



# Welsh Development Agency Act 1975

## 1975 CHAPTER 70

E+W+S

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 [F<sup>1</sup>Welsh development]<sup>F1</sup>. **U.K.**

[F<sup>2</sup>(1) The functions specified in the following provisions of this Act are conferred upon the National Assembly for Wales (in this Act referred to as the “Assembly”).]

[F<sup>2</sup>(2) The purposes for which the [F<sup>3</sup>Assembly]<sup>F3</sup> may exercise [F<sup>4</sup>:its]<sup>F4</sup> functions [F<sup>5</sup>under this Act]<sup>F5</sup> are—

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- (a) to further the economic [<sup>F6</sup>and social] development of Wales or any part of Wales [<sup>F7</sup>, and in that connection to provide, maintain or safeguard employment];
  - (b) to promote [<sup>F8</sup>efficiency in business] and international competitiveness in Wales;
  - (c) ..... <sup>F9</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 [<sup>F3</sup>Assembly]<sup>F3</sup> [<sup>F10</sup>under this Act]<sup>F10</sup> shall be—
- (a) to promote Wales as a location [<sup>F11</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>F12</sup>businesses];
  - (c) to carry on industrial undertakings and to establish and carry on new [<sup>F12</sup>businesses];
  - (d) otherwise to promote or assist the establishment, growth . . . <sup>F13</sup>, modernisation or development of [<sup>F14</sup>businesses, or a particular business or particular businesses];
  - [<sup>F15</sup>(da) to make land available for development;]
  - (e) ..... <sup>F16</sup>
  - (f) to provide sites, premises, services and facilities for [<sup>F12</sup>businesses];
  - (g) to manage sites and premises for [<sup>F12</sup>businesses];
  - (h) to bring derelict land into use or improve its appearance; . . . <sup>F17</sup>
  - (i) to undertake the development and redevelopment of the environment.
  - [<sup>F18</sup>(j) to promote the private ownership of interests in [<sup>F12</sup>businesses] by the disposal of securities and other property held by the [<sup>F3</sup>Assembly]<sup>F3</sup> or any of [<sup>F4</sup>its]<sup>F4</sup> subsidiaries.]
- (4) In exercising [<sup>F4</sup>its]<sup>F4</sup> functions [<sup>F5</sup>under this Act]<sup>F5</sup> the [<sup>F3</sup>Assembly]<sup>F3</sup> shall have regard to the requirements of agriculture and efficient land management.
- (5) The [<sup>F3</sup>Assembly]<sup>F3</sup> may only exercise functions under subsection (3)(c) above through subsidiaries.
- (6) The [<sup>F3</sup>Assembly]<sup>F3</sup> shall have power to do anything, whether in Wales or elsewhere, which is calculated to facilitate the discharge of [<sup>F4</sup>its]<sup>F4</sup> 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 [<sup>F3</sup>Assembly]<sup>F3</sup> shall have power [<sup>F19</sup>in connection with its functions under this Act]<sup>F19</sup>—
- (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 [<sup>F4</sup>its]<sup>F4</sup> functions, or assist in [<sup>F4</sup>its]<sup>F4</sup> provision; and
- (m) to promote or assist in the promotion of publicity relating to any of the functions of the [<sup>F3</sup>Assembly<sup>F3</sup>][<sup>F20</sup>under this Act]<sup>F20</sup>.

- (8) <sup>F21</sup> .....
- (9) <sup>F21</sup> .....
- (10) <sup>F21</sup> .....
- (11) <sup>F21</sup> .....
- (12) <sup>F21</sup> .....
- (13) <sup>F21</sup> .....

[<sup>F22</sup>(14) The Assembly shall, after consultation with such local authorities, National Park authorities and other bodies as appear to the Assembly to have an interest, from time to time prepare and publish programmes for the performance of such of its functions under this Act as it considers appropriate.]

<sup>F22</sup>(15) <sup>F21</sup> .....

(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 [<sup>F3</sup>Assembly]<sup>F3</sup> of any enactment or rule of law.

#### Extent Information

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

#### Textual Amendments

- F1** S. 1 heading: words substituted (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. 3(9)** (with art. 3(1))
- F2** S. 1(1) substituted (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. 3(1)** (with art. 3(1))
- F3** S. 1: words in Act substituted (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. 1, 2} (with art. 3(1))
- F4** Words in s. 1(2)(3)(j)(4)(6)(7)(l) substituted (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. 3(2)** (with art. 3(1))
- F5** Words in s. 1(2)(4) 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. 3(3)** (with art. 3(1))

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- F6** 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**.
- F7** Words added by **Industry Act 1980** (c. 33, SIF 64), **ss. 1(3)(a)**, 22.
- F8** 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**.
- F9** S. 1 (2)(c) repealed by **Industry Act 1980** (c. 33, SIF 64), ss. 21(1), 22, **Sch. 2**.
- F10** Words in s. 1(3) 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. 3(4)** (with art. 3(1))
- F11** 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**.
- F12** 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**.
- F13** Word repealed (with saving) by **Industry Act 1980** (c. 33, SIF 64), s. 21(1)(2), **Sch. 2**.
- F14** 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**.
- F15** 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**.
- F16** S. 1(3)(e) repealed (with saving) by **Industry Act 1980** (c. 33, SIF 64), s. 21(1)(2), **Sch. 2**.
- F17** Word repealed (with saving) by **Industry Act 1980** (c. 33, SIF 64), s. 21(1)(2), **Sch. 2**.
- F18** S. 1(3)(j) added by **Industry Act 1980** (c. 33, SIF 64), **ss. 1(3)(b)**, 22.
- F19** Words in s. 1(7) 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. 3(5)** (with art. 3(1))
- F20** Words in s. 1(7)(m) 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. 3(6)** (with art. 3(1))
- F21** S. 1(8)-(13)(15) omitted (1.4.2006) by virtue of **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. 3(7)** (with art. 3(1))
- F22** S. 1(14) substituted (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. 3(8)** (with art. 3(1))

**2 Constitution and status. E+W+S**

F23 .....

**Textual Amendments**

**F23** S. 2 omitted (1.4.2006) by virtue of **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. 4** (with art. 3(1))

**3 ..... F24 E+W+S**

**Textual Amendments**

**F24** S. 3 repealed by **Industry Act 1980** (c. 33, SIF 64), ss. 21(1), 22, **Sch. 2**

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**4 Ancillary powers. E+W+S**

The [F25 Assembly]<sup>F25</sup> shall have power [F26 in connection with its functions under this Act]<sup>F26</sup> —

- (a) to make such charge for any of [F27 its services as it thinks]<sup>F27</sup> fit;
- (b) to accept any gift made to [F28 it]<sup>F28</sup> for the purposes of any [F29 such]<sup>F29</sup> 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 [F25 Assembly]<sup>F25</sup> may deem necessary or expedient for the purposes of [F30 such]<sup>F30</sup> functions.

**Textual Amendments**

- F25** S. 4: words in Act substituted (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. 1, 2} (with art. 3(1))
- F26** Words in s. 4 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. 5(1)** (with art. 3(1))
- F27** Words in s. 4(a) substituted (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. 5(2)** (with art. 3(1))
- F28** Word in s. 4(b) substituted (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. 5(3)** (with art. 3(1))
- F29** Word in s. 4(b) substituted (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. 5(3)** (with art. 3(1))
- F30** Word in s. 4(c) substituted (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. 5(4)** (with art. 3(1))

**5 Assistance to [F31 Assembly]<sup>F31</sup> from public authorities and other persons. E+W+S**

- (1) The [F32 Assembly]<sup>F32</sup> may appoint a local authority, [F33 a National Park authority], the development corporation of a new town or any other body or person to act as [F34 its]<sup>F34</sup> agent to carry out the [F35 Assembly's]<sup>F35</sup> functions mentioned in section 1(3)(a) [F36, (da)] and (f) to (i) above [F37 or section 21C below].

<sup>F38</sup>(1A) .....

- (2) For the purpose of assisting the [F32 Assembly]<sup>F32</sup> to carry out any of the functions referred to in subsection (1) above, a local authority, [F33 a National Park authority] or a development corporation, or any other body of a public nature, on being so requested by the [F39 Assembly]<sup>F39</sup>, may place the services of any of their staff at the [F35 Assembly's]<sup>F35</sup> disposal, on such terms as may be agreed with the [F32 Assembly]<sup>F32</sup>.

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### Textual Amendments

- F31** S. 5 heading: words in Act substituted (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. 1, 2} (with art. 3(1))
- F32** S. 5: words in Act substituted (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. 1, 2(a)} (with art. 3(1))
- F33** 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**.
- F34** Word in s. 5(1) substituted (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. 6** (with art. 3(1))
- F35** S. 5: words in Act substituted (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. 1, 2(b)} (with art. 3(1))
- F36** 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**.
- F37** 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**.
- F38** 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**.
- F39** S. 5: words in Act substituted (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. 1, 2(a)} (with art. 3(1))

### [<sup>F40</sup>6 Power to form committees. **E+W+S**

- (1) The Assembly may establish such committees for giving advice to the Assembly about the discharge of any of its functions under this Act as it considers appropriate.
- (2) The members of any such committee are to be appointed by the Assembly and may be either members of the Assembly or persons who are not members.<sup>F40]</sup>

### Textual Amendments

- F40** S. 6 substituted (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. 7** (with art. 3(1))

### 7 Dissolution of Welsh Industrial Estates Corporation. **E+W+S**

<sup>F41</sup> .....

### Textual Amendments

- F41** S. 7 omitted (1.4.2006) by virtue of [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. 8** (with art. 3(1))

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## 8 Transfer to Agency of land held under Local Employment Act 1972. **E+W+S**

<sup>F42</sup> .....

### Textual Amendments

**F42** S. 8 omitted (1.4.2006) by virtue of [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. 9** (with arts. 3(1), 8(1))

## 9 Provision of sites and premises for industry. **E+W+S**

(1) <sup>F43</sup> .....

(2) [<sup>F44</sup>For the purpose of providing or managing sites and premises for businesses and providing related facilities, or making land available for development]<sup>F44</sup> the [<sup>F45</sup>Assembly]<sup>F45</sup> 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 [<sup>F45</sup>Assembly]<sup>F45</sup> may for that purpose erect buildings and carry out works on any land so acquired.

[<sup>F46</sup>(3) The Assembly may, if it considers there are circumstances which justify the giving of special assistance, provide premises for the occupation of a business free of rent for such time as it thinks appropriate<sup>F46</sup>]

### Textual Amendments

**F43** S. 9(1) omitted (1.4.2006) by virtue of [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. 10(1)** (with art. 3(1))

**F44** Words in s. 9(2) substituted (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. 10(2)** (with art. 3(1))

**F45** S. 9: words in Act substituted (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. 1, 2} (with art. 3(1))

**F46** S. 9(3) substituted (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. 10(3)** (with art. 3(1))

## 10 Services etc. for development of industry. **E+W+S**

The [<sup>F47</sup>Assembly may]<sup>F47</sup> undertake or assist in the provision of means of access or other services or facilities in or for an area where this appears to [<sup>F48</sup>it]<sup>F48</sup> to be expedient for the purpose of contributing to or supporting the development of [<sup>F49</sup>businesses] in that area.



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**Textual Amendments**

- F47** Words in s. 10 substituted (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. 11** (with art. 3(1))
- F48** Word in s. 10 substituted (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. 11** (with art. 3(1))
- F49** 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**.

[<sup>F50</sup> **10A Financial assistance for regeneration and development.** **E+W**

<sup>F51</sup> .....

**Textual Amendments**

- F50** S. 10A inserted (24.9.1996) by 1996 c. 53, **ss. 130(1)**, 150(2)
- F51** S. 10A omitted (1.4.2006) by virtue of [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. 12** (with art. 3(1))

**11 Application of Landlord and Tenant Act 1954 to Agency premises.** **E+W+S**

(1) The following section shall be inserted after section 60 of the <sup>M1</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 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>F52</sup>(a) .....

(b) after [<sup>F53</sup>subsection (1)] there shall be inserted the following subsection:—



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- “(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.”.

**Textual Amendments**

**F52** 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**

**F53** 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**

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

**C9** 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.

**Marginal Citations**

**M1** 1954 c. 56.

**12** ..... <sup>F54</sup> **E+W+S**

**Textual Amendments**

**F54** S. 12 repealed by **Industry Act 1980 (c. 33, SIF 64)**, ss. 21(1), 22, **Sch. 2**

**13** **Welsh Industrial Development Advisory Board.** **E+W+S**

- (1) The [<sup>F55</sup>Assembly]<sup>F55</sup> shall appoint a board to be called the Welsh Industrial Development Advisory Board, to advise [<sup>F56</sup>it]<sup>F56</sup> with respect to the exercise of [<sup>F57</sup>its]<sup>F57</sup> functions under section 7 of [<sup>F58</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 [<sup>F59</sup>Assembly]<sup>F59</sup> to have wide experience of, and to have shown capacity in, industry, banking, accounting, finance or the organisation or representation of workers.
- [<sup>F60</sup>(4) If the Board make a recommendation with respect to any matter at the request of the Assembly and the Assembly exercises its functions under section 7 of the Industrial Development Act 1982 contrary to their recommendation, it shall, if the Board so request, publish a statement as to the matter.<sup>F60</sup>]

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#### Textual Amendments

- F55** Words in s. 13(1) substituted (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. 13(1)(a)** (with art. 3(1))
- F56** Word in s. 13(1) substituted (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. 13(1)(b)** (with art. 3(1))
- F57** Word in s. 13(1) substituted (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. 13(1)(c)** (with art. 3(1))
- F58** Words substituted by [Industrial Development Act 1982 \(c. 52, SIF 64\)](#), s. 19(1), **Sch. 2 para. 13**
- F59** Words in s. 13(3) substituted (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. 13(2)** (with art. 3(1))
- F60** S. 13(4) substituted (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. 13(3)** (with art. 3(1))

## 14 Transfer of Publicly-owned property to Agency. **E+W+S**

F61

#### Textual Amendments

- F61** S. 14 omitted (1.4.2006) by virtue of [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. 14** (with art. 3(1))

## [<sup>F62</sup>15 The environment. **E+W+S**

- (1) The Assembly's duty under section 1(14) above to prepare and publish, after consultation with such local authorities, National Park authorities and other bodies as appear to the Assembly to have an interest, programmes for the performance of the Assembly's functions under this Act, includes in particular a duty to prepare and publish programmes, to be implemented either by the Assembly itself, or by the Assembly acting jointly with any other authority or person, or through persons or authorities acting on behalf of the Assembly, for the improvement, development or redevelopment of the environment in Wales.
- (2) The Assembly may make payments to any authority or person of such amount and in such manner as it may determine for carrying out work which the Assembly considers will contribute to the purposes of such a programme.<sup>F62]</sup>

#### Textual Amendments

- F62** S. 15 substituted (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. 15** (with art. 3(1))

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**[<sup>F63</sup>16 Derelict land. E+W+S**

- (1) Subject to the provisions of this section, where it appears to the [<sup>F64</sup>Assembly]<sup>F64</sup> 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,[<sup>F65</sup>it may]<sup>F65</sup> 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 [<sup>F64</sup>Assembly]<sup>F64</sup>'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 [<sup>F66</sup>it]<sup>F66</sup> 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 [<sup>F64</sup>Assembly]<sup>F64</sup> to have an interest, to acquire <sup>F67</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 [<sup>F64</sup>Assembly]<sup>F64</sup>'s powers under this subsection are in addition to, and not in derogation from, any power conferred [<sup>F68</sup>on it]<sup>F68</sup> by any other provision of this Act.
- (4) In subsection (3)(a) above “relevant expenditure” means expenditure incurred, with the approval of the [<sup>F64</sup>Assembly]<sup>F64</sup>, 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 [<sup>F64</sup>Assembly]<sup>F64</sup> to be requisite.
- (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

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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 <sup>F69</sup>Assembly<sup>F69</sup>.

(7) After carrying out works on land acquired under subsection (3)(b) above the <sup>F64</sup>Assembly<sup>F64</sup> 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.

<sup>F70</sup>(8) A statutory instrument containing an order under subsection (6) above may make such transitional provision as appears to the Assembly to be necessary or expedient.]

<sup>F70</sup>(9) In this section—

“local authority” means—

(a) a county council or <sup>F71</sup>county borough] council <sup>F72</sup>. . .

<sup>F72</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

- F63** S. 16 substituted (E. W.) by [Derelict Land Act 1982 \(c. 42, SIF 46:4\)](#), s. **2(1)**.
- F64** S. 16: words in Act substituted (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. 1, 2} (with art. 3(1))
- F65** Words in s. 16(1) substituted (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. 16(1)** (with art. 3(1))
- F66** Word in s. 16(3)(a) substituted (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. 16(2)** (with art. 3(1))
- F67** 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
- F68** Words in s. 16(3) substituted (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. 16(2)** (with art. 3(1))
- F69** Words in s. 16(6) substituted (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. 16(3)** (with art. 3(1))
- F70** S. 16(8) substituted (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. 16(4)** (with art. 3(1))
- F71** 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**
- F72** 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.**

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

**C10** 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. E+W+S**

**F73** .....

**Textual Amendments**

**F73** S. 17 omitted (1.4.2006) by virtue of [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. 17** (with art. 3(1))

**[<sup>F74</sup>18 [<sup>F75</sup>Borrowing and guarantees<sup>F75</sup>] E+W+S**

- (1) Schedule 3 to this Act shall have effect.
- (2) <sup>F76</sup> .....
- (3) <sup>F76</sup> .....
- (3A) <sup>F76</sup> .....
- (4) <sup>F76</sup> .....
- (5) <sup>F76</sup> .....

**Textual Amendments**

**F74** 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

**F75** S. 18: words in heading substituted (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. 18(2)** (with art. 3(1))

**F76** S. 18(2)–(5) omitted (1.4.2006) by virtue of [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. 18(1)** (with art. 3(1))

**19 The Agency and the media. E+W+S**

**F77** .....

**Textual Amendments**

**F74** 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

**F77** S. 19 omitted (1.4.2006) by virtue of [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. 19** (with art. 3(1))

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**20 Other limits on Agency’s powers. E+W+S**

F78 .....

**Textual Amendments**

**F74** 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

**F78** S. 20 omitted (1.4.2006) by virtue of [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. 20](#) (with art. 3(1))

**21 Expenses. E+W+S**

F79 .....

**Textual Amendments**

**F74** 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

**F79** S. 21 omitted (1.4.2006) by virtue of [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. 21](#) (with art. 3(1))

**F80 F81 21A Powers of land acquisition. E+W+S**

- (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;
  - (b) in relation to land in Wales, to acquire land compulsorily; and
  - (c) in relation to land in England, to acquire land compulsorily if authorised to do so by the Secretary of State.
- (2) Where the Assembly acquires or has acquired land under subsection (1) above, it has power—
  - (a) to acquire by agreement,
  - (b) in relation to land in Wales, to acquire compulsorily, and
  - (c) in relation to land in England, if authorised to do so by the Secretary of State, to acquire compulsorily,
 the land described in subsection (2A) below.
- (2A) The land is—
  - (a) any land which adjoins the land which the Assembly acquires or has acquired under subsection (1) and which is required for the purpose of executing works for facilitating its development or use; and
  - (b) where the land which the Assembly acquires or has acquired under subsection (1) 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.

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- (3) The Assembly 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 Assembly acquires land under subsection (1) for the purpose of its function under section 1(3)(da) above, it shall—
  - (a) consider whether the land would or would not in its opinion be made available for development if it 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;
  - (c) (in the 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 Assembly has acquired land under subsection (1) above for the purpose of any of its functions under this Act it may appropriate it to the purpose of any of its other functions under this Act.
- (7) Where the Assembly has—
  - (a) acquired land under subsection (1) above for the purposes of its function under section 1(3)(da) above; or
  - (b) under subsection (6) above has appropriated land to that purpose,it shall, until it either disposes of the land or appropriates the land under subsection (6) above to the purpose of any of its other functions under this Act, manage the land and turn it to account.
- (8) Schedule 4 to this Act shall have effect.<sup>F81]</sup>

#### Textual Amendments

- F74** 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
- F80** 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](#)
- F81** S. 21A substituted (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. 22](#) (with [art. 3\(1\)](#))



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**F82**  
**21B**

**Disposal of land.** **E+W+S**

In exercising any power under this Act to dispose of land, the **[F83 Assembly]**<sup>F83</sup> 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) **[F84 otherwise as it considers appropriate]**<sup>F84</sup>.

**Textual Amendments**

- F74** 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
- F80** 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](#)
- F82** S. 21B 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](#)
- F83** S. 21B: words in Act substituted (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. 1, 2} (with art. 3(1))
- F84** Words in s. 21B(b) substituted (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. 23** (with art. 3(1))

**F85**  
**21C**

**Powers to advise on land matters.** **E+W+S**

- (1) The **[F86 Assembly]**<sup>F86</sup> 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) **F87** .....
  - (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 **[F88 Local Health Board]**<sup>F88</sup>, 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
  - (i) any other public authority, body or undertakers specified in an order made by the **[F89 Assembly]**<sup>F89</sup>.
- (3) The **[F86 Assembly]**<sup>F86</sup> 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

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- (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.]

**Textual Amendments**

- F74** 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
- F80** 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](#)
- F85** S. 21C 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](#)
- F86** S. 21C: words in Act substituted (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. 1, 2](#)} (with [art. 3\(1\)](#))
- F87** S. 21C(2)(b) omitted (1.4.2006) by virtue of [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. 24\(a\)](#) (with [art. 3\(1\)](#))
- F88** Words in s. 21C(2)(f) substituted (1.4.2007) by [The References to Health Authorities Order 2007 \(S.I. 2007/961\)](#), [art. 3](#), [Sch. para. 11](#)
- F89** Words in s. 21C(2)(i) substituted (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. 24\(b\)](#) (with [art. 3\(1\)](#))

**F90** 22 ..... **E+W+S**

**Textual Amendments**

- F74** 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
- F80** 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](#)
- F90** 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](#)

**F91** 23 ..... **E+W+S**

**Textual Amendments**

- F74** 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
- F80** 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](#)
- F91** 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](#)

*Status: Point in time view as at 01/06/2009.*

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**24 Power to obtain information. E+W+S**

F92 .....

**Textual Amendments**

**F74** 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

**F80** 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](#)

**F92** S. 24 omitted (1.4.2006) by virtue of [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. 25](#) (with [art. 3\(1\)](#))

**[ F93 25 Service of documents. E+W+S**

F94 ..... ]

**Textual Amendments**

**F74** 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

**F80** 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](#)

**F93** S. 25 substituted (1.10.1998) by [1998 c. 38, s. 128](#), [Sch. 14 Pt. I para. 9](#) (with [ss. 139\(2\), 143\(2\)](#)); S.I. [1998/2244, art. 4](#)

**F94** S. 25 omitted (1.4.2006) by virtue of [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. 26](#) (with [art. 3\(1\)](#))

**F95 26 ..... E+W+S**

**Textual Amendments**

**F74** 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

**F80** 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](#)

**F95** 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. E+W+S**

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

F96 .....

“the appropriate Minister” in relation to any statutory undertakers in relation to whom it is defined by [F97 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;

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[<sup>F98</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>F99</sup>“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882 and any town or village green;

<sup>F100</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>F101</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>F102</sup>section 736 of the Companies Act 1985];

<sup>F103</sup>

[<sup>F104</sup>“land” has the meaning given by Schedule 1 to the <sup>M2</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>F105</sup>, . . . <sup>F106</sup>[<sup>F107</sup>hydraulic power or water][<sup>F107</sup>or hydraulic power], and

(b) the Civil Aviation Authority <sup>F108</sup> . . . , [<sup>F109</sup>a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence)][<sup>F110</sup>any universal service provider in connection with the provision of a universal postal service] 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>F111</sup>the Town and Country Planning Act 1990];

and “statutory undertaking” shall be construed accordingly;

“subsidiary” means a subsidiary as defined by [<sup>F112</sup>section 736 of the Companies Act 1985]; and

[<sup>F113</sup>“universal service provider” has the same meaning as in the Postal Services Act 2000; and references to the provision of a universal postal service shall be construed in accordance with that Act;]

“wholly owned subsidiary” has the meaning assigned to it by [<sup>F114</sup>[<sup>F115</sup>section 736] of the Companies Act 1985].

[<sup>F116</sup>(1A) The undertaking of a universal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Act; and references in this Act to his undertaking shall be construed accordingly.]

[<sup>F117</sup>(1B) The undertaking of a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered to be a statutory undertaking for the purposes of this Act except to the extent that it is the person’s undertaking as licence holder; and references in this Act to the person’s undertaking shall be construed accordingly.]

(1C) A person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered a statutory undertaker for the purposes of section 21C above.]

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- (2) <sup>F118</sup> .....
- (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

- F96** S. 27(1) definition of “accounting year” omitted (1.4.2006) by virtue of [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. 27(1)** (with art. 3(1))
- F97** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 34(3)(a)**.
- F98** 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**
- F99** 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**
- F100** 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**
- F101** 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**
- F102** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, **Sch. 2**.
- F103** 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**
- F104** 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**
- F105** Word repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**.
- F106** Word and comma repealed by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(4), **Sch. 9 Pt. I**.
- F107** 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).
- F108** 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**.
- F109** S. 27(1): Words in para. (b) of the definition of “statutory undertakers” inserted (21.12.2001) by S.I. 2001/4050, **art. 2, Sch. Pt. II para. 2(a)**
- F110** S. 27(1): Words in para. (b) of the definition of “statutory undertakers” substituted (26.3.2001) by S.I. 2001/1149, **art. 3(1), Sch. 1 para. 40(2)(a)**
- F111** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 34(3)(b)**.
- F112** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, **Sch. 2**.
- F113** Definition of “universal service provider” in s. 27(1) inserted (26.3.2001) by S.I. 2001/1149, **art. 3(1), Sch. 1 para. 40(2)(b)**
- F114** Words substituted by virtue of [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, **Sch. 2**.
- F115** 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**).
- F116** S. 27(1A) inserted (26.3.2001) by S.I. 2001/1149, **art. 3(1), Sch. 1 para. 40(3)**
- F117** S. 27(1B)(1C) inserted (21.12.2001) after subsection (1) by S.I. 2001/4050, **art. 2, Sch. Pt. II para. 2(b)**

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**F118** S. 27(2) omitted (1.4.2006) by virtue of [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. 27(2)** (with art. 3(1))

**Marginal Citations**

**M2** 1978 c. 30.

**28 Orders [F119 and regulations]. E+W+S**

(1) Any power to make an order [F120 or regulations] conferred by any provision of this Act [F121, 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.

(1A) F122 .....

(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.

[ Any regulations or order under this Act—

F123 (3) (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**

**F74** 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

**F80** 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](#)

**F119** 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](#)

**F120** 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](#)

**F121** 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](#)

**F122** S. 28(1A) omitted (1.4.2006) by virtue of [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. 28** (with art. 3(1))

**F123** 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. E+W+S**

(1) This Act may be cited as the Welsh Development Agency Act 1975.

(2) F124 .....

(3) Section 1(6) above F125 ... [F126 extends] F126 to Northern Ireland, but none of the other provisions of the Act so extends.]

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### Textual Amendments

- F74** 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
- F80** 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](#)
- F124** S. 29(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [s. 1\(1\)](#), {Sch. 1 Pt. 16 Group 2}
- F125** Words in s. 29(3) omitted (1.4.2006) by virtue of [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. 29](#) (with [art. 3\(1\)](#))
- F126** Word in s. 29(3) substituted (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. 29](#) (with [art. 3\(1\)](#))



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## SCHEDULES

### <sup>F127F127</sup>SCHEDULE 1 U.K.

#### Textual Amendments

**F127** Sch. 1 omitted (1.4.2006) by virtue of [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. 30** (with art. 3(1))

### <sup>F139F139</sup>SCHEDULE 2 E+W+S

#### Textual Amendments

**F139** Sch. 2 omitted (1.4.2006) by virtue of [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. 31** (with arts. 3(1), 8(2))

### SCHEDULE 3 E+W+S

Section 18.

### [<sup>F141</sup>BORROWING AND GUARANTEES<sup>F141</sup>]

#### Textual Amendments

**F141** Sch. 3: words in heading substituted (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. 32(5)** (with art. 3(1))

*Status: Point in time view as at 01/06/2009.*

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F142 ...

**Textual Amendments**

**F142** Sch. 3 para. 1 cross-heading omitted (1.4.2006) by virtue of 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. 32(1)** (with art. 3(1))

1 F143 .....

**Textual Amendments**

**F143** Sch. 3 para. 1 omitted (1.4.2006) by virtue of 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. 32(1)** (with art. 3(1))

2 F144 .....

**Textual Amendments**

**F144** Sch. 3 para. 2 omitted (1.4.2006) by virtue of 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. 32(1)** (with art. 3(1))

*Borrowing Powers*

(<sup>F145</sup>3) For the purpose of exercising its functions under this Act, the Assembly may borrow money from any person (including its wholly owned subsidiaries), but any borrowing in a currency other than sterling requires the approval of the Treasury.<sup>F145</sup>]

**Textual Amendments**

**F145** Sch. 3 para. 3 substituted (1.4.2006) by virtue of 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. 32(2)** (with art. 3(1))

F146 ...

**Textual Amendments**

**F146** Sch. 3 para. 4 cross-heading omitted (1.4.2006) by virtue of 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. 32(1)** (with art. 3(1))

4 F147 .....

*Status: Point in time view as at 01/06/2009.*

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#### Textual Amendments

**F147** Sch. 3 para. 4 omitted (1.4.2006) by virtue of [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. 32\(1\)](#) (with art. 3(1))

#### *Borrowing by wholly owned subsidiaries*

(<sup>F148</sup>5) It is the duty of the Assembly to secure that none of its wholly owned subsidiaries formed in pursuance of the exercise of the Assembly's functions under this Act borrows money otherwise than from the Assembly or from another wholly owned subsidiary of the Assembly, except with the Assembly's consent.<sup>F148</sup>]

#### Textual Amendments

**F148** Sch. 3 para. 5 substituted (1.4.2006) by virtue of [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. 32\(3\)](#) (with art. 3(1))

#### *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>F149</sup>the payment of interest on and the discharge of any other financial obligation in connection with] any sums which the [<sup>F150</sup>Assembly<sup>F150</sup>][<sup>F151</sup>borrows in connection with its functions under this Act]<sup>F151</sup>.
- (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 [<sup>F150</sup>Assembly]<sup>F150</sup> shall make to the Treasury, at such time and in such manner as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rate as 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

**F149** Words substituted by [Miscellaneous Financial Provisions Act 1983 \(c. 29, SIF 99:1\)](#), s. 4(1), [Sch. 2](#)

*Status: Point in time view as at 01/06/2009.*

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**F150** Sch. 3 para. 6: words in Act substituted (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. 1, 2} (with art. 3(1))

**F151** Words in Sch. 3 para. 6(1) substituted (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. 32(4)** (with art. 3(1))

F152 ...

#### Textual Amendments

**F152** Sch. 3 para. 7 cross-heading omitted (1.4.2006) by virtue of 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. 32(1)** (with art. 3(1))

7 F153 .....

#### Textual Amendments

**F153** Sch. 3 para. 7 omitted (1.4.2006) by virtue of 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. 32(1)** (with art. 3(1))

F154 ...

#### Textual Amendments

**F154** Sch. 3 para. 8 cross-heading omitted (1.4.2006) by virtue of 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. 32(1)** (with art. 3(1))

8 F155 .....

#### Textual Amendments

**F155** Sch. 3 para. 8 omitted (1.4.2006) by virtue of 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. 32(1)** (with art. 3(1))

F156 ...

#### Textual Amendments

**F156** Sch. 3 para. 9 cross-heading omitted (1.4.2006) by virtue of 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. 32(1)** (with art. 3(1))

*Status: Point in time view as at 01/06/2009.*

*Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 28 May 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)*

9 F157 .....

**Textual Amendments**

**F157** Sch. 3 para. 9 omitted (1.4.2006) by virtue of 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. 32(1)** (with art. 3(1))

**F158** SCHEDULE 4 **E+W+S**

Section 21A.

ACQUISITION OF LAND

**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**

**F159** PART I **E+W+S**

COMPULSORY ACQUISITION

**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**.

[**F160****F161**]

- (1) The Acquisition of Land Act 1981 (referred to in this Schedule as “the 1981 Act”) applies in relation to the compulsory acquisition of land under section 21A above subject to the modifications made by the following provisions of this Part.
- (2) Notwithstanding section 2 of the 1981 Act—
  - (a) Schedule 1 to the 1981 Act applies only in relation to a compulsory acquisition of land under section 21A(1)(b) or (2)(b) above; and
  - (b) Part 2 of the 1981 Act applies in relation to a compulsory acquisition of land made under section 21A(1)(c) or (2)(c) above as if the Assembly were an acquiring authority and the Secretary of State were the confirming authority for the purposes of that Part.<sup>**F160**</sup>

**Textual Amendments**

**F160** 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))

**F161** 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 01/06/2009.*

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[<sup>F162</sup>1A

- (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**

**F162** 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>F163</sup>2                      <sup>F164</sup> .....

**Textual Amendments**

**F163** 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**.  
**F164** Sch. 4 para. 2 repealed (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 89, 120, 121(1), Sch. 7 para. 9(2)(4), **Sch. 9** (with s. 111); S.I. 2004/2593, **art. 2(d)(e)**

- <sup>F165</sup>3 (1) Where a compulsory purchase order is made by the [<sup>F166</sup>Assembly<sup>F166</sup>][<sup>F167</sup> under section 21A(1)(c) or (2)(c) above]<sup>F167</sup> —
  - (a) a notice under section 12 of the [<sup>F168</sup>1981 Act]<sup>F168</sup> (notice specifying the time for making objections) shall be served on every relevant local authority;
  - (b) each relevant local authority shall have a right to object in accordance with the notice; and
  - (c) the references in [<sup>F169</sup>sections 13 and 13A of that Act to relevant objections]<sup>F169</sup> shall include references to an objection made by any relevant local authority.
- (2) <sup>F170</sup> .....

**Textual Amendments**

**F165** 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**.  
**F166** Sch. 4 para. 3: words in Act substituted (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. 1, 2}** (with art. 3(1))  
**F167** Words in Sch. 4 para. 3(1) 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(2)(a)** (with art. 3(1))

*Status: Point in time view as at 01/06/2009.*

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- F168** Words in Sch. 4 para. 3(1)(a) substituted (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(2)(b)** (with art. 3(1))
- F169** Words in Sch. 4 para. 3(1)(c) substituted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 89, 121(1), **Sch. 7 para. 9(3)(4)** (with s. 111); S.I. 2004/2593, **art. 2(d)**
- F170** Sch. 4 para. 3(2) omitted (1.4.2006) by virtue of 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(2)(c)** (with art. 3(1))

- [<sup>F171</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

- F171** 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))

## <sup>F172</sup>PART II **E+W+S**

### ACQUISITION BY AGREEMENT

#### Textual Amendments

- F172** 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>F173</sup>4 The provisions of Part I of the <sup>M6</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>M7</sup>Interpretation Act 1978.

#### Textual Amendments

- F173** 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

- M6** 1965 c. 56.  
**M7** 1978 c. 30.



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### <sup>F174</sup>PART III **E+W+S**

#### “CLEANSING” PROVISIONS

##### Textual Amendments

**F174** 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>F175</sup>*Extinguishment of rights over land compulsorily acquired*

##### Textual Amendments

**F175** 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>F1765</sup> (1) On the completion by the [<sup>F177</sup>Assembly]<sup>F177</sup> 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 [<sup>F177</sup>Assembly]<sup>F177</sup>.
- (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 [<sup>F177</sup>Assembly]<sup>F177</sup> 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 [<sup>F177</sup>Assembly]<sup>F177</sup> 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 [<sup>F177</sup>Assembly]<sup>F177</sup>.
- (5) Any compensation payable under this paragraph shall be determined in accordance with the <sup>M8</sup>Land Compensation Act 1961.

##### Textual Amendments

**F176** 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**.

**F177** Sch. 4 para. 5: words in Act substituted (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. 1, 2} (with art. 3(1))

*Status: Point in time view as at 01/06/2009.*

*Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 28 May 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)*

### Marginal Citations

M8 1961 c. 33.

### <sup>F178</sup>Power to override easements and other rights

### Textual Amendments

**F178** 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>F179</sup>6 (1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired by the [<sup>F180</sup>Assembly]<sup>F180</sup> under section 21A above, whether done by the [<sup>F180</sup>Assembly]<sup>F180</sup> or by a person deriving title under the [<sup>F180</sup>Assembly]<sup>F180</sup>, 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.
- (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>M9</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 [<sup>F180</sup>Assembly]<sup>F180</sup>—
- (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 [<sup>F180</sup>Assembly]<sup>F180</sup>.
- (6) Nothing in sub-paragraph (5) above affects any agreement between the [<sup>F180</sup>Assembly]<sup>F180</sup> and any other person for indemnifying the [<sup>F180</sup>Assembly]<sup>F180</sup> 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.

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(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

**F179** 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**.

**F180** Sch. 4 para. 6: words in Act substituted (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. 1, 2} (with art. 3(1))

#### Marginal Citations

**M9** 1965 c. 56.

#### <sup>F181</sup>Use and development of consecrated land and burial grounds

#### Textual Amendments

**F181** 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>F1827</sup> (1) Any consecrated land (whether or not including a building) which has been acquired by the [<sup>F183</sup>Assembly]<sup>F183</sup> under section 21A above may be used by any person in any manner in 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 [<sup>F183</sup>Assembly]<sup>F183</sup> 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 <sup>F184</sup>... 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.
- [<sup>F185</sup>(3A) Regulations for the purposes of this paragraph are to be made by—
- (a) the Assembly, in relation to land in Wales; and
  - (b) the Secretary of State, in relation to land in England.]

<sup>F185</sup>(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

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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 [<sup>F186</sup>the Assembly or]<sup>F186</sup> 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 [<sup>F186</sup>the Assembly or]<sup>F186</sup> 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 [<sup>F186</sup>the Assembly or]<sup>F186</sup> 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;
  - (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 [<sup>F187</sup>the Assembly, in relation to land in Wales, or by the Secretary of State, in relation to land in England,]<sup>F187</sup> 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

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human remains or for the removal or disposal of any monuments; and the provisions of section 25 of the <sup>M10</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

**F182** 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**.

**F183** Sch. 4 para. 7: words in Act substituted (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. 1, 2} (with art. 3(1))

**F184** Words in Sch. 4 para. 7(3) omitted (1.4.2006) by virtue of 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(4)(a)** (with art. 3(1))

**F185** Sch. 4 para. 7(3A) added (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(4)(b)** (with art. 3(1))

**F186** Words in Sch. 4 para. 7(5) 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(4)(c)** (with art. 3(1))

**F187** Words in Sch. 4 para. 7(8)(c) substituted (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(4)(d)** (with art. 3(1))

#### Marginal Citations

**M10** 1857 c. 81.

### *F188 Use and development of land for open spaces*

#### Textual Amendments

**F188** 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>F189g</sup> (1) Any land which—

- (a) is, or forms part of, a common, an open space or a fuel or field garden allotment; and
- (b) has been acquired by the [<sup>F190</sup>Assembly]<sup>F190</sup> under section 21A above,

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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

**F189** 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**.

**F190** Sch. 4 para. 8: words in Act substituted (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. 1, 2}** (with art. 3(1))

*<sup>F191</sup>Paragraphs 6 to 8: supplementary*

#### Textual Amendments

**F191** 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>F192</sup> In construing the <sup>M11</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

**F192** 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** 1965 c. 56.

- <sup>F193</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

**F193** 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>F194</sup>*Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers*

#### Textual Amendments

**F194** 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>F195</sup>11 (1) This paragraph applies where any land has been acquired by the [<sup>F196</sup>Assembly]<sup>F196</sup> 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 [<sup>F197</sup>Assembly]<sup>F197</sup>, 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 [<sup>F197</sup>Assembly]<sup>F197</sup>—
- (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 [<sup>F197</sup>Assembly]<sup>F197</sup> may remove the apparatus and dispose of it in any way they think appropriate.
- <sup>F198</sup>(4A) If a counter-notice is served under sub-paragraph (3) above in relation to rights over, or apparatus on, land in Wales, the Assembly may either—
- (a) withdraw the notice (but without prejudice to the service of a further notice); or
  - (b) invite the appropriate Minister to make an order jointly with the Assembly under this sub-paragraph embodying the provisions of the notice with or without modification.]



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- <sup>F198</sup>(5) If a counter-notice is served under sub-paragraph (3) above [<sup>F199</sup>in relation to rights over, or apparatus on, land in England]<sup>F199</sup>, the [<sup>F197</sup>Assembly]<sup>F197</sup> 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.
- (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 [<sup>F197</sup>Assembly]<sup>F197</sup>.
- (7) Sections 280 and 282 of the <sup>M12</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

**F195** 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**.

**F196** Sch. 4 para. 11: words in Act substituted (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. 1, 2} (with art. 3(1))

**F197** Sch. 4 para. 11: words in Act substituted (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. 1, 2} (with art. 3(1))

**F198** Sch. 4 para. 11(4A) 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(5)(a)** (with art. 3(1))

**F199** Words in Sch. 4 para. 11(5) 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(5)(b)** (with art. 3(1))

#### Marginal Citations

**M12** 1990 c. 8.

### <sup>F200</sup>Orders under paragraph 11

#### Textual Amendments

**F200** 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>F201</sup>12 (1) Before making an order under sub-paragraph [<sup>F202</sup>(4A) or ]<sup>F202</sup>(5) of paragraph 11 above, the [<sup>F203</sup>appropriate Minister and the Assembly, or the Ministers proposing to make the order, as the case may be]<sup>F203</sup> proposing to make the order—

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- (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
- <sup>F204</sup>(b) if any objection is made, shall consider the objection and afford to—
- (i) the statutory undertakers and the Assembly, in the case of an order under sub-paragraph (4A) of paragraph 11 above, or
  - (ii) the statutory undertakers, in the case of an order under sub-paragraph (5) of paragraph 11 above,
- an opportunity of appearing before, and being heard by, a person appointed for the purpose by the Assembly and the appropriate Minister, or the Secretary of State and the appropriate Minister, as the case may be.]
- <sup>F204</sup>(2) The [<sup>F205</sup>appropriate Minister and the Assembly, or the Ministers proposing to make the order, as the case may be,]<sup>F205</sup> 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 [<sup>F206</sup>11(4A) or]<sup>F206</sup> 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 [<sup>F207</sup>Assembly]<sup>F207</sup> may remove the apparatus and dispose of it in any way [<sup>F208</sup>it thinks]<sup>F208</sup> appropriate.

#### Textual Amendments

- F201** 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**.
- F202** Words in Sch. 4 para. 12(1) 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(6)(a)(i)** (with art. 3(1))
- F203** Words in Sch. 4 para. 12(1) substituted (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(6)(a)(ii)** (with art. 3(1))
- F204** Sch. 4 para. 12(1)(b) substituted (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(6)(b)** (with art. 3(1))
- F205** Words in Sch. 4 para. 12(2) substituted (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(6)(c)** (with art. 3(1))
- F206** Words in Sch. 4 para. 12(3) 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(6)(d)** (with art. 3(1))
- F207** Sch. 4 para. 12: words in Act substituted (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. 1, 2} (with art. 3(1))
- F208** Words in Sch. 4 para. 12(3)(b) substituted (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(6)(e)** (with art. 3(1))

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<sup>F209</sup>Notice for same purposes as paragraph 11 but  
given by statutory undertakers to [<sup>F210</sup>Assembly<sup>F210</sup>]

#### Textual Amendments

**F209** 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**.

**F210** Sch. 4 para. 13 cross-heading: words in Act substituted (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. 1, 2} (with art. 3(1))

- <sup>F211</sup>13 (1) This paragraph applies where any land has been acquired by the [<sup>F212</sup>Assembly]<sup>F212</sup> 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 [<sup>F212</sup>Assembly]<sup>F212</sup> 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 [<sup>F212</sup>Assembly]<sup>F212</sup> 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
  - <sup>F213</sup>(b) in relation to apparatus—
    - (i) in, on, over or under land in Wales requiring removal or re-siting, apply to the Assembly 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 Assembly and the appropriate Minister think it appropriate to confer on them; and
    - (ii) in, on, over or under land in England requiring removal or re-siting, 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

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of State and the appropriate Minister think it appropriate to confer on them.]

<sup>F213</sup>(7) Where, by virtue of this paragraph or [<sup>F214</sup>an order made under it by the Assembly and the appropriate Minister, or by the Ministers, as the case may be,]<sup>F214</sup> statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the [<sup>F212</sup>Assembly]<sup>F212</sup> for the works to be carried out by the [<sup>F212</sup>Assembly]<sup>F212</sup>, 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 [<sup>F215</sup>an order made under it by the Assembly and the appropriate Minister, or by the Ministers, as the case may be,]<sup>F215</sup> the undertakers shall be entitled to compensation from the [<sup>F212</sup>Assembly]<sup>F212</sup>.

<sup>F216</sup>(8A) References in this paragraph to the Assembly and the appropriate Minister are, if the appropriate Minister is the Assembly, to be construed as references to the Assembly alone.]

<sup>F216</sup>(9) Sections 280 and 282 of the <sup>M13</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

**F211** 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**.

**F212** Sch. 4 para. 13: words in Act substituted (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. 1, 2} (with art. 3(1))

**F213** Sch. 4 para. 13(6)(b) substituted (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(7)(a)** (with art. 3(1))

**F214** Words in Sch. 4 para. 13(7) substituted (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(7)(b)** (with art. 3(1))

**F215** Words in Sch. 4 para. 13(8) substituted (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(7)(b)** (with art. 3(1))

**F216** Sch. 4 para. 13(8A) 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(7)(c)** (with art. 3(1))

#### Marginal Citations

**M13** 1990 c. 8.

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## <sup>F217</sup>PART IV **E+W+S**

### OTHER PROVISIONS

#### Textual Amendments

**F217** 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>F218</sup>Rights of entry

#### Textual Amendments

**F218** 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>F219</sup>14 (1) Any person duly authorised in writing by the [<sup>F220</sup>Assembly]<sup>F220</sup> 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 [<sup>F220</sup>Assembly]<sup>F220</sup> may at any reasonable time enter any land for the purpose of surveying it in order to enable the [<sup>F220</sup>Assembly]<sup>F220</sup> to 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

**F219** 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**.

**F220** Sch. 4 para. 14: words in Act substituted (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. 1, 2}** (with art. 3(1))

- <sup>F221</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.

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- (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 [<sup>F222</sup>Assembly<sup>F223</sup>]....
- (4) Except in so far as may be otherwise provided by regulations made by the [<sup>F224</sup>Assembly]<sup>F224</sup> under this sub-paragraph, any question of disputed compensation under sub-paragraph (3) above shall be referred to and determined by the [<sup>F225</sup>Upper Tribunal]<sup>F225</sup>, and the provisions of [<sup>F226</sup>section]<sup>F226</sup> 4 of the <sup>M14</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.
- (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

**F221** 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**.

**F222** Sch. 4 para. 15: words in Act substituted (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. 1, 2} (with art. 3(1))



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- F223** Words in Sch. 4 para. 15(3) omitted (1.4.2006) by virtue of 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(8)(a)** (with art. 3(1))
- F224** Words in Sch. 4 para. 15(4) substituted (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(8)(b)** (with art. 3(1))
- F225** Words in Sch. 4 para. 15(4) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 117(a)** (with Sch. 5)
- F226** Words in Sch. 4 para. 15(4) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 117(b)** (with Sch. 5)

#### Marginal Citations

**M14** 1961 c. 33.

### *<sup>F227</sup>Displacement of legislation preventing possession*

#### Textual Amendments

**F227** 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>F228</sup>16 If the [<sup>F229</sup>Assembly, in relation to a house in Wales, or the Secretary of State in relation to a house in England,]<sup>F229</sup> certifies that possession of a house which—
- (a) has been acquired by the [<sup>F230</sup>Assembly]<sup>F230</sup> under section 21A above; and
  - (b) is for the time being held by the [<sup>F230</sup>Assembly]<sup>F230</sup> for the purposes for which it was acquired,
- is immediately required for those purposes, nothing in the <sup>M15</sup>Rent (Agriculture) Act 1976, the <sup>M16</sup>Rent Act 1977 or the <sup>M17</sup>Housing Act 1988 shall prevent the [<sup>F230</sup>Assembly]<sup>F230</sup> from obtaining possession of the house.

#### Textual Amendments

**F228** 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**.

**F229** Words in Sch. 4 para. 16 substituted (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(9)** (with art. 3(1))

**F230** Sch. 4 para. 16: words in Act substituted (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. 1, 2}** (with art. 3(1))

#### Marginal Citations

**M15** 1976 c. 80.

**M16** 1977 c. 42.

**M17** 1988 c. 50.



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### <sup>F231</sup>Register of land holdings

#### Textual Amendments

**F231** 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**.

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<sup>F232</sup>

#### Textual Amendments

**F232** Sch. 4 para. 17 omitted (1.4.2006) by virtue of 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(10)** (with art. 3(1))

### <sup>F233</sup>Information

#### Textual Amendments

**F233** 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>F234</sup>18 (1) Where, with a view to performing any function of the [<sup>F235</sup>Assembly<sup>F235</sup>][<sup>F236</sup> under this Act]<sup>F236</sup> relating to land, the [<sup>F235</sup>Assembly]<sup>F235</sup> considers that [<sup>F237</sup>it]<sup>F237</sup> ought to have information connected with that or any other land, the [<sup>F235</sup>Assembly]<sup>F235</sup> 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 [<sup>F235</sup>Assembly]<sup>F235</sup>, 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 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

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- (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

- F234** 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**.
- F235** Sch. 4 para. 18: words in Act substituted (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. 1, 2} (with art. 3(1))
- F236** Words in Sch. 4 para. 18(1) 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(11)** (with art. 3(1))
- F237** Word in Sch. 4 para. 18(1) substituted (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(11)** (with art. 3(1))

- <sup>F238</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 [<sup>F239</sup>Assembly]<sup>F239</sup>—
- (a) with such information as the [<sup>F240</sup>Assembly]<sup>F240</sup> may by regulations prescribe for the purposes of this paragraph (being information which the [<sup>F239</sup>Assembly]<sup>F239</sup> may need for the purpose of performing [<sup>F241</sup>its functions under this Act]<sup>F241</sup>); and
- (b) with such certificates supporting the information as the [<sup>F240</sup>Assembly]<sup>F240</sup> 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 [<sup>F239</sup>Assembly]<sup>F239</sup>.
- (3) On any grant of planning permission relating to land in Wales, the local planning authority, <sup>F242</sup>... shall, as soon as is practicable, send a copy of the notification of the planning permission to the [<sup>F239</sup>Assembly]<sup>F239</sup>.
- (4) Sub-paragraphs (2) and (3) above shall not apply if and so far as the [<sup>F239</sup>Assembly]<sup>F239</sup> directs.

#### Textual Amendments

- F238** 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**.
- F239** Sch. 4 para. 19: words in Act substituted (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. 1, 2} (with art. 3(1))
- F240** Words in Sch. 4 para. 19(1)(a)(b) substituted (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(12)(a)** (with art. 3(1))

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- F241** Words in Sch. 4 para. 19(1)(a) substituted (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(12)(b)** (with art. 3(1))
- F242** Words in Sch. 4 para. 19(3) omitted (1.4.2006) by virtue of [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(12)(c)** (with art. 3(1))

### *F243 Regulations as to form of documents*

#### Textual Amendments

- F243** 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>F244F245</sup>20

- (1) The Assembly may make regulations for prescribing the form of any document required or authorised by or under this Schedule which relates to land in Wales.
- (2) The Secretary of State may make regulations for prescribing the form of any document required or authorised by or under this Schedule which relates to land in England.<sup>F244]</sup>

#### Textual Amendments

- F244** Sch. 4 para. 20 substituted (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(13)** (with art. 3(1))
- F245** 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](#).

### *F246 Local inquiries*

#### Textual Amendments

- F246** 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>F247</sup>21 Section 250 of the <sup>M18</sup>Local Government Act 1972 (costs of inquiries and expenses of witnesses) shall extend to any public local inquiry held under [<sup>F248</sup>part 2 of]<sup>F248</sup> the <sup>M19</sup>Acquisition of Land Act 1981, by virtue of paragraph 1 above, as if the [<sup>F249</sup>Assembly]<sup>F249</sup> were a local authority.

#### Textual Amendments

- F247** 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](#).

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**F248** Words in Sch. 4 para. 21 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(14)** (with art. 3(1))

**F249** Sch. 4 para. 21: words in Act substituted (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. 1, 2}** (with art. 3(1))

#### Marginal Citations

**M18** 1972 c. 70.

**M19** 1981 c. 67.

### <sup>F250</sup>Crown land

#### Textual Amendments

**F250** 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>F251</sup>22 (1) A private interest in land may be acquired compulsorily under section 21A above even though the land is Crown land [<sup>F252</sup>if the appropriate authority is the Assembly or, otherwise,]<sup>F252</sup> 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;
- (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>M20</sup>Town and Country Planning Act 1990.

#### Textual Amendments

**F251** 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**.

**F252** Words in Sch. 4 para. 22(1) 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(15)** (with art. 3(1))

#### Marginal Citations

**M20** 1990 c. 8.

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### <sup>F253</sup> *Offences by corporations*

#### **Textual Amendments**

**F253** 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>F254</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**

**F254** 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:**

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**Changes to legislation:**

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