to promote or assist in the promotion of publicity relating to any of the functions of the Agency.
- (8) Unless the Secretary of State otherwise directs under subsection (9) below, the powers mentioned in subsection (7)(a) to (e) above may only be exercised in connection with the Agency's functions mentioned in subsection (3)(b) and (c) above, and the power mentioned in subsection (7)(f) above <sup>F13</sup> may only be exercised in connection with those functions in accordance with a programme approved by the Secretary of State under subsection (15) below].
- (9) Subject to subsection (10) below, the Secretary of State may give the Agency directions of a general or specific character as to the exercise of their functions; and it shall be the duty of the Agency to give effect to any such directions.
- (10) The Secretary of State shall consult the Agency about any proposed direction.
- (11) Subject to paragraph 9(3) of Schedule 3 below, when the Secretary of State gives a direction under this section . . . <sup>F14</sup>, he shall either—
- (a) lay a copy of the direction before each House of Parliament within 28 days of giving it; or
  - (b) lay a copy later, but lay with it a statement of the reason why a copy was not laid within 28 days.
- (12) The Agency's report for any accounting year shall set out any direction under this section given during that year.
- (13) Any direction given under this section may be varied or revoked by a subsequent direction so given.
- (14) It shall be the Agency's duty, after consultation with such local authorities, <sup>F15</sup> National Park authorities] and other bodies as appear to the Agency to have an interest, from time to time to prepare and submit to the Secretary of State for his approval <sup>F16</sup> programmes] for the performance of such of their functions as he may direct.
- (15) The Secretary of State may approve a <sup>F17</sup> programme] in whole or in part, with or without modifications, or may refuse to approve a <sup>F17</sup> programme].
- (16) For the avoidance of doubt it is hereby declared that nothing in this Act is to be construed as authorising the disregard by the Agency of any enactment or rule of law.

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**Extent Information**

**E1** For extent of s. 1 see s. 29(3).

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### Textual Amendments

- F1** Words in s. 1(2)(a) inserted (1.10.1998) by 1998 c. 38, s. 126(1)(2)(a) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.
- F2** Words added by Industry Act 1980 (c. 33, SIF 64), ss. 1(3)(a), 22.
- F3** Words in s. 1(2)(b) substituted (1.10.1998) by 1998 c. 38, s. 126(1)(2)(b) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.
- F4** S. 1(2)(c) repealed by Industry Act 1980 (c. 33, SIF 64), ss. 21(1), 22, Sch. 2.
- F5** Words in s. 1(3) substituted (1.10.1998) by 1998 c. 38, s. 126(1)(3)(a) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.
- F6** Words in s. 1(3)(b)(c)(f)(g)(j) substituted (1.10.1998) by 1998 c. 38, s. 126(1)(3)(b) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.
- F7** Word repealed (with saving) by Industry Act 1980 (c. 33, SIF 64), s. 21(1)(2), Sch. 2.
- F8** Words in s. 1(3)(d) substituted (1.10.1998) by 1998 c. 38, s. 126(1)(3)(c) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.
- F9** S. 1(3)(da) inserted (1.10.1998) by 1998 c. 38, s. 126(1)(3)(d) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.
- F10** S. 1(3)(e) repealed (with saving) by Industry Act 1980 (c. 33, SIF 64), s. 21(1)(2), Sch. 2.
- F11** Word repealed (with saving) by Industry Act 1980 (c. 33, SIF 64), s. 21(1)(2), Sch. 2.
- F12** S. 1(3)(j) added by Industry Act 1980 (c. 33, SIF 64), ss. 1(3)(b), 22.
- F13** Words in s. 1(8) substituted (1.10.1998) by 1998 c. 38, s. 126(4) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.
- F14** Words repealed by Industry Act 1980 (c. 33, SIF 64), ss. 21(1), 22, Sch. 2.
- F15** Words in s. 1 inserted (E.W) (1.4.1996) by 1995 c. 25, s. 78, Sch. 10 para. 13(1) (with ss. 7(6), 115, 117, Sch. 8 para. (7)); S.I. 1995/2950, art. 3.
- F16** Word in s. 1(14) substituted (1.10.1998) by 1998 c. 38, s. 128, Sch. 14 para. 2(2) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.
- F17** words in s. 1(15) substituted (1.10.1998) by 1998 c. 38, s. 128, Sch. 14 para. 2(3) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.

### Modifications etc. (not altering text)

- C9** S. 1(9) extended by Industry Act 1980 (c. 33, SIF 64), ss. 2, 22.

## 2 Constitution and status.

- (1) The Agency shall consist of a chairman, a deputy chairman and not less than [<sup>F18</sup>seven nor more than nine] other members [<sup>F19</sup>; but the Secretary of State may by order provide that the maximum number of other members shall be such number greater than nine as is specified in the order.]

<sup>F20</sup>(1A) . . . . .

- (2) The chairman, deputy chairman and other members of the Agency <sup>F21</sup>. . . shall be appointed by the Secretary of State.
- (3) The members of the Agency shall include persons who appear to the Secretary of State to have wide experience of, and to have shown capacity in, one or more of the following, namely, industry, commerce, banking, accountancy, finance, the organisation or representation of workers, administration, local government and matters relating to the environment.
- (4) The Secretary of State, after consultation with the chairman or chairman-designate of the Agency, shall appoint a chief executive of the Agency.

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- (5) Subsequent appointments to the office of chief executive shall be made by the Agency, with the approval of the Secretary of State.
- (6) The chief executive shall be a member of the Agency, but the chairman or deputy chairman shall not be chief executive.
- (7) If a person appointed chief executive is not already a member of the Agency, the Secretary of State shall appoint him a member.
- (8) It is hereby declared that [<sup>F22</sup>, except as provided by section 10A below,] the Agency shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity, or privilege of the Crown and that the Agency's property is not to be regarded as the property of, or property held on behalf of, the Crown.
- (9) The Agency shall not be exempt, except as provided by paragraph 20 of Schedule 1 to this Act, from any tax, duty, rate, levy or other charge whatsoever, whether general or local.
- (10) Schedule 1 to this Act shall have effect.

**Textual Amendments**

- F18** Words substituted by [Development of Rural Wales Act 1976 \(c. 75\), s. 23\(2\)](#).
- F19** Words in s. 2(1) inserted (1.10.1998) by 1998 c. 38, s. 128, [Sch. 14 para. 4](#) (with ss. 139(2), 143(2)); S.I. 1998/2244, [art. 4](#)
- F20** S. 2(1A) repealed (1.10.1998) by 1998 c. 38, s. 152, [Sch. 18 Pt. IV](#) (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, [art. 4](#)
- F21** Words in s. 2(2) repealed (1.10.1998) by 1998 c. 38, s. 152, [Sch. 18 Pt. IV](#) (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, [art. 4](#)
- F22** Words in s. 2(8) inserted (E.W.) (24.9.1996) by 1996 c. 53, [ss. 130\(2\), 150\(2\)](#).

**3** ..... <sup>F23</sup>

**Textual Amendments**

- F23** S. 3 repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), ss. 21(1), 22, [Sch. 2](#)

**4 Ancillary powers.**

The Agency shall have power—

- (a) to make such charge for any of their services as they think fit;
- (b) to accept any gift made to them for the purposes of any of their functions, and subject to the terms of the gift and to the provisions of this Act, to apply it for those purposes;
- (c) to carry out or commission the carrying out of such enquiries, investigations or researches as the Agency may deem necessary or expedient for the purposes of their functions.

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## 5 Assistance to Agency from public authorities and other persons.

- (1) The Agency may appoint a local authority, [<sup>F24</sup>a National Park authority], the development corporation of a new town or any other body or person to act as their agent to carry out the Agency's functions mentioned in section 1(3)(a) [<sup>F25</sup>, (da)] and (f) to (i) above [<sup>F26</sup> or section 21C below].

<sup>F27</sup>(1A) . . . . .

- (2) For the purpose of assisting the Agency to carry out any of the functions referred to in subsection (1) above, a local authority, [<sup>F24</sup>a National Park authority] or a development corporation, or any other body of a public nature, on being so requested by the Agency, may place the services of any of their staff at the Agency's disposal, on such terms as may be agreed with the Agency.

### Textual Amendments

- F24** Words in s. 5(1)(2) inserted (E.W) (1.4.1996) by 1995 c. 25, s. 78, **Sch. 10 para. 13(2)** (with ss. 7(6), 115, 117, Sch. 8 para. (7)); S.I. 1995/2950, **art. 3**.
- F25** Words in s. 5(1) inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 para. 4(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.
- F26** Words in s. 5(1) inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 para. 4(b)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.
- F27** S. 5(1A) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

## 6 Power to form committees.

- (1) The Agency may establish such committees for the discharge of any of the Agency's functions, or for giving advice to the Agency about the discharge of any of their functions, as they consider appropriate.
- (2) The members of any committee shall be appointed by the Agency, and may be either members of the Agency or, with the approval of the Secretary of State, persons who are not members.

## 7 Dissolution of Welsh Industrial Estates Corporation.

- (1) The Welsh Industrial Estates Corporation shall cease to exist, and all that Corporation's property, rights and liabilities shall vest in the Agency; and for the avoidance of doubt, it is hereby declared that planning permission shall be deemed to have been granted under [<sup>F28</sup>section 70 of the Town and Country Planning Act 1990] in respect of any development initiated by the Corporation before the commencement of this Act.
- (2) Schedule 2 to this Act shall have effect.

### Textual Amendments

- F28** Words substituted by **Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 34(1)**

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## 8 Transfer to Agency of land held under Local Employment Act 1972.

- (1) All land in Wales which was acquired by or vested in any Minister of the Crown under an enactment specified in subsection (2) below and which is held (otherwise than as security for a loan) for the purposes of the <sup>M1</sup>Local Employment Act 1972 shall vest in the Agency, subject to all rights, liabilities and obligations relating to it.
- (2) The enactments mentioned in subsection (1) above are the Distribution of Industry Acts 1945 to 1958, the Local Employment Acts 1960 to 1971 and the <sup>M2</sup>Local Employment Act 1972.

### Marginal Citations

- M1** 1972 c. 5.  
**M2** 1972 c. 5.

## 9 Provision of sites and premises for industry.

- (1) For the purpose of providing or managing [<sup>F29</sup>sites and premises for businesses] and providing related facilities [<sup>F30</sup>, or making land available for development,] the Agency shall exercise their powers in accordance with arrangements to be approved by the Secretary of State.
- (2) For that purpose the Agency shall have power to modernise, adapt or reconstruct buildings; and, where the execution of the works will interrupt the use of the buildings or works by any undertaking, the power to acquire land conferred by section 1(7) (h) above shall include power to acquire land for the purpose of providing premises for the occupation of that undertaking or of otherwise meeting its requirements, and the Agency may for that purpose erect buildings and carry out works on any land so acquired.
- (3) If it appears to the Secretary of State that there are circumstances which justify the giving of special assistance, he may authorise the Agency to provide premises for the occupation of [<sup>F31</sup>a business] free of rent for such time as he thinks appropriate.

### Textual Amendments

- F29** Words in s. 9(1) substituted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 para. 5(2)(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.
- F30** Words in s. 9(1) inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 para. 5(2)(b)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.
- F31** Words in s. 9(3) substituted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 para. 5(3)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

## 10 Services etc. for development of industry.

The Secretary of State may authorise the Agency to undertake or assist in the provision of means of access or other services or facilities in or for an area where this appears to him to be expedient for the purpose of contributing to or supporting the development of [<sup>F32</sup>businesses] in that area.

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### Textual Amendments

**F32** Word in s. 10 substituted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. I para. 6** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

## 10A Financial assistance for regeneration and development.

- (1) The Secretary of State may appoint the Agency to act as his agent in connection with such of his functions mentioned in subsection (2) below as he may specify.
- (2) The functions are—
  - (a) functions under sections 126 to 128 of the Housing Grants, Construction and Regeneration Act 1996 (financial assistance for regeneration and development), so far as they relate to—
    - (i) financial assistance which the Agency has power to give apart from this section; or
    - (ii) financial assistance given under that Act in pursuance of an agreement entered into by the Secretary of State for Wales before the coming into force of this section, or
  - (b) functions of the Secretary of State in relation to financial assistance given by the Secretary of State for Wales under sections 27 to 29 of the Housing and Planning Act 1986.
- (3) An appointment under this section shall be on such terms as the Secretary of State, with the approval of the Treasury, may specify; and the Agency shall act under the appointment in accordance with those terms.
- (4) The Agency's powers in relation to functions under an appointment under this section include the powers it has in relation to functions under subsection (3) of section 1 by virtue of subsections (6) and (7) of that section.

## 11 Application of Landlord and Tenant Act 1954 to Agency premises.

- (1) The following section shall be inserted after section 60 of the <sup>M3</sup> Landlord and Tenant Act 1954 :—

### “60A Welsh Development Agency premises

- (1) Where the property comprised in a tenancy consists of premises of which the Welsh Development Agency is the landlord, and the Secretary of State certifies that it is necessary or expedient, for the purpose of providing employment appropriate to the needs of the area in which the premises are situated, that the use or occupation of the property should be changed, paragraphs (a) and (b) of section 58(1) above shall apply as they apply where such a certificate is given as is mentioned in that subsection.
- (2) Where the court makes an order under Part II of this Act for the grant of a new tenancy of any such premises as aforesaid, and the Secretary of State certifies that it is necessary or expedient as aforesaid that the tenancy should be subject to a term, specified in the certificate, prohibiting or restricting the the tenant from assigning the tenancy or subletting, charging or parting with possession of the premises or any part of the premises or changing the use of the premises



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or any part of the premises, the court shall determine that the terms of the tenancy shall include the terms specified in the certificate.”.

(2) In section 59 of that Act (compensation for exercise of special powers in relation to tenancies)—

<sup>F33</sup>(a) .....

(b) after [<sup>F34</sup>subsection (1)] there shall be inserted the following subsection:—

“(1A) No compensation shall be recoverable under subsection (1) above where the certificate was given under section 60A below and either—

- (a) the premises vested in the Welsh Development Agency under section 7 (property of Welsh Industrial Estates Corporation) or 8 (land held under Local Employment Act 1972) of the Welsh Development Agency Act 1975, or
- (b) the tenant was not tenant of the premises when the said Agency acquired the interest by virtue of which the certificate was given.”.

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**Textual Amendments**

**F33** S. 11(2)(a) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**

**F34** Words in s. 11(2)(b) substituted (1.10.1998) by 1998 c. 38, s. 129, **Sch. 15 para. 4** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**

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

**C10** The text of s. 11 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Marginal Citations**

**M3** 1954 c. 56.

**12** ..... <sup>F35</sup>

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**Textual Amendments**

**F35** S. 12 repealed by **Industry Act 1980** (c. 33, SIF 64), ss. 21(1), 22, **Sch. 2**

**13 Welsh Industrial Development Advisory Board.**

(1) The Secretary of State shall appoint a board to be called the Welsh Industrial Development Advisory Board, to advise him with respect to the exercise of his functions under section 7 of [<sup>F36</sup>the Industrial Development Act 1982].

(2) The Board shall consist of a chairman and not less than four nor more than seven other members.

(3) The members of the Board shall include persons who appear to the Secretary of State to have wide experience of, and to have shown capacity in, industry, banking, accounting, finance or the organisation or representation of workers.

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- (4) If the Board make a recommendation with respect to any matter at the request of the Secretary of State and the Secretary of State exercises his functions under section 7 of [F36 the Industrial Development Act 1982] contrary to their recommendation, he shall, if the Board so request, lay a statement as to the matter before Parliament.

#### Textual Amendments

**F36** Words substituted by [Industrial Development Act 1982 \(c. 52, SIF 64\), s. 19\(1\), Sch. 2 para. 13](#)

### 14 Transfer of Publicly-owned property to Agency.

- (1) Subject to subsection (2) below, nothing in this Act or in any other enactment (including, subject to any express provision to the contrary, an enactment contained in an Act passed after this Act) shall prevent the transfer to the Agency or the Agency's nominees of any publicly owned securities or other publicly owned property.
- (2) Publicly owned securities and other publicly owned property may only be transferred to the Agency or the Agency's nominees with the consent of the Secretary of State or in accordance with any general authority given by the Secretary of State.
- (3) The Secretary of State shall lay before each House of Parliament a copy of any general authority given by him under subsection (2) above.
- (4) When the Secretary of State has given a consent under subsection (2) above and the consideration for the transfer exceeds £1 million, he shall lay before each House of Parliament a statement specifying—
- the securities or other property to be transferred;
  - the transferor;
  - the consideration; and
  - the date of his consent.

### 15 The environment.

- (1) The Agency's duty under section 1(14) above to prepare and submit to the Secretary of State for his approval, after consultation with such local authorities, [F37 National Park authorities] and other bodies as appear to the Agency to have an interest, [F38 programmes] for the performance of the Agency's functions, includes in particular a duty to prepare and submit [programmes], to be implemented either by the Agency themselves, or by the Agency jointly with any other authority or person, or through persons or authorities acting on behalf of the Agency, for the improvement, development or redevelopment of the environment in Wales.
- (2) The Agency may make payments to any authority or person of such amount and in such manner as they may with the approval of the Secretary of State and the Treasury determine for carrying out work which the Agency consider will contribute to the purposes of such a [F39 programme].

#### Textual Amendments

**F37** Words in [s. 15\(1\)](#) inserted (E.W) (1.4.1996) by [1995 c. 25, 78, Sch. 10 para. 13\(3\)](#) (with ss. 7(6), 115, 117, Sch. 8 para. (7)); [S.I. 1995/2950, art. 3](#)

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- F38** Words in s. 15(1) substituted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 para. 7(2)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F39** Word in s. 15(2) substituted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 para. 7(3)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**

[<sup>F40</sup>16 **Derelict land.**

- (1) Subject to the provisions of this section, where it appears to the Agency that steps should be taken for the purpose of—
- (a) reclaiming or improving any land to which this subsection applies; or
  - (b) enabling any such land to be brought into use,
- they may, with the consent of the Secretary of State, exercise as respects that land the powers specified in subsection (3) below.
- (2) Subsection (1) above applies to—
- (a) land which is derelict, neglected or unsightly; and
  - (b) except as respects the exercise of the power specified in subsection (3)(a) below in relation to a person other than a local authority in whose area it is situated, land which is not derelict, neglected or unsightly but is likely to become so 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.
- (3) The Agency's powers under this subsection are—
- (a) a power to pay to any person grants of such amounts and payable at such times and subject to such conditions as they may from time to time determine in respect of relevant expenditure incurred by that person;
  - (b) a power, after consultation with such local authorities and other bodies as appear to the Agency to have an interest, to acquire <sup>F41</sup> . . . , for the purpose mentioned in subsection (1) above, the land to which that subsection applies or any other land; and
  - (c) a power to carry out, for that purpose, any works on the land to which that subsection applies or any other land;
- and the Agency's powers under this subsection are in addition to, and not in derogation from, any power conferred on them by any other provision of this Act.
- (4) In subsection (3)(a) above "relevant expenditure" means expenditure incurred, with the approval of the Agency, in or in connection with—
- (a) the carrying out, for the purpose mentioned in subsection (1) above, of any works on the land to which that subsection applies or any other land;
  - (b) the carrying out of a survey of the land to which that subsection applies for determining whether any works for that purpose should be undertaken (whether or not such works are carried out); and
  - (c) in relation to a local authority in whose area the land to which that subsection applies is situated, the acquisition, for that purpose, of that land or any other land.
- (5) Grants under subsection (3)(a) above may be made in such manner as appears to the Agency to be requisite.

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- (6) The amount of the grant which may be paid under subsection (3)(a) above to a person other than a local authority in whose area the land to which subsection (1) above applies is situated shall not exceed—
- (a) the prescribed percentage of the relevant expenditure; or
  - (b) in the case of a periodical grant in respect of costs from time to time incurred or treated as incurred in respect of the borrowing of money to defray the relevant expenditure, the prescribed percentage of the costs so incurred or treated as incurred.

In this subsection “the prescribed percentage” means 80 per cent. or such other percentage as may be prescribed by order made by the Secretary of State with the consent of the Treasury.

- (7) After carrying out works on land acquired under subsection (3)(b) above the Agency may dispose of it free of charge to a local authority or the development corporation of a new town for the purpose of its use as a public open space.
- (8) A statutory instrument containing an order under subsection (6) above shall be subject to annulment in pursuance of a resolution of either House of Parliament; and an order under that subsection may make such transitional provision as appears to the Secretary of State to be necessary or expedient.

- (9) In this section—

“local authority” means—

- (a) a county council or [<sup>F42</sup>county borough] council <sup>F43</sup> . . .
- <sup>F43</sup>(b) . . .

“relevant operations” means underground mining operations other than operations for the purpose of the working and getting coal, or of coal and other minerals worked with coal, or for the purpose of getting any product from coal in the course of working and getting coal.]

#### Textual Amendments

- F40** S. 16 substituted (E. W.) by [Derelict Land Act 1982 \(c. 42, SIF 46:4\)](#), s. 2(1).
- F41** Words in s. 16(3)(b) repealed (1.10.1998) by 1998 c. 38, s. 152, [Sch. 18 Pt. III](#) (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, [art. 4](#)
- F42** S. 16(9): Words in definition of “local authority” substituted (1.4.1996) by 1994 c. 19, s. 66(6), [Sch. 16 para. 48](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, [art. 4](#), [Sch. 2](#)
- F43** S. 16(9): Para. (b) and the word “or” immediately preceding it in the definition of “local authority” repealed (1.4.1997) by 1995 c. 25, s. 120(3), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/2560, [art. 2](#), [Sch.](#)

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

- C11** S. 16(1) extended (E.W) (19.9.1995) by 1995 c. 25, ss. 70, 125(2), [Sch. 9 para. 7](#) (with ss. 7(6), 115, 117).

## 17 Financial duties of the Agency.

- (1) After consultation with the Agency, the Secretary of State [<sup>F44</sup>may], with the approval of the Treasury, determine the financial duties of the Agency, and different

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determinations may be made in relation to different functions and activities of the Agency.

- (2) The Secretary of State shall give the Agency notice of every determination, and a determination may—
- (a) relate to a period beginning before the date on which it is made;
  - (b) contain incidental or supplemental provisions; and
  - (c) be varied by a subsequent determination.

**Textual Amendments**

**F44** Word in s. 17(1) substituted (1.10.1998) by 1998 c. 38, s. 128, Sch. 14 para. 8 (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4

**18 Finances of the Agency.**

- (1) Schedule 3 to this Act shall have effect.
- (2) The aggregate amount outstanding, otherwise than by way of interest, in respect of—
- (a) the general external borrowing of the Agency and their subsidiaries;
  - (b) sums issued by the Treasury in fulfilment of guarantees under paragraph 6 of Schedule 3 below and not repaid to the Treasury;
  - (c) sums paid to the Agency by the Secretary of State out of money provided by Parliament less repayments to the Secretary of State by the Agency and less such sums paid in respect of the administrative expenses of the Agency;
  - (d) loan guaranteed by the Agency . . . <sup>F45</sup>;
- shall not exceed the limit [<sup>F46</sup>applicable under] subsection (3) below.
- (3) The said limit shall be [<sup>F47</sup>£1,350 million or such greater sum as the Secretary of State may from time to time by order specify] . . . <sup>F45</sup>

[<sup>F48</sup>(3A) No order under subsection (3) above shall be made unless a draft of the order has been laid before, and approved by a resolution of, the House of Commons.]

- (4) . . . . . <sup>F49</sup>
- (5) In subsection (2) above “general external borrowing” means—
- (a) in relation to the Agency, sums borrowed by them other than—
    - (i) sums borrowed from a body corporate which is one of the Agency’s subsidiaries at the time of the loan;
    - (ii) any sums mentioned in subsection (2)(b) above; . . . <sup>F50</sup>
    - (iii) . . . . . <sup>F50</sup>
  - (b) in relation to a subsidiary of the Agency, sums borrowed by it (whether or not it was such a subsidiary at the time any such sum was borrowed) other than sums borrowed from the Agency or from another subsidiary;
- but does not include any debt assumed by the Agency under paragraph 7(1) of Schedule 3 to this Act.

**Textual Amendments**

**F45** Words repealed by Industry Act 1980 (c. 33, SIF 64), ss. 21(1), 22, Sch. 2

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- F46** Words in s. 18(2) substituted (21.5.1997) by 1997 c. 37, ss. 1(2), 2(3)
- F47** Words in s. 18(3) substituted (21.5.1997) by 1997 c. 37, ss. 1(3), 2(3)
- F48** S. 18(3A) inserted (21.5.1997) by 1997 c. 37, ss. 1(4), 2(3)
- F49** S. 18(4) repealed by Industry Act 1980 (c. 33, SIF 64), ss. 21(1), 22, Sch. 2
- F50** S. 18(5)(a)(iii) and word “or” immediately preceding it repealed by Industry Act 1980 (c. 33, SIF 64), ss. 21(1), 22, Sch. 2

**19 The Agency and the media.**

- (1) Subject to subsection (2) below, neither the Agency nor any of the Agency’s subsidiaries—
  - (a) shall commence a business of publishing newspapers, magazines or other periodicals for sale to the public in the United Kingdom; or
  - [<sup>F51</sup>(b) shall become the holder of a relevant licence.]
- (2) Subsection (1) above does not apply to periodicals wholly or mainly concerned with the activities of the Agency or any of the Agency’s subsidiaries.
- (3) . . . . .<sup>F52</sup>, neither the Agency nor any of the Agency’s subsidiaries shall acquire any of the share capital of a body corporate if a substantial part of the undertaking—
  - (a) of that body corporate, or
  - (b) of a group of companies of which it is the holding company, consists of carrying on—
    - (i) a business such as is mentioned in paragraph (a) of subsection (1) above, or
    - [<sup>F53</sup>(ii) activities connected with the provision of a service under a relevant licence.]
- (4) . . . . .<sup>F54</sup>
- (5) Subject to subsections (7) and (8) below, if the Agency or any of the Agency’s subsidiaries acquire any of the share capital of a body corporate which carries on any such business as is mentioned in subsection (1)(a) above, it shall be their duty to exercise their voting power with a view to securing that the body corporate disposes of the business as soon as practicable.
- (6) Subject to subsections (7) and (8) below, if the Agency or any of the Agency’s subsidiaries acquire any of the share capital of a body corporate which has any interest, direct or indirect, in a body corporate which carries on such a business, it shall be their duty to exercise their voting power with a view to securing that the capital of the body corporate which carries on that business is disposed of as soon as practicable.
- (7) The Secretary of State may direct that the Agency or a subsidiary of the Agency shall not be under any duty imposed by subsection (5) or (6) above during such time as the direction is in force.
- (8) The Secretary of State may only give such a direction as is mentioned in subsection (7) above if he is of the opinion that without such a direction serious commercial injury would be caused to any newspaper, magazine or periodical concerned.
- (9) If the Agency or any of the Agency’s subsidiaries acquire any of the share capital of a body corporate which is [<sup>F55</sup>the holder of a relevant licence, they shall consult the appropriate authority] as to the steps that they are to take with regard to that share capital and obey any direction given by [<sup>F56</sup>the appropriate authority].

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<sup>F57</sup>(9A) . . . . .

(10) Without prejudice to the foregoing provisions of this section, it shall be the duty of the Agency and of any of the Agency’s subsidiaries to use any power to control or influence the carrying on of a business such as is mentioned in paragraph (a) of subsection (1) above or of the activities of a [<sup>F58</sup>holder of a relevant licence] only in relation to financial or commercial matters.

<sup>F59</sup>(11) In this section

“appropriate authority” means—

(a) in relation to a licence granted under Part I of the Broadcasting Act 1990 [<sup>F60</sup>or Part I of the Broadcasting Act 1996], the Independent Television Commission; and

(b) in relation to a licence granted under Part III of [<sup>F61</sup>the Broadcasting Act 1990 or Part II of the Broadcasting Act 1996], the Radio Authority;

“relevant licence” means a licence granted by the Independent Television Commission or the Radio Authority under Part I or [<sup>F62</sup>III of the Broadcasting Act 1990 or Part I or II of the Broadcasting Act 1996].]

**Textual Amendments**

- F51** S. 19(1)(b) substituted for paras. (b) and (c) (para. (c) was added by [Cable and Broadcasting Act 1984](#) (c. 46, SIF 96), s. 57(1), **Sch. 5 para. 33(1)**) by [Broadcasting Act 1990](#) (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 24(a)**.
- F52** Words repealed by [Industry Act 1980](#) (c. 33, SIF 64), s. 21, **Sch. 2**.
- F53** Para. (ii) substituted for paras. (ii) and (iii) (para. (iii) was added by [Cable and Broadcasting Act 1984](#) (c. 46, SIF 96), s. 57(1), **Sch. 5 para. 33(2)**) by [Broadcasting Act 1990](#) (c.42, SIF 96), s. 203(1), **Sch. 20 para. 24(b)**.
- F54** S. 19(4) repealed by [Industry Act 1980](#) (c. 33, SIF 64), s. 21, **Sch. 2**
- F55** Words substituted by [Broadcasting Act 1990](#) (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 24(c)(i)**.
- F56** Words substituted by [Broadcasting Act 1990](#) (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 24(c)(ii)**.
- F57** Subsection (9A) inserted by [Cable and Broadcasting Act 1984](#) (c. 46, SIF 96), s. 57(1), **Sch. 5 para. 33(3)** and is repealed (with savings) by [Broadcasting Act 1990](#) (c. 42, SIF 96), ss. 134, 203(1)(3), Sch. 12 Pt. II para. 1, Pt. III para. 5(1), Sch. 20 para. 24(d), **Sch. 21**
- F58** Words substituted by [Broadcasting Act 1990](#) (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 24(e)**.
- F59** S. 19(11) substituted by [Broadcasting Act 1990](#) (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 24(f)**.
- F60** S. 19(11): Words in definition of “the appropriate authority” inserted (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. III para. 27(a)(i)** (with s. 43(1)); S.I. 1996/2120, art. 4, **Sch. 1**
- F61** S. 19(11): Words in definition of “the appropriate authority” substituted (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. III para. 27(a)(ii)** (with s. 43(1)); S.I. 1996/2120, art. 4, **Sch. 1**
- F62** S. 19(11): Words in definition of “relevant licence” inserted (1.10.1996) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. III para. 27(b)**; S.I. 1996/2120, art. 4, **Sch. 1**

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

- C12** S. 19 modified by [Broadcasting Act 1990](#) (c. 42, SIF 96), s. 203(4), **Sch. 22 para. 5(2)(b)**.

**20 Other limits on Agency’s powers.**

(1) Neither the Agency nor any of their subsidiaries shall acquire any of the share capital of a body corporate except with the consent of the Secretary of State or in accordance with any general authority given by the Secretary of State—

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- (a) if its acquisition would entitle the Agency to exercise or control the exercise of 30 per cent. or more of the votes at any general meeting of the body corporate; or
  - (b) if the value of the consideration for its acquisition, together with the value of any consideration paid for share capital of that body corporate [<sup>F63</sup>already held by the Agency or any of their subsidiaries, would exceed £1,000,000].
- (2) Subsection (1)(a) above shall not restrict the acquisition of share capital of a body corporate which gives a right to vote exercisable only in restricted circumstances.
- (3) ..... <sup>F64</sup>
- (4) In any case where the Agency hold share capital such as is mentioned in subsection (2) above, the fact that they hold it shall be disregarded for the purpose of determining whether subsection (1)(a) above prevents their acquisition of further share capital of the same body corporate.

#### Textual Amendments

**F63** Words substituted by [Industry Act 1980 \(c. 33, SIF 64\)](#), ss. **6(3)**, 22

**F64** [S. 20\(3\)](#) repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), ss. 21(1), 22, [Sch. 2](#)

## 21 Expenses.

Any expenses of the Secretary of State incurred in consequence of the provisions of this Act shall be defrayed out of money provided by Parliament.

### 21A Powers of land acquisition.

- (1) The powers to acquire land mentioned in sections 1(7)(h) and 16(3)(b) above are powers—
  - (a) to acquire land by agreement; and
  - (b) to acquire land compulsorily if authorised to do so by the Secretary of State.
- (2) Where the Agency acquire or have acquired land under subsection (1) above, they have power to acquire by agreement or, if authorised to do so by the Secretary of State, to acquire compulsorily—
  - (a) any land which adjoins the land and is required for the purpose of executing works for facilitating its development or use; and
  - (b) where the land forms part of a common, an open space or a fuel or field garden allotment, any land required for the purpose of being given in exchange for it.
- (3) The Agency may under subsection (1) above acquire rights over land by the creation of new rights (as well as by acquiring rights already in existence).
- (4) Before the Agency acquire land under subsection (1) above for the purpose of their function under section 1(3)(da) above, they shall—
  - (a) consider whether the land would or would not in their opinion be made available for development if they did not act;
  - (b) consider the fact that planning permission has or has not been granted in respect of the land or is likely or unlikely to be granted;



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- (c) (in a case where no planning permission has been granted in respect of the land) consult every relevant local authority; and
  - (d) consider the needs of those engaged in building, agriculture and forestry and of the community in general.
- (5) For the purposes of subsection (4)(c) above, each of the following is a relevant local authority—
- (a) the council of any county, county borough or district in whose area the land, or any part of the land, is situated;
  - (b) any joint planning board in whose district the land, or any part of the land, is situated; and
  - (c) any National Park authority which is the local planning authority for a National Park in which the land, or any part of the land, is situated.
- (6) Where the Agency have acquired land under subsection (1) above for the purpose of any of their functions, they may appropriate it to the purpose of any of their other functions.
- (7) Where the Agency have—
- (a) acquired land under subsection (1) above for the purpose of their function under section 1(3)(da) above; or
  - (b) under subsection (6) above have appropriated land to that purpose,
- they shall, until they either dispose of the land or appropriate it under subsection (6) above to the purpose of any of their other functions, manage it and turn it to account.
- (8) Schedule 4 to this Act shall have effect.

## **21B Disposal of land.**

In exercising any power under this Act to dispose of land, the Agency shall not dispose of land for a consideration less than the best that can reasonably be obtained except—

- (a) as provided by section 16(7) above; or
- (b) with the consent of the Secretary of State.

## **21C Powers to advise on land matters.**

- (1) The Agency may, if requested to do so by a public authority—
- (a) advise the authority about disposing of any of the authority's land in Wales to other persons; and
  - (b) assist the authority in disposing of the land.
- (2) In subsection (1) above “public authority” means—
- (a) a government department;
  - (b) the National Assembly for Wales;
  - (c) a county council, county borough council or community council;
  - (d) a National Park authority;
  - (e) a development corporation for a new town;
  - (f) a Health Authority, Special Health Authority or National Health Service trust;
  - (g) a body corporate established by or under an enactment for the purpose of carrying on under national ownership any industry or part of an industry;
  - (h) any statutory undertakers; or

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- (i) any other public authority, body or undertakers specified in an order made by the Secretary of State.
- (3) The Agency may assist—
- (a) the council of a county or county borough in Wales in making an assessment of land in its area which is, in its opinion, available and suitable for development;
  - (b) a joint planning board in Wales in making an assessment of land in its district which is, in its opinion, available and suitable for development; or
  - (c) a National Park authority for a National Park in Wales in making an assessment of land in the National Park which is, in its opinion, available and suitable for development.

<sup>F65</sup>  
F66F67 22 .....

**Textual Amendments**

**F65** S. 18 was amended by [Industry Act 1979 \(c. 32, SIF 64\)](#), [s. 1\(1\)\(4\)–\(6\)](#) and has effect by s. 1(7) of the 1979 Act as set out in the Schedule to that Act

**F66** S. 21A inserted (1.10.1998) by [1998 c. 38, s. 127](#), [Sch. 13 para. 2](#) (with [ss. 139\(2\), 143\(2\)](#)); S.I. [1998/2244, art. 4](#)

**F67** S. 22 repealed (1.10.1998) by [1998 c. 38, s. 152](#), [Sch. 18 Pt. III](#) (with [ss. 137\(1\), 139\(2\), 143\(2\)](#)); S.I. [1998/2244, art. 4](#)

<sup>F68</sup> 23 .....

**Textual Amendments**

**F65** S. 18 was amended by [Industry Act 1979 \(c. 32, SIF 64\)](#), [s. 1\(1\)\(4\)–\(6\)](#) and has effect by s. 1(7) of the 1979 Act as set out in the Schedule to that Act

**F66** S. 21A inserted (1.10.1998) by [1998 c. 38, s. 127](#), [Sch. 13 para. 2](#) (with [ss. 139\(2\), 143\(2\)](#)); S.I. [1998/2244, art. 4](#)

**F68** S. 23 repealed (1.10.1998) by [1998 c. 38, s. 152](#), [Sch. 18 Pt. III](#) (with [ss. 137\(1\), 139\(2\), 143\(2\)](#)); S.I. [1998/2244, art. 4](#)

**24 Power to obtain information.**

- <sup>F69</sup>(1) .....
- <sup>F69</sup>(2) .....
- <sup>F69</sup>(3) .....
- <sup>F69</sup>(4) .....
- <sup>F69</sup>(5) .....

(6) Nothing in section 9 of the <sup>M4</sup>Statistics of Trade Act 1947 (restrictions on disclosure of information obtained under that Act) shall prevent or penalise the disclosure by the Secretary of State . . . <sup>F70</sup> to an officer of the Agency of information obtained under that Act, consisting of the name and address of any establishment, the numbers of

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persons of different descriptions employed there and the nature of the activities carried on there; and, accordingly, section 4 of the Employment and Training Act <sup>M5</sup>1973 (obtaining and disclosure of information by the [<sup>F71</sup>Secretary of State]) shall have effect as if—

- (a) in subsection (3)(e), after the word “1972” there were inserted the words “the Scottish Development Agency”;
- (b) in subsection (5), after paragraph (d) there were inserted the following paragraph—

“(dd) in the case of information given to an officer of the Scottish Development Agency, the purposes of functions conferred on that Agency by the Scottish Development Agency Act 1975;”

**Textual Amendments**

- F69** S. 24(1)–(5) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. III** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F70** Words repealed by virtue of **Employment Act 1989** (c. 38, SIF 43:1), s. 29(3)(4), **Sch. 6 para. 14(a)**, **Sch. 7 Pt. I**
- F71** Words substituted by **Employment Act 1989** (c. 38, SIF 43:1), s. 29(3), **Sch. 6 para. 14(b)**

**Marginal Citations**

- M4** 1947 c. 39.
- M5** 1973 c.5043:1.

**25 Service of documents.**

Sections 231 and 233 of the <sup>M6</sup>Local Government Act 1972 (service of documents on and by local authorities) shall apply as if the Agency were a local authority.

**Marginal Citations**

- M6** 1972 c. 70.

<sup>F72</sup>26]] .....

**Textual Amendments**

- F65** S. 18 was amended by **Industry Act 1979** (c. 32, SIF 64), **s. 1(1)(4)–(6)** and has effect by s. 1(7) of the 1979 Act as set out in the Schedule to that Act
- F66** S. 21A inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 2** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F72** S. 26 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. III** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**

**27 Interpretation.**

- (1) In this Act, unless the context otherwise requires—

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“accounting year”, in relation to the Agency, means the period of twelve months ending with the 31st March in any year, except that the Agency’s first accounting year shall begin on the date of the first or only order under section 29(2) below and end on 31st March 1977;

“the appropriate Minister” in relation to any statutory undertakers in relation to whom it is defined by [<sup>F73</sup>section 265 of the Town and Country Planning Act 1990] or any other Act, has the meaning assigned to it by the Act so defining it;

[<sup>F74</sup>“business” includes any industrial, commercial or professional activities (whether or not with a view to profit) and the activities of any government department or any local or other public authority;

<sup>F75</sup>“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882 and any town or village green;

<sup>F76</sup>“dispose” includes dispose by sale or exchange or dispose by lease (whether by grant or assignment) and related expressions shall be construed accordingly;

<sup>F77</sup>“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;]

“holding company” means a holding company as defined in [<sup>F78</sup>section 736 of the Companies Act 1985];

<sup>F79</sup> . . .

[<sup>F80</sup>“land” has the meaning given by Schedule 1 to the <sup>M7</sup>Interpretation Act 1978;

“open space” means any land laid out as a public garden or used for the purposes of public recreation or any land which is a disused burial ground;]

“statutory undertakers” means—

- (a) persons authorised by virtue of 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 . . . <sup>F81</sup>, . . . <sup>F82</sup>[<sup>F83</sup>hydraulic power or water][<sup>F83</sup>or hydraulic power], and
- (b) the Civil Aviation Authority <sup>F84</sup>. . ., the Post Office and any other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for the purposes of [<sup>F85</sup>the Town and Country Planning Act 1990];

and “statutory undertaking” shall be construed accordingly;

“subsidiary” means a subsidiary as defined by [<sup>F86</sup>section 736 of the Companies Act 1985]; and

“wholly owned subsidiary” has the meaning assigned to it by [<sup>F87</sup>[<sup>F88</sup>section 736] of the Companies Act 1985].

(2) Securities and other property are publicly owned for the purposes of this Act if they are held—

- (a) by or on behalf of the Crown;
- (b) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company;
- (c) by any corporation constituted by or under any enactment under which an industry or part of an industry is carried on by that corporation under national ownership or control; or

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(d) by a wholly owned subsidiary of any such corporation.

(3) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.

#### Textual Amendments

- F73** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 34(3)(a)**.
- F74** S. 27(1): Definition of “business” inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. I para. 10(2)**; S.I. 1998/2244, **art. 4**
- F75** S. 27(1): Definition of “common” inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. I para. 10(2)**; S.I. 1998/2244, **art. 4**
- F76** S. 27(1): Definition of “dispose” inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. I para. 10(2)**; S.I. 1998/2244, **art. 4**
- F77** S. 27(1): Definition of “fuel or field garden allotment” inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. I para. 10(2)**; S.I. 1998/2244, **art. 4**
- F78** Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**.
- F79** S. 27(1): Definition of “industry” and “industrial” repealed (1.10.1998) by 1998 c. 38, s. 152, Sch. 18 Pt. III (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F80** S. 27(1): Definition of “land” and “open space” substituted for definition of “land” (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. I para. 10(3)**; S.I. 1998/2244, **art. 4**
- F81** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**.
- F82** Word and comma repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**.
- F83** Words “or hydraulic power” substituted (E.W.) for the words “hydraulic power or water” by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 25 para. 51** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58).
- F84** S. 27(1): Words in definition of statutory undertakers repealed (31.10.1994) by 1994 c. 21, s. 67, Sch. 9 para. 16, **Sch. 11 Pt. II**; S.I. 1994/2553, **art. 2**.
- F85** Words substituted by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 4, **Sch. 2 para. 34(3)(b)**.
- F86** Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**.
- F87** Words substituted by virtue of Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**.
- F88** Words substituted by Companies Act 1989 (c. 40, SIF 27), ss. 144(4), 213(2), **Sch. 18 para. 13** (subject to the transitional provisions referred to in S.I. 1990/1392, **arts. 2(d)**, 6).

#### Marginal Citations

- M7** 1978 c. 30.

## 28 Orders [F89 and regulations].

(1) Any power to make an order [F90 or regulations] conferred by any provision of this Act [F91, other than a compulsory purchase order or an order under paragraph 11(5) or 13(6) of Schedule 4,] shall be exercisable by statutory instrument.

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- [<sup>F92</sup>(1A) A statutory instrument containing—
- (a) an order under section 2(1) or 21C(2)(i); or
  - (b) regulations under paragraph 7 of Schedule 4,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (2) Any power to make an order conferred by a provision of this Act shall include power to make an order varying or revoking any order previously made under that provision.
- [<sup>F93</sup>(3) Any regulations or order under this Act—
- (a) may make different provision for different areas or other different cases; and
  - (b) may include transitional and other supplementary and incidental provisions.]

#### Textual Amendments

- F89** Words in sidenote to s. 28 inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. I para. 11(5)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F90** Words in s. 28(1) inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. I para. 11(2)(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F91** Words in s. 28(1) substituted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. I para. 11(2)(b)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F92** S. 28(1A) inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. I para. 11(3)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F93** S. 28(3) inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. I para. 11(4)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**

## 29 Citation etc.

- (1) This Act may be cited as the Welsh Development Agency Act 1975.
- (2) This Act except this section shall come into operation on such day as the Secretary of State may by order appoint, and different days may be appointed under this subsection for different purposes, or for the purposes of the same provision in relation to different cases.
- (3) Section 1(6) above and paragraphs 13 and 21 of Schedule 1 below extend to Northern Ireland, but none of the other provisions of the Act so extends.

#### Subordinate Legislation Made

- P1** 1.1.1976 appointed under s. 29(2) by S.I. 1975/2028, **art. 2**

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## SCHEDULES

### SCHEDULE 1

Section 2.

#### THE WELSH DEVELOPMENT AGENCY

##### *Appointment and tenure of members of the Agency and of committees*

- 1 It shall be the duty of the Secretary of State—
  - (a) to satisfy himself, before he appoints a person to be a member of the Agency, or gives his approval to the appointment of a person to be a member of a committee of the Agency, that he will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member; and
  - (b) to satisfy himself from time to time with respect to each member that he has no such interest;and a person who is a member of the Agency or of such a committee or whom the Secretary of State proposes to appoint as a member of the Agency or the Agency propose to appoint as a member of a committee shall, whenever required by the Secretary of State to do so, furnish the Secretary of State with such information as he may specify with a view to carrying out his duty under this paragraph.
- 2 Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member or the chairman or deputy chairman of the Agency or as a member of a committee of the Agency in accordance with the terms of the instrument appointing him to that office.
- 3 A person may at any time resign his office as a member or the chairman or deputy chairman of the Agency by giving the Secretary of State a signed notice in writing stating that he resigns that office.
- 4 Where a member becomes or ceases to be the chairman or deputy chairman, the Secretary of State may vary the terms of the instrument appointing him a member of the Agency so as to alter the date on which he is to vacate office as a member.
- 5 If the chairman or deputy chairman ceases to be a member, he shall cease to be the chairman or deputy chairman, as the case may be.
- 6 (1) If the Secretary of State is satisfied that a member of the Agency—
  - (a) has been absent from meetings of the Agency for a period longer than three consecutive months without the permission of the Agency, or

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(b) has become bankrupt or made an arrangement with his creditors, or  
 (c) is incapacitated by physical or mental illness, or  
 (d) is otherwise unable or unfit to discharge the functions of a member,  
 the Secretary of State may declare his office as a member of the Agency vacant.

(2) Without prejudice to the Secretary of State's power to remove the chief executive from membership of the Agency under sub-paragraph (1) above, he may declare the office of chief executive vacant if he is satisfied that a condition mentioned in that sub-paragraph is fulfilled in relation to the chief executive.

(3) The Secretary of State shall notify a declaration under sub-paragraph (1) or (2) above in such manner as he thinks fit; and thereupon the office to which it relates shall become vacant.

7 A person who ceases to be a member, or ceases to be chairman or deputy chairman, of the Agency, shall be eligible for re-appointment.

#### *Staff*

8 Subject to section 2(4) and (5) above, the staff of the Agency shall be appointed by the Agency, <sup>F94</sup> . . .

#### **Textual Amendments**

**F94** Words in [Sch. 1 para. 8](#) repealed (1.10.1998) by ss. 128, 152, Sch. 14 Pt. I para. 12(2), Sch. 18 Pt. III; [S.I. 1998/2244, art. 4](#)

#### *Remuneration etc.*

9 The Agency shall pay to each of their members and to each member of their staff or of any of their committees such remuneration and such reasonable allowances in respect of expenses as the Secretary of State may determine <sup>F95</sup> . . .

#### **Textual Amendments**

**F95** Words in [Sch. 1 para. 9](#) repealed (1.10.1998) by ss. 128, 152, Sch. 14 Pt. I para. 12(3), Sch. 18 Pt. III; [S.I. 1998/2244, art. 4](#)

10 The Agency shall make such provision as may be determined by the Secretary of State <sup>F96</sup> . . . for the payment of pensions, allowances or gratuities (including refunds of contributions to any pension fund with or without interest or other additions) to or in respect of such members or past members of the Agency as may be so determined.



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#### Textual Amendments

**F96** Words in [Sch. 1 para. 10](#) repealed (1.10.1998) by ss. 128, 152, Sch. 14 Pt. I para. 12(4), Sch. 18 Pt. III; [S.I. 1998/2244, art. 4](#)

- 11 Where a person ceases to be a member of the Agency otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State <sup>F97</sup> . . . , may direct the Agency to make to that person a payment of such amount as the Secretary of State may determine <sup>F98</sup> . . .

#### Textual Amendments

**F97** Words in [Sch. 1 para. 11](#) repealed (1.10.1998) by ss. 128, 152, Sch. 14 Pt. I para. 12(5)(a), Sch. 18 Pt. III; [S.I. 1998/2244, art. 4](#)

**F98** Words in [Sch. 1 para. 11](#) repealed (1.10.1998) by ss. 128, 152, Sch. 14 Pt. I para. 12(5)(b), Sch. 18 Pt. III; [S.I. 1998/2244, art. 4](#)

- 12 (1) The Agency may, in the case of such of the persons employed by them as may be determined by the Secretary of State <sup>F99</sup> . . . , pay such pensions, allowances or gratuities to or in respect of them, make such payments towards the provision of such pensions, allowances or gratuities (including refunds of contributions to any pension fund with or without interest or other additions) or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be determined by the Secretary of State <sup>F100</sup> . . .
- (2) Where a person employed by the Agency and participating in a scheme for the payment of pensions, allowances or gratuities which is applicable to such persons becomes a member of the Agency, his service as a member may be treated for the purposes of the scheme as service as a person employed by the Agency, whether or not provision for or in respect of him is made under paragraph 10 above.
- (3) Except so far as the Agency are satisfied that adequate machinery exists for the purpose, it shall be the duty of the Agency to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Agency and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for the settlement by negotiation of terms and conditions of employment of persons employed by the Agency, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements.

#### Textual Amendments

**F99** Words in [Sch. 1 para. 12\(1\)](#) repealed (1.10.1998) by ss. 128, 152, Sch. 14 Pt. I para. 12(6)(a), Sch. 18 Pt. III; [S.I. 1998/2244, art. 4](#)

**F100** Words in [Sch. 1 para. 12\(1\)](#) repealed (1.10.1998) by ss. 128, 152, Sch. 14 Pt. I para. 12(6)(b), Sch. 18 Pt. III; [S.I. 1998/2244, art. 4](#)

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### *Disqualification of members of the Agency for House of Commons*

- 13 In Part II of Schedule 1 to the <sup>M8</sup> House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), there shall be inserted at the appropriate place in alphabetical order:— “ The Welsh Development Agency ”.

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

- C13** The text of Sch. 1 para. 13 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **Marginal Citations**

- M8** 1975 c. 24.

### *Proceedings*

- 14 Subject to paragraph 15 below and to any direction under section 1 above, the quorum of the Agency and of the Agency’s committees and the arrangements relating to meetings of the Agency and of such committees shall be such as the Agency may determine.
- 15 (1) A member of the Agency or of any such committee who is in any way directly or indirectly interested in a contract made or proposed to be made by the Agency, or in any other matter whatsoever which falls to be considered by the Agency or by the committee in question, shall disclose the nature of his interest at a meeting of the Agency or the committee and the disclosure shall be recorded in the minutes of the meeting.
- (2) The member shall not—
- (a) in any case of any such contract, take part in any deliberation or decision with respect to the contract; and
  - (b) in the case of any other matter, take part in any deliberation or decision with respect to the matter if the Agency or the committee decide that the interest in question might prejudicially affect the member’s consideration of the matter.
- (3) For the purposes of this paragraph, a notice given by a member at a meeting of the Agency or a committee to the effect that he is a member of a specified body corporate or firm and is to be regarded as interested in any contract which is made with the body corporate or firm after the date of the notice, and in any other matter whatsoever concerning the body corporate or firm which falls to be considered after that date, shall be a sufficient disclosure of his interest.
- (4) A member need not attend in person at a meeting of the Agency or a committee in order to make a disclosure which he is required to make under this paragraph, if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.

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- 16 The validity of any proceedings of the Agency or a committee shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of paragraph 15 above.

*Incorporation of Agency and execution of instruments and contracts*

- 17 The Agency shall be a body corporate.
- 18 The fixing of the common seal shall be authenticated by the signature of the chairman of the Agency or some other person authorised by the Agency to act for that purpose.
- 19 A document purporting to be duly executed under the seal of the Agency shall be received in evidence and shall be deemed to be so executed unless the contrary is proved.

- [<sup>F101</sup>19(A)] A certificate signed by the chief executive of the Agency that any document purporting to be made or issued by or on behalf of the Agency was so made or issued shall be conclusive evidence of that fact.
- (2) A document purporting to be such a certificate shall be received in evidence and be deemed to be such a certificate unless the contrary is proved.]

**Textual Amendments**

**F101** Sch. 1 para. 19A inserted (1.10.1998) by 1998 c. 38, s. 128, Sch. 14 Pt. I para. 12(7); S.I. 1998/2244, art. 4

- [<sup>F102</sup>19B] A person dealing with the Agency, or with a person claiming under the Agency, shall not be concerned to inquire—
- (a) whether any directions have been given to the Agency under this Act or whether any directions so given have been complied with; or
  - (b) whether any approval, authority or consent of the Secretary of State or the Treasury required for any of the purposes of this Act has been given, or whether any condition or limitation subject to which any such approval, authority or consent was given has been complied with,
- and, in favour of any such person, the validity of anything done by the Agency shall not be affected by anything contained in any such direction, approval, authority or consent or by reason that any such direction, approval, authority or consent has not been given.]

**Textual Amendments**

**F102** Sch. 1 para. 19B inserted (1.10.1998) by 1998 c. 38, s. 128, Sch. 14 Pt. I para. 12(7); S.I. 1998/2244, art. 4

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### *Stamp duty*

- 20 (1) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Agency as having been made or executed for the purpose of the transfer to the Agency of securities or other property held—
- (a) by or on behalf of the Crown; or
  - (b) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company.
- (2) No such instrument as is mentioned in sub-paragraph (1) above shall be deemed to be duly stamped unless it is stamped with the duty for which it would but for this paragraph be liable or it has, in accordance with the provisions of section 12 of the <sup>M9</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

#### **Marginal Citations**

**M9** 1891 c. 39.

### *Circulars*

- [<sup>F103</sup>21 Section 57 of the Financial Services Act 1986 (restrictions on advertising) shall not apply to any investment advertisement within the meaning of that section which the Agency issue or cause to be issued in the discharge of their functions.]

#### **Textual Amendments**

**F103** Sch. 1 para. 21 substituted by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(2), **Sch. 16 para. 12**

### *Acquisition of holdings of minority shareholders*

.....  
<sup>F104</sup>22

#### **Textual Amendments**

**F104** Sch. 1 para. 22 repealed by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(3), **Sch. 17 Pt. I**

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## SCHEDULE 2

Section 7.

### MEMBERS AND STAFF OF THE WELSH INDUSTRIAL ESTATES CORPORATION

#### *Transfer of Staff*

- 1 In the case of any person to be employed by them on and after the coming into operation of section 7 above, who immediately before that date is employed by the Welsh Industrial Estates Corporation, the Agency shall ensure that—
- (a) so long as he continues in the employment of the Agency and until he is served with a statement in writing specifying new terms and conditions of employment, each such person enjoys terms and conditions of employment not less favourable, taken as a whole, than those which he enjoyed as a member of the Corporation's staff immediately before joining the Agency's staff; and
  - (b) the said new terms and conditions are such that, so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before he joined the Agency's staff, the terms and conditions of his employment, taken as a whole, are not less favourable than those which he then enjoyed.

#### *Compensation for members or staff of the Corporation*

- 2 The Secretary of State may, out of money provided by Parliament, pay to any person who was a member of the Corporation immediately before the coming into operation of section 7 above and who is not appointed a member of the Agency such sums by way of compensation for loss of office as he may, with the consent of the Minister for the Civil Service, determine.
- 3 The Secretary of State shall by regulations require the Agency to pay, in such cases and to such extent as may be determined by or under the regulations, compensation to or in respect of persons hitherto employed by the Corporation who suffer loss of employment or loss or diminution of emoluments or pension rights in consequence of the provisions of this Act.
- 4 Different regulations may be made under paragraph 3 above in relation to different classes of persons, and any such regulations may be so framed as to have effect as from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision therein is to have effect as from a date earlier than the making thereof shall not place any person other than the Agency in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.
- 5 Regulations under paragraph 3 above—
- (a) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the

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question whether any or what compensation is payable is to be determined, and

- (b) may apply, with or without modifications, the provisions of any other rules or regulations relating to similar matters.

- 6 The power to make regulations conferred by paragraph 3 above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### *Continuity of employment*

- 7 For the purposes of—  
 [F105 the Employment Rights Act 1996], there shall be deemed to have been no break in the employment of any person who is transferred to the employment of the Agency by virtue of paragraph 1 of this Schedule.

#### **Textual Amendments**

**F105** Words in Sch. 2 para. 7 substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, 244, Sch. 1 para. 8 (with ss. 191-195, 202)

#### *Consequential repeals*

- 8 In section 10(1) of the <sup>M10</sup> Local Employment Act 1972 the words “and the Welsh Industrial Estates Corporation” and the words “and Wales respectively” are repealed.

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

**C14** The text of Sch. 2 para. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **Marginal Citations**

**M10** 1972 c. 5.

**Status:** Point in time view as at 01/10/1998. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULE 3

Section 18.

### FINANCIAL AND ADMINISTRATIVE PROVISIONS RELATING TO AGENCY

#### *Financing of the Agency by Government*

- 1
- (1) In respect of the exercise of the functions of the Agency under section 1(3)(b) and (c) above the Secretary of State may, with the consent of the Treasury pay to the Agency out of money provided by Parliament such sums (in this Schedule referred to as “public dividend capital”) as the Secretary of State thinks fit.
  - (2) The Secretary of State may direct that so much of the debt assumed by the Agency under paragraph 7 below as he may, with the approval of the Treasury, determine shall be treated as an addition to that capital.
  - (3) In consideration of receiving public dividend capital, the Agency shall make to the Secretary of State, as respects each accounting year (except such a year as respects which the Agency satisfy the Secretary of State that it is inappropriate to make a payment in pursuance of this sub-paragraph), payments of such amounts as may be proposed by the Agency and agreed by the Secretary of State, or such other amounts as the Secretary of State may determine, after consultation with the Agency; and any sums received by the Secretary of State in pursuance of this sub-paragraph shall be paid into the Consolidated Fund.
  - [<sup>F106</sup>(3A) The Agency may with the agreement of the Secretary of State, and shall if the Secretary of State with the approval of the Treasury requires them to do so, make payments to the Secretary of State in reduction of the public dividend capital of the Agency; and any sums received by the Secretary of State in pursuance of this sub-paragraph shall be paid into the Consolidated Fund.]
  - (4) The statement of account prepared in respect of any financial year in pursuance of paragraph 4(3) below shall include particulars of the sums which in that year are paid to the Agency or are paid into the Consolidated Fund in pursuance of this paragraph.
  - (5) The Secretary of State shall not make a payment, signify agreement or make a determination in pursuance of this paragraph except with the approval of the Treasury.

#### **Textual Amendments**

**F106** Sch. 3 para. 1(3A) inserted by Industry Act 1980 (c. 33, SIF 64), ss. 4(3), 22

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

**C15** Sch. 3 para. 1(2): Treasury approval requirements continued in effect (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

- 2
- The Secretary of State may, out of money provided by Parliament, pay to the Agency—
- (a) such sums, . . . <sup>F107</sup>, in respect of administrative expenses relating to any of their functions, and

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- (b) such other sums in respect of the exercise of their functions, other than those to which the public dividend capital relates, as he may, with the consent of the Treasury, determine.

#### Textual Amendments

**F107** Words repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), ss. 21(1), 22, [Sch. 2](#)

#### *Borrowing Powers*

- 3 (1) The Agency may borrow money only—
- (a) in accordance with [<sup>F108</sup>sub-paragraph (2)] below, or
  - (b) from their wholly owned subsidiaries.
- [<sup>F109</sup>(2) For the purpose of the exercise of any of their functions, the Agency may borrow—
- (a) in sterling from the Secretary of State, or
  - (b) with the consent of the Secretary of State and the approval of the Treasury, or in accordance with any general authority given by the Secretary of State with the approval of the Treasury, either in sterling or in a currency other than sterling from a person other than the Secretary of State.]
- (4) ..... <sup>F110</sup>

#### Textual Amendments

**F108** Words substituted by [Industrial Development Act 1985 \(c. 25, SIF 64\)](#), s. 5(2)

**F109** [Sch. 3 para. 3\(2\)](#) substituted for sub-paras. (2) and (3) by [Industrial Development Act 1985 \(c. 25, SIF 64\)](#), s. 5(1)

**F110** [Sch. 3 para. 3\(4\)](#) repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), ss. 21(1), 22, [Sch. 2](#)

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

**C16** [Sch. 3 para. 3\(2\)](#): Treasury approval requirements continued for certain purposes (1.7.1999) by [S.I. 1999/672](#), art. 2, [Sch. 1](#)

#### *Government loans to the Agency*

- 4 (1) The Secretary of State may, with the approval of the Treasury, lend to the Agency any sums which the Agency have power to borrow from him under paragraph 3 above, and the Treasury may issue to the Secretary of State out of the National Loans Fund any sums necessary to enable the Secretary of State to make loans in pursuance of this sub-paragraph.
- (2) Any loans made in pursuance of sub-paragraph (1) above shall be repaid to the Secretary of State at such times and by such methods, and interest on the loans shall be paid to him at such times and at such rates, as he may from time to time direct; and all sums received by the Secretary of State in pursuance of this sub-paragraph shall be paid into the National Loans Fund.



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- (3) The Secretary of State shall prepare in respect of each financial year an account of the sums issued to him in pursuance of sub-paragraph (1) above and the sums received by him in pursuance of sub-paragraph (2) above and of the disposal by him of those sums and shall send the account to the Comptroller and Auditor General before the end of the month of November next following the end of that year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it and of his report before each House of Parliament.
- (4) The Secretary of State shall not make a loan or give a direction in pursuance of this paragraph except with the approval of the Treasury; and the form of the account prepared in pursuance of sub-paragraph (3) above and the manner of preparing it shall be such as the Treasury may direct.

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

- C17** Sch. 3 para. 4(1)(4): Treasury approval requirements continued in effect (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1
- C18** Sch. 3 para. 4(3): transfer of certain functions (1.7.1999) by 1999/672, art. 2, Sch. 1
- C19** Sch. 3 para. 4(3) modified by S.I. 1999/672, art. 2, Sch. 1

*Borrowing by wholly owned subsidiaries*

- 5 It shall be the duty of the Agency to secure that no wholly owned subsidiary of theirs borrows money otherwise than from the Agency or from another wholly owned subsidiary of theirs, except with the consent of the Secretary of State and the approval of the Treasury.

*Guarantees*

- 6 (1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of [<sup>FIII</sup>the payment of interest on and the discharge of any other financial obligation in connection with] any sums which the Agency borrow from a person other than the Secretary of State.
- (2) Immediately after a guarantee is given under this paragraph, the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given, the Treasury shall lay before each House of Parliament a statement relating to that sum, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest on it is finally discharged.
- (3) Any sums required by the Treasury for fulfilling a guarantee under this paragraph shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued in fulfilment of a guarantee given under this paragraph, the Agency shall make to the Treasury, at such time and in such manner as the Treasury from time to time direct, payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rate as

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the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.

- (5) Any sums received by the Treasury in pursuance of sub-paragraph (4) above shall be paid into the Consolidated Fund.

#### Textual Amendments

**F111** Words substituted by [Miscellaneous Financial Provisions Act 1983 \(c. 29, SIF 99:1\)](#), s. 4(1), [Sch. 2](#)

### *The Agency's Capital Debt*

- 7 (1) Upon any acquisition to which this paragraph applies, the Agency shall assume a debt to the Secretary of State of such amount as may be notified to the Agency in writing by him, with the approval of the Treasury.
- (2) This paragraph applies to any acquisition by the Agency—
- (a) of property held—
    - (i) by or on behalf of the Crown; or
    - (ii) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company; . . . <sup>F112</sup>
  - (b) . . . . . <sup>F112</sup>
- but does not apply to the transfer of property to the Agency under section 7 above.
- (3) Subject to sub-paragraph (4) below, in a case to which sub-paragraph (2)(a) above applies, the amount to be notified is the aggregate of the following, namely—
- (a) the consideration given when the property was first brought into public ownership, and
  - (b) the costs and expenses of and incidental to its being brought into public ownership.
- (4) If it appears to the Secretary of State in any such case that there has been such a change in circumstances since the property was first brought into public ownership that its true value would not be reflected by reference to the consideration mentioned in sub-paragraph (3) above, the Secretary of State, with the approval of the Treasury, shall determine the amount to be notified.
- (5) . . . . . <sup>F113</sup>
- (6) The rate of interest payable on so much of the Agency's capital debt as the Secretary of State does not direct to be treated as an addition to the Agency's public dividend capital, and the date from which interest is to begin to accrue, the arrangements for paying off the principal, and the other terms of the debt shall be such as the Secretary of State, with the approval of the Treasury, may from time to time determine; and different rates and dates may be determined under this sub-paragraph with respect to different portions of the debt.
- (7) Any sums received by the Secretary of State under sub-paragraph (6) above shall be paid into the National Loans Fund.

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#### Textual Amendments

- F112** Sch. 3 para. 7(2)(b) and word “or” immediately preceding it repealed by Industry Act 1980 (c. 33, SIF 64), ss. 21(1), 22, Sch. 2
- F113** Sch. 3 para. 7(5) repealed by Industry Act 1980 (c. 33, SIF 64), ss. 21(1), 22, Sch. 2

#### *Accounts of the Agency, etc.*

- 8 (1) The Agency shall keep proper accounts and proper records in relation to the accounts and shall prepare in respect of each accounting year a statement of accounts in such form as the Secretary of State may, with the approval of the Treasury, determine.
- (2) The statement of account prepared by the Agency for each accounting year shall be submitted to the Secretary of State at such time as he may direct.
- (3) The Secretary of State shall, on or before 30th November in any year, transmit to the Comptroller and Auditor General the statement of account prepared by the Agency under this paragraph for the accounting year last ended.
- (4) The Comptroller and Auditor General shall examine and certify the statement of account transmitted to him under this paragraph and lay before Parliament copies of the statement of account together with his report thereon.
- (5) The Agency shall provide the Secretary of State with such information relating to their activities or proposed activities as he may from time to time require, and for that purpose shall permit any person authorised in that behalf by the Secretary of State or the Comptroller and Auditor General to inspect and make copies of their accounts, books, documents or papers and shall afford to that person such explanation thereof as he may reasonably require.

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

- C20** Sch. 3 para. 8(3) modified (1.10.1998) by 1998 c. 38, s. 138(4); S.I. 1998/2244, art. 4
- C21** Sch. 3 para. 8(1): Treasury approval requirements continued in effect (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1
- C22** Sch. 3 para. 8(3)-(5): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1
- C23** Sch. 3 para. 8(4) modified (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

#### *Annual report*

- 9 (1) It shall be the duty of the Agency to make to the Secretary of State as soon as possible after the end of each accounting year a report dealing with the operations of the Agency during that year.
- (2) It shall be the duty of the Secretary of State to lay before each House of Parliament a copy of each report received by him under this paragraph.
- (3) If a report so laid sets out a direction under section 1 above . . . <sup>F114</sup> a copy of which has not been laid in accordance with subsection (1) of that section, a statement of

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the reason why the copy was not so laid shall be annexed to the Agency's report by the Secretary of State, and the said subsection (11) shall not apply to the direction.

#### Textual Amendments

**F114** Words repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), ss. 21(1), 22, [Sch. 2](#)

## <sup>F115</sup>SCHEDULE 4

Section 21A.

### ACQUISITION OF LAND

#### Textual Amendments

**F115** [Sch. 4](#) inserted (1.10.1998) by [1998 c. 38, s. 127, Sch. 13 para. 3](#) (with [ss. 139\(2\), 143\(2\)](#)); [S.I. 1998/2244, art. 4](#)

## <sup>F116</sup>PART I

### COMPULSORY ACQUISITION

#### Textual Amendments

**F116** [Sch. 4](#) inserted (1.10.1998) by [1998 c. 38, s. 127, Sch. 13 para. 3](#) (with [ss. 139\(2\), 143\(2\)](#)); [S.I. 1998/2244, art. 4](#).

<sup>F1171</sup> (1) The <sup>M11</sup>Acquisition of Land Act 1981 applies in relation to the compulsory acquisition of land under section 21A above.

(2) The <sup>M12</sup>Acquisition of Land Act 1981 has effect in its application by virtue of subparagraph (1) above with the modifications made by the following provisions of this Part.

#### Textual Amendments

**F117** [Sch. 4](#) inserted (1.10.1998) by [1998 c. 38, s. 127, Sch. 13 para. 3](#) (with [ss. 139\(2\), 143\(2\)](#)); [S.I. 1998/2244, art. 4](#).

#### Marginal Citations

**M11** 1981 c. 67.

**M12** 1981 c. 67.

VALID FROM 01/04/2006

[<sup>F118</sup>1A

**Status:** Point in time view as at 01/10/1998. This version of this Act contains provisions that are not valid for this point in time.

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- (1) Where a compulsory purchase order is prepared in draft by the Assembly under section 21A(1)(b) or (2)(b) above—
- (a) a notice under paragraph 3 of Schedule 1 to the 1981 Act (notice to owners, lessees and occupiers) shall be served on every relevant local authority;
  - (b) each relevant local authority has a right to object in accordance with the notice; and
  - (c) the references in paragraphs 4 and 4A of Schedule 1 to that Act to relevant objections include references to an objection made by any relevant local authority.]

#### Textual Amendments

**F118** Sch. 4 paras. 1, 1A substituted for Sch. 4 para. 1 (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1) (2), 7(1), **Sch. 1 para. 33(1)** (with art. 3(1))

- <sup>F119</sup>2 (1) This paragraph applies where a compulsory purchase order of the Agency authorising the acquisition of any land is submitted to the Secretary of State in accordance with section 2(2) of the <sup>M13</sup>Acquisition of Land Act 1981.
- (2) If the Secretary of State—
- (a) is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised in it; but
  - (b) has not for the time being determined whether it ought to be confirmed so far as it relates to any other such land,
- he may confirm the order so far as it relates to the land mentioned in paragraph (a) above and give directions postponing the consideration of the order so far as it relates to any other land specified in the directions until such time as may be so specified.
- (3) Where the Secretary of State gives directions under sub-paragraph (2) above, the notices required by section 15 of the <sup>M14</sup>Acquisition of Land Act 1981 to be published and served shall include a statement of the effect of the directions.

#### Textual Amendments

**F119** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.

#### Marginal Citations

**M13** 1981 c. 67.  
**M14** 1981 c. 67.

- <sup>F120</sup>3 (1) Where a compulsory purchase order is made by the Agency—
- (a) a notice under section 12 of the <sup>M15</sup>Acquisition of Land Act 1981 (notice specifying the time for making objections) shall be served on every relevant local authority;

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- (b) each relevant local authority shall have a right to object in accordance with the notice; and
  - (c) the references in section 13 of that Act to objections made by an owner, lessee or occupier shall include references to an objection made by any relevant local authority.
- (2) For the purposes of sub-paragraph (1) above, each of the following is a relevant local authority—
- (a) the council of any county, county borough or district in whose area the land, or any part of the land, is situated;
  - (b) any joint planning board in whose district the land, or any part of the land, is situated; and
  - (c) any National Park authority which is the local planning authority for a National Park in which the land, or any part of the land, is situated.

#### Textual Amendments

**F120** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

#### Marginal Citations

**M15** 1981 c. 67.

VALID FROM 01/04/2006

- [<sup>F121</sup>3A For the purposes of paragraphs 1A and 3 above, each of the following is a relevant local authority —
- (a) the council of any county, county borough or district in whose area the land, or any part of the land, is situated;
  - (b) any joint planning board in whose district the land, or any part of the land, is situated; and
  - (c) any National Park authority which is the local planning authority for a National Park in which the land, or any part of the land, is situated.]

#### Textual Amendments

**F121** Sch. 4 para. 3A inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(3)** (with art. 3(1))

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## <sup>F122</sup>PART II

### ACQUISITION BY AGREEMENT

#### Textual Amendments

**F122** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

<sup>F123</sup>4 The provisions of Part I of the <sup>M16</sup>Compulsory Purchase Act 1965 (so far as applicable), other than section 31, apply in relation to the acquisition of land by agreement under section 21A above; and in Part I of that Act as so applied “land” has the meaning given by Schedule 1 to the <sup>M17</sup>Interpretation Act 1978.

#### Textual Amendments

**F123** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

#### Marginal Citations

**M16** 1965 c. 56.

**M17** 1978 c. 30.

## <sup>F124</sup>PART III

### “CLEANSING” PROVISIONS

#### Textual Amendments

**F124** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

#### <sup>F125</sup>*Extinguishment of rights over land compulsorily acquired*

#### Textual Amendments

**F125** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

<sup>F126</sup>5 (1) On the completion by the Agency of a compulsory acquisition of land under section 21A above, all—

- (a) private rights of way; and
- (b) rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land,

shall be extinguished and any such apparatus shall vest in the Agency.

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- (2) Sub-paragraph (1) above does not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking.
- (3) Sub-paragraph (1) above has effect in relation to any right or apparatus not falling within sub-paragraph (2) above subject—
  - (a) to any direction given by the Agency before the completion of the acquisition that sub-paragraph (1) above shall not apply to any right or apparatus specified in the direction; and
  - (b) to any agreement which may be made (whether before or after the completion of the acquisition) between the Agency and the person in or to whom the right or apparatus is vested or belongs.
- (4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this paragraph shall be entitled to compensation from the Agency.
- (5) Any compensation payable under this paragraph shall be determined in accordance with the <sup>M18</sup>Land Compensation Act 1961.

#### Textual Amendments

**F126** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

#### Marginal Citations

**M18** 1961 c. 33.

#### *<sup>F127</sup>Power to override easements and other rights*

#### Textual Amendments

**F127** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

- <sup>F128</sup>6 (1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired by the Agency under section 21A above, whether done by the Agency or by a person deriving title under the Agency, is authorised by virtue of this paragraph if it is done in accordance with planning permission even if it involves—
- (a) interference with an interest or right to which this paragraph applies; or
  - (b) a breach of a restriction as to the user of land arising by virtue of a contract.
- (2) Nothing in this paragraph authorises interference with—
- (a) any right of way; or
  - (b) any right of laying down, erecting, continuing or maintaining apparatus on, under or over land,
- which is vested in or belongs to statutory undertakers for the purpose of the carrying on of their undertaking.



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- (3) This paragraph applies to any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.
- (4) Compensation in respect of any interference or breach in pursuance of sub-paragraph (1) above—
  - (a) shall be payable under section 7 or 10 of the <sup>M19</sup>Compulsory Purchase Act 1965; and
  - (b) shall be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase to which that Act applies or the injury arises from the execution of works on land acquired by such a purchase.
- (5) Where a person deriving title under the Agency—
  - (a) is liable to pay compensation by virtue of sub-paragraph (4) above; but
  - (b) fails to discharge that liability,the liability shall be enforceable against the Agency.
- (6) Nothing in sub-paragraph (5) above affects any agreement between the Agency and any other person for indemnifying the Agency against any liability under that sub-paragraph.
- (7) Nothing in this paragraph authorises any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than an interference or breach such as is mentioned in sub-paragraph (1) above.
- (8) In this paragraph—
  - (a) a reference to a person deriving title from another person includes a reference to any successor in title of that other person; and
  - (b) a reference to deriving title is a reference to deriving title either directly or indirectly.

#### Textual Amendments

**F128** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

#### Marginal Citations

**M19** 1965 c. 56.

<sup>F129</sup>*Use and development of consecrated land and burial grounds*

#### Textual Amendments

**F129** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

- <sup>F1307</sup> (1) Any consecrated land (whether or not including a building) which has been acquired by the Agency under section 21A above may be used by any person in any manner in

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accordance with planning permission in spite of any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land.

- (2) Sub-paragraph (1) above does not apply to land which consists or forms part of a burial ground.
- (3) Any use of consecrated land authorised by sub-paragraph (1) above, and the use of any land (not being consecrated land) which was—
  - (a) acquired by the Agency under section 21A above; and
  - (b) at the time of acquisition included a church or other building used or formerly used for religious worship or the site of such a building,
 shall be subject to compliance with the requirements of regulations made by the Secretary of State for the purposes of this paragraph with respect to the removal and re-interment of any human remains and the disposal of monuments and fixtures and furnishings.
- (4) Any use of consecrated land authorised by sub-paragraph (1) above shall be subject to such provisions as may be prescribed by such regulations for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part of such a building, remains on the land.
- (5) Any regulations made for the purposes of this paragraph—
  - (a) shall contain such provisions as appear to the Secretary of State to be required for securing that any use of land which is subject to compliance with the regulations is, as nearly as may be, subject to the same control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure;
  - (b) shall contain such requirements relating to the disposal of any such land as is mentioned in sub-paragraphs (3) and (4) above as appear to the Secretary of State necessary for securing that the provisions of those sub-paragraphs are complied with in relation to the use of the land; and
  - (c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Secretary of State to be appropriate for the purposes of the regulations.
- (6) Any land consisting of a burial ground, or part of a burial ground, which has been acquired as mentioned in sub-paragraph (1) above may be used by any person in any manner in accordance with planning permission in spite of—
  - (a) anything in any enactment relating to burial grounds; or
  - (b) any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds.
- (7) Sub-paragraph (6) above shall not have effect in relation to any land which has been used for the burial of the dead until the requirements prescribed by regulations made under this paragraph with respect to the removal and re-interment of human remains, and the disposal of monuments, in or on the land have been complied with.
- (8) Provision shall be made by any regulations made for the purposes of this paragraph—
  - (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and re-interment of any human remains or the disposal of any monuments;

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- (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and re-interment of the remains of the deceased, and the disposal of any monument commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, re-interment and disposal, not exceeding such amount as may be prescribed; and
  - (c) for requiring compliance with such reasonable conditions (if any) as may be imposed in the case of consecrated land, by the bishop of the diocese, with respect to the manner of removal, and the place and manner of re-interment, of any human remains and the disposal of any monuments and with any directions given in any case by the Secretary of State with respect to the removal and re-interment of any human remains.
- (9) Subject to the provisions of regulations made under this paragraph, no faculty shall be required for the removal and re-interment in accordance with the regulations of any human remains or for the removal or disposal of any monuments; and the provisions of section 25 of the <sup>M20</sup>Burial Act 1857 (prohibition of removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.
- (10) Nothing in this paragraph authorises any act or omission on the part of any person which is actionable at the suit of any person on any ground other than contravention of any such obligation, restriction or enactment as is mentioned in sub-paragraph (1) or (6) above.
- (11) In this paragraph—
- “burial ground” includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment; and
  - “monument” includes a tombstone or other memorial.

**Textual Amendments**

**F130** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

**Marginal Citations**

**M20** 1857 c. 81.

*<sup>F131</sup>Use and development of land for open spaces*

**Textual Amendments**

**F131** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

<sup>F132g</sup> (1) Any land which—

- (a) is, or forms part of, a common, an open space or a fuel or field garden allotment; and

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(b) has been acquired by the Agency under section 21A above, may be used by any person in any manner in accordance with planning permission in spite of anything in any enactment relating to land of that kind or in any enactment by which the land is specially regulated.

(2) Sub-paragraph (1) does not authorise any act or omission on the part of any person which is actionable at the suit of any person on any ground other than contravention of any such enactment as is mentioned in that sub-paragraph.

#### Textual Amendments

**F132** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

*<sup>F133</sup>Paragraphs 6 to 8: supplementary*

#### Textual Amendments

**F133** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

<sup>F1349</sup> In construing the <sup>M21</sup>Compulsory Purchase Act 1965 in relation to section 21A above—

- (a) references to the execution of works shall be construed as including references to any erection, construction or carrying out of building or work authorised by paragraph 6 above; and
- (b) in relation to any erection, construction or carrying out of building or work so authorised, references in section 10 of that Act to the acquiring authority shall be construed as references to the persons by whom the building or work in question is erected, constructed or carried out.

#### Textual Amendments

**F134** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

#### Marginal Citations

**M21** 1965 c. 56.

<sup>F135</sup>10 (1) Nothing in paragraph 7 or 8 above authorises any act or omission on the part of any authority or body corporate in contravention of any limitation imposed by law on their capacity by virtue of their constitution.

(2) Any power conferred by paragraph 7 or 8 above to use land in a manner mentioned in that paragraph shall be construed as a power to use the land, whether or not it involves the erection, construction or carrying out of any building or work or the maintenance of any building or work.

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#### Textual Amendments

**F135** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

#### <sup>F136</sup> *Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers*

#### Textual Amendments

**F136** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

- <sup>F137</sup>11 (1) This paragraph applies where any land has been acquired by the Agency under section 21A above and—
- (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over that land; or
  - (b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.
- (2) The Agency, if satisfied that the extinguishment of the right or the removal of the apparatus is necessary for the purpose of carrying out any development, may serve on the statutory undertakers a notice—
- (a) stating that, at the end of the period of 28 days beginning with the day of service of the notice or such longer period as may be specified in it, the right will be extinguished; or
  - (b) requiring that the apparatus be removed before the end of that period.
- (3) The statutory undertakers on whom a notice is served under sub-paragraph (2) above may, before the end of the period of 28 days beginning with the day on which the notice was served, serve a counter-notice on the Agency—
- (a) stating that they object to all or any provisions of the notice; and
  - (b) specifying the grounds of their objection.
- (4) Where no counter-notice is served under sub-paragraph (3) above—
- (a) any right to which the notice relates shall be extinguished at the end of the period specified in the notice; and
  - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been complied with, the Agency may remove the apparatus and dispose of it in any way they think appropriate.
- (5) If a counter-notice is served under sub-paragraph (3) above, the Agency may either—
- (a) withdraw the notice (but without prejudice to the service of a further notice); or
  - (b) apply to the Secretary of State and the appropriate Minister for an order under this sub-paragraph embodying the provisions of the notice with or without modification.

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- (6) Where by virtue of this paragraph—
- (a) any right vested in or belonging to statutory undertakers is extinguished; or
  - (b) any requirement is imposed on statutory undertakers,
- those undertakers shall be entitled to compensation from the Agency.
- (7) Sections 280 and 282 of the <sup>M22</sup>Town and Country Planning Act 1990 (measure of compensation for statutory undertakers) apply to compensation under sub-paragraph (6) above as they apply to compensation under section 279(2) of that Act.

#### Textual Amendments

**F137** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

#### Marginal Citations

**M22** 1990 c. 8.

### *F138 Orders under paragraph 11*

#### Textual Amendments

**F138** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

- <sup>F139</sup>12 (1) Before making an order under sub-paragraph (5) of paragraph 11 above, the Ministers proposing to make the order—
- (a) shall afford to the statutory undertakers on whom a notice was served under sub-paragraph (2) of that paragraph an opportunity of objecting to the application for the order; and
  - (b) if any objection is made, shall consider the objection and afford to those statutory undertakers and to the Agency an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State and the appropriate Minister for the purpose.
- (2) The Ministers may then, if they think fit, make the order in accordance with the application either with or without modification.
- (3) Where an order is made under paragraph 11(5) above—
- (a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order; and
  - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the Agency may remove the apparatus and dispose of it in any way they think appropriate.

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#### Textual Amendments

**F139** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

<sup>F140</sup> Notice for same purposes as paragraph 11 but given by statutory undertakers to Agency

#### Textual Amendments

**F140** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

- <sup>F141</sup> 13 (1) This paragraph applies where any land has been acquired by the Agency under section 21A above and—
- (a) there is on, under or over the land apparatus vested in or belonging to statutory undertakers; and
  - (b) the undertakers claim that development to be carried out on the land is such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of the apparatus affected by the development.
- (2) The undertakers may serve on the Agency a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.
- (3) Where, after the land has been acquired as mentioned in sub-paragraph (1) above, development of the land begins to be carried out, no notice under sub-paragraph (2) above may be served after the end of the period of 21 days beginning with the day on which the development commenced.
- (4) Where a notice is served under sub-paragraph (2) above, the Agency may, before the end of the period of 28 days beginning with the day on which the notice was served, serve a counter-notice on the statutory undertakers—
- (a) stating that they object to all or any of the provisions of the notice; and
  - (b) specifying the grounds of their objection.
- (5) Where no counter-notice is served under sub-paragraph (4) above, the statutory undertakers shall, after the end of that period of 28 days, have the rights claimed in their notice.
- (6) If a counter-notice is served under sub-paragraph (4) above, the statutory undertakers who served the notice under this paragraph may either—
- (a) withdraw it; or
  - (b) apply to the Secretary of State and the appropriate Minister for an order under this sub-paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it appropriate to confer on them.
- (7) Where, by virtue of this paragraph or an order of Ministers made under it, statutory undertakers have the right to execute works for the removal or re-siting of

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apparatus, they may arrange with the Agency for the works to be carried out by the Agency, under the superintendence of the undertakers, instead of by the undertakers themselves.

- (8) Where works are carried out for the removal or re-siting of statutory undertakers' apparatus, being works which the undertakers have the right to carry out by virtue of this paragraph or an order of Ministers made under it, the undertakers shall be entitled to compensation from the Agency.
- (9) Sections 280 and 282 of the <sup>M23</sup>Town and Country Planning Act 1990 (measure of compensation for statutory undertakers) apply to compensation under subparagraph (8) above as they apply to compensation under section 279(4) of that Act.

#### Textual Amendments

**F141** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

#### Marginal Citations

**M23** 1990 c. 8.

## <sup>F142</sup>PART IV

### OTHER PROVISIONS

#### Textual Amendments

**F142** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

### <sup>F143</sup>Rights of entry

#### Textual Amendments

**F143** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

- <sup>F144</sup>14 (1) Any person duly authorised in writing by the Agency may, at any reasonable time, enter any land—
- (a) for the purposes of surveying it, or estimating its value, in connection with any proposal to acquire that land, or any other land, under section 21A above; or
  - (b) in connection with any claim for compensation in respect of any such acquisition.
- (2) Any person duly authorised in writing by the Agency may at any reasonable time enter any land for the purpose of surveying it in order to enable the Agency to



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determine whether to make an application for planning permission for the carrying out of development of that land.

- (3) Any power conferred by this paragraph to survey land includes power to search and bore for the purpose of ascertaining—
- (a) the nature of the subsoil; or
  - (b) the presence of minerals or contaminants in it.

#### Textual Amendments

**F144** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, Sch. 13 para. 3 (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.

- <sup>F145</sup>15 (1) A person authorised under paragraph 14 above to enter any land—
- (a) shall, if so required by the occupier or anyone acting on his behalf, produce evidence of his authority; and
  - (b) shall not, if the land is occupied, demand admission as of right to it unless 24 hours' notice of the intended entry has been given to the occupier.
- (2) Any person who intentionally obstructs a person acting in the exercise of a power conferred by paragraph 14 above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Where any land is damaged in the exercise of a power of entry conferred by paragraph 14 above, compensation in respect of the damage may be recovered by any person interested in the land from the Agency or the Secretary of State.
- (4) Except in so far as may be otherwise provided by regulations made by the Secretary of State under this sub-paragraph, any question of disputed compensation under sub-paragraph (3) above shall be referred to and determined by the Lands Tribunal; and the provisions of sections 2 and 4 of the <sup>M24</sup>Land Compensation Act 1961 apply to the determination of any question under this sub-paragraph, subject to any necessary modifications and to the provisions of any regulations under this sub-paragraph.
- (5) Where under paragraph 14 above a person proposes to carry out any works authorised by sub-paragraph (3) of that paragraph—
- (a) he shall not carry out those works unless notice of his intention to do so was included in the notice required by sub-paragraph (1)(b) above; and
  - (b) if the land in question is held by statutory undertakers and those undertakers object to the proposed works on the grounds that the carrying out of the works would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out without the authority of the appropriate Minister.
- (6) A person who enters land in the exercise of a power of entry conferred by paragraph 14 above—
- (a) shall take reasonable care to avoid damage or injury to plant, machinery, equipment, livestock, crops or enclosures; and
  - (b) on leaving the land, shall secure it as effectively against unauthorised entry as he found it.

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- (7) If any person who is admitted into a factory, workshop or workplace in the exercise of a power of entry conferred by paragraph 14 above discloses to any person any information obtained by him there as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the purpose for which he was authorised to enter the premises, be guilty of an offence.
- (8) A person guilty of an offence under sub-paragraph (7) above is liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum; or
  - (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or to both.

#### Textual Amendments

**F145** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

#### Marginal Citations

**M24** 1961 c. 33.

#### <sup>F146</sup>Displacement of legislation preventing possession

#### Textual Amendments

**F146** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

- <sup>F147</sup>16 If the Secretary of State certifies that possession of a house which—
- (a) has been acquired by the Agency under section 21A above; and
  - (b) is for the time being held by the Agency for the purposes for which it was acquired,
- is immediately required for those purposes, nothing in the <sup>M25</sup>Rent (Agriculture) Act 1976, the <sup>M26</sup>Rent Act 1977 or the <sup>M27</sup>Housing Act 1988 shall prevent the Agency from obtaining possession of the house.

#### Textual Amendments

**F147** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

#### Marginal Citations

**M25** 1976 c. 80.

**M26** 1977 c. 42.

**M27** 1988 c. 50.

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### *F148* Register of land holdings

#### Textual Amendments

**F148** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, Sch. 13 para. 3 (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.

- F149** 17 (1) The Secretary of State may by regulations provide for the keeping by the Agency of a register recording their acquisitions, holdings and disposals of land.
- (2) Regulations under this paragraph may prescribe—
- (a) the kinds of land and the kinds of transactions to be registered;
  - (b) the form of the registers, and the particulars to be contained in them; and
  - (c) the circumstances in which, and conditions subject to which, the registers are to be open to public inspection.

#### Textual Amendments

**F149** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, Sch. 13 para. 3 (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.

### *F150* Information

#### Textual Amendments

**F150** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, Sch. 13 para. 3 (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.

- F151** 18 (1) Where, with a view to performing any function of the Agency relating to land, the Agency considers that they ought to have information connected with that or any other land, the Agency may serve on one or more of—
- (a) the occupier of the land;
  - (b) any person who has an interest in the land either as freeholder, mortgagee or lessee, or who directly or indirectly receives rent for the land; and
  - (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it,
- a notice specifying the land and the function and the provision which confers the function.
- (2) The notice shall require the recipient to furnish to the Agency, within a period specified in it (which shall not be less than 14 days beginning with the day on which the notice is served)—
- (a) the nature of his interest in the land; and
  - (b) the name and address of each person whom the recipient of the notice believes to be the occupier of the land and of each person whom he believes

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to be, as respects the land, a person mentioned in sub-paragraph (1)(b) or (c) above.

(3) A person who—

- (a) refuses, or fails without reasonable excuse, to comply with the requirements of a notice served on him under sub-paragraph (1) above; or
- (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### Textual Amendments

**F151** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

<sup>F152</sup>19 (1) The council of every county and county borough in Wales, every joint planning board for a district in Wales and every National Park authority for a National Park in Wales shall supply the Agency—

- (a) with such information as the Secretary of State may by regulations prescribe for the purposes of this paragraph (being information which the Agency may need for the purpose of performing their functions); and
- (b) with such certificates supporting the information as the Secretary of State may in the regulations specify.

(2) If a local planning authority in Wales receives an application for planning permission, the authority shall as soon as practicable after receipt send a copy of the application to the Agency.

(3) On any grant of planning permission relating to land in Wales, the local planning authority, or the Secretary of State (if it was granted by him), shall, as soon as is practicable, send a copy of the notification of the planning permission to the Agency.

(4) Sub-paragraphs (2) and (3) above shall not apply if and so far as the Agency directs.

#### Textual Amendments

**F152** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

#### <sup>F153</sup>Regulations as to form of documents

#### Textual Amendments

**F153** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

**Status:** Point in time view as at 01/10/1998. This version of this Act contains provisions that are not valid for this point in time.  
**Changes to legislation:** Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

<sup>F154</sup>20 The Secretary of State may make regulations for prescribing the form of any document required or authorised by or under this Schedule.

**Textual Amendments**

**F154** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

<sup>F155</sup>*Local inquiries*

**Textual Amendments**

**F155** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

<sup>F156</sup>21 Section 250 of the <sup>M28</sup>Local Government Act 1972 (costs of inquiries and expenses of witnesses) shall extend to any public local inquiry held under the <sup>M29</sup>Acquisition of Land Act 1981, by virtue of paragraph 1 above, as if the Agency were a local authority.

**Textual Amendments**

**F156** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

**Marginal Citations**

**M28** 1972 c. 70.  
**M29** 1981 c. 67.

<sup>F157</sup>*Crown land*

**Textual Amendments**

**F157** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

<sup>F158</sup>22 (1) A private interest in land may be acquired compulsorily under section 21A above even though the land is Crown land if consent is given in writing by the appropriate authority.

(2) In this paragraph—

- (a) “private interest” means an interest which is not a Crown interest or a Duchy interest;
- (b) “Crown land” means land in which there is a Crown interest or a Duchy interest;

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- (c) “Crown interest” means an interest belonging to Her Majesty in right of the Crown or belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
- (d) “Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall; and
- (e) “appropriate authority” in relation to Crown land shall be determined in accordance with section 293(2) of the <sup>M30</sup>Town and Country Planning Act 1990.

#### Textual Amendments

**F158** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

#### Marginal Citations

**M30** 1990 c. 8.

### *F159* Offences by corporations

#### Textual Amendments

**F159** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

- <sup>F160</sup>23 (1) Where an offence under this Schedule which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body corporate; or
  - (b) any person who was purporting to act in any such capacity,
- he, as well as the body corporate, shall be guilty of that offence and liable to be proceeded against accordingly.
- (2) Where the affairs of a body corporate are managed by its members, this paragraph shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of a body corporate.

#### Textual Amendments

**F160** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

**Status:**

Point in time view as at 01/10/1998. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:**

Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.