



Welsh Development Agency Act 1975

1975 CHAPTER 70

1 The Welsh Development Agency. **U.K.**

- (1) There shall be established a body to be called the Welsh Development Agency (in this Act referred to as “the Agency”) having the functions specified in the following provisions of the Act.
- (2) The purposes for which the Agency may exercise their functions are—
 - (a) to further the economic [^{F1}and social] development of Wales or any part of Wales [^{F2}, and in that connection to provide, maintain or safeguard employment];
 - (b) to promote [^{F3}efficiency in business] and international competitiveness in Wales;
 - (c) ^{F4}
 - (d) to further the improvement of the environment in Wales (having regard to existing amenity).
- (3) Without prejudice to the following provisions of this Act, the functions of the Agency shall be—
 - (a) to promote Wales as a location [^{F5}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 [^{F6}businesses];
 - (c) to carry on industrial undertakings and to establish and carry on new [^{F6}businesses];
 - (d) otherwise to promote or assist the establishment, growth . . . ^{F7}, modernisation or development of [^{F8}businesses, or a particular business or particular businesses];
 - [^{F9}(da) to make land available for development;]
 - (e) ^{F10}
 - (f) to provide sites, premises, services and facilities for [^{F6}businesses];
 - (g) to manage sites and premises for [^{F6}businesses];
 - (h) to bring derelict land into use or improve its appearance; . . . ^{F11}

Status: Point in time view as at 01/10/1998.

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- (i) to undertake the development and redevelopment of the environment.
 - [^{F12}(j) to promote the private ownership of interests in [^{F6}businesses] by the disposal of securities and other property held by the Agency or any of their subsidiaries.]
- (4) In exercising their functions the Agency shall have regard to the requirements of agriculture and efficient land management.
- (5) The Agency may only exercise functions under subsection (3)(c) above through subsidiaries.
- (6) The Agency shall have power to do anything, whether in Wales or elsewhere, which is calculated to facilitate the discharge of their functions specified in subsection (3) above, or is incidental or conducive to their discharge.
- (7) In particular, but without prejudice to the generality of subsection (6) above, the Agency shall have power—
- (a) to acquire, hold and dispose of securities;
 - (b) to form bodies corporate;
 - (c) to form partnerships with other persons;
 - (d) to make loans;
 - (e) to guarantee obligations (arising out of loans or otherwise) incurred by other persons;
 - (f) to make grants;
 - (g) to act as agent for other persons;
 - (h) to acquire and dispose of land, plant, machinery and equipment and other property;
 - (i) to manage land, and to develop land and carry out works on land, and to maintain works or assist in their maintenance;
 - (k) to make land, plant, machinery and equipment and other property available for use by other persons;
 - (l) to provide advisory or other services or facilities in relation to any of their functions, or assist in their provision; and
 - (m) to promote or assist in the promotion of publicity relating to any of the functions of the Agency.
- (8) Unless the Secretary of State otherwise directs under subsection (9) below, the powers mentioned in subsection (7)(a) to (e) above may only be exercised in connection with the Agency's functions mentioned in subsection (3)(b) and (c) above, and the power mentioned in subsection (7)(f) above [^{F13}may only be exercised in connection with those functions in accordance with a programme approved by the Secretary of State under subsection (15) below].
- (9) Subject to subsection (10) below, the Secretary of State may give the Agency directions of a general or specific character as to the exercise of their functions; and it shall be the duty of the Agency to give effect to any such directions.
- (10) The Secretary of State shall consult the Agency about any proposed direction.
- (11) Subject to paragraph 9(3) of Schedule 3 below, when the Secretary of State gives a direction under this section . . . ^{F14}, he shall either—
- (a) lay a copy of the direction before each House of Parliament within 28 days of giving it; or

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- (b) lay a copy later, but lay with it a statement of the reason why a copy was not laid within 28 days.
- (12) The Agency's report for any accounting year shall set out any direction under this section given during that year.
- (13) Any direction given under this section may be varied or revoked by a subsequent direction so given.
- (14) It shall be the Agency's duty, after consultation with such local authorities, [^{F15}National Park authorities] and other bodies as appear to the Agency to have an interest, from time to time to prepare and submit to the Secretary of State for his approval [^{F16}programmes] for the performance of such of their functions as he may direct.
- (15) The Secretary of State may approve a [^{F17}programme] in whole or in part, with or without modifications, or may refuse to approve a [^{F17}programme].
- (16) For the avoidance of doubt it is hereby declared that nothing in this Act is to be construed as authorising the disregard by the Agency of any enactment or rule of law.

Extent Information

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

Textual Amendments

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

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Modifications etc. (not altering text)

C1 S. 1(9) extended by [Industry Act 1980 \(c. 33, SIF 64\)](#), **ss. 2, 22**.

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

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

^{F20}(1A)

(2) The chairman, deputy chairman and other members of the Agency ^{F21}. . . shall be appointed by the Secretary of State.

(3) The members of the Agency shall include persons who appear to the Secretary of State to have wide experience of, and to have shown capacity in, one or more of the following, namely, industry, commerce, banking, accountancy, finance, the organisation or representation of workers, administration, local government and matters relating to the environment.

(4) The Secretary of State, after consultation with the chairman or chairman-designate of the Agency, shall appoint a chief executive of the Agency.

(5) Subsequent appointments to the office of chief executive shall be made by the Agency, with the approval of the Secretary of State.

(6) The chief executive shall be a member of the Agency, but the chairman or deputy chairman shall not be chief executive.

(7) If a person appointed chief executive is not already a member of the Agency, the Secretary of State shall appoint him a member.

(8) It is hereby declared that [^{F22}, except as provided by section 10A below,] the Agency shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity, or privilege of the Crown and that the Agency's property is not to be regarded as the property of, or property held on behalf of, the Crown.

(9) The Agency shall not be exempt, except as provided by paragraph 20 of Schedule 1 to this Act, from any tax, duty, rate, levy or other charge whatsoever, whether general or local.

(10) Schedule 1 to this Act shall have effect.

Textual Amendments

F18 Words substituted by [Development of Rural Wales Act 1976 \(c. 75\)](#), **s. 23(2)**.

F19 Words in s. 2(1) inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 para. 4** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**

F20 S. 2(1A) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**

F21 Words in s. 2(2) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**

F22 Words in s. 2(8) inserted (E.W.) (24.9.1996) by 1996 c. 53, **ss. 130(2), 150(2)**.

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3^{F23} **E+W+S**

Textual Amendments

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

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

The Agency shall have power—

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

5 **Assistance to Agency from public authorities and other persons.** **E+W+S**

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

^{F27}(1A)

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

Textual Amendments

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

6 **Power to form committees.** **E+W+S**

- (1) The Agency may establish such committees for the discharge of any of the Agency's functions, or for giving advice to the Agency about the discharge of any of their functions, as they consider appropriate.

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- (2) The members of any committee shall be appointed by the Agency, and may be either members of the Agency or, with the approval of the Secretary of State, persons who are not members.

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

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

Textual Amendments

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

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

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

Marginal Citations

M1 1972 c. 5.
M2 1972 c. 5.

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

- (1) For the purpose of providing or managing [^{F29}sites and premises for businesses] and providing related facilities [^{F30}, or making land available for development,] the Agency shall exercise their powers in accordance with arrangements to be approved by the Secretary of State.
- (2) For that purpose the Agency shall have power to modernise, adapt or reconstruct buildings; and, where the execution of the works will interrupt the use of the buildings or works by any undertaking, the power to acquire land conferred by section 1(7) (h) above shall include power to acquire land for the purpose of providing premises for the occupation of that undertaking or of otherwise meeting its requirements, and the Agency may for that purpose erect buildings and carry out works on any land so acquired.

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- (3) If it appears to the Secretary of State that there are circumstances which justify the giving of special assistance, he may authorise the Agency to provide premises for the occupation of [^{F31}a business] free of rent for such time as he thinks appropriate.

Textual Amendments

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

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

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

Textual Amendments

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

10A Financial assistance for regeneration and development. **E+W**

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

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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 ^{M3} 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)—
- ^{F33}(a)
- (b) after [^{F34}subsection (1)] there shall be inserted the following subsection:—
- “(1A) No compensation shall be recoverable under subsection (1) above where the certificate was given under section 60A below and either—
- (a) the premises vested in the Welsh Development Agency under section 7 (property of Welsh Industrial Estates Corporation) or 8 (land held under Local Employment Act 1972) of the Welsh Development Agency Act 1975, or
- (b) the tenant was not tenant of the premises when the said Agency acquired the interest by virtue of which the certificate was given.”.

Textual Amendments

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

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

Modifications etc. (not altering text)

C2 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

M3 1954 c. 56.

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12^{F35} **E+W+S**

Textual Amendments

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

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

- (1) The Secretary of State shall appoint a board to be called the Welsh Industrial Development Advisory Board, to advise him with respect to the exercise of his functions under section 7 of [^{F36}the Industrial Development Act 1982].
- (2) The Board shall consist of a chairman and not less than four nor more than seven other members.
- (3) The members of the Board shall include persons who appear to the Secretary of State to have wide experience of, and to have shown capacity in, industry, banking, accounting, finance or the organisation or representation of workers.
- (4) If the Board make a recommendation with respect to any matter at the request of the Secretary of State and the Secretary of State exercises his functions under section 7 of [^{F36}the Industrial Development Act 1982] contrary to their recommendation, he shall, if the Board so request, lay a statement as to the matter before Parliament.

Textual Amendments

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

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

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

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15 The environment. **E+W+S**

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

Textual Amendments

- F37** Words in s. 15(1) inserted (E.W) (1.4.1996) by 1995 c. 25, 78, Sch. 10 para. 13(3) (with ss. 7(6), 115, 117, Sch. 8 para. (7)); S.I. 1995/2950, art. 3
- F38** Words in s. 15(1) substituted (1.10.1998) by 1998 c. 38, s. 128, Sch. 14 para. 7(2) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4
- F39** Word in s. 15(2) substituted (1.10.1998) by 1998 c. 38, s. 128, Sch. 14 para. 7(3) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4

[^{F40}16 Derelict land. **E+W+S**

- (1) Subject to the provisions of this section, where it appears to the Agency that steps should be taken for the purpose of—
 - (a) reclaiming or improving any land to which this subsection applies; or
 - (b) enabling any such land to be brought into use,
 they may, with the consent of the Secretary of State, exercise as respects that land the powers specified in subsection (3) below.
- (2) Subsection (1) above applies to—
 - (a) land which is derelict, neglected or unsightly; and
 - (b) except as respects the exercise of the power specified in subsection (3)(a) below in relation to a person other than a local authority in whose area it is situated, land which is not derelict, neglected or unsightly but is likely to become so by reason of actual or apprehended collapse of the surface as the result of the carrying out of relevant operations which have ceased to be carried out.
- (3) The Agency's powers under this subsection are—
 - (a) a power to pay to any person grants of such amounts and payable at such times and subject to such conditions as they may from time to time determine in respect of relevant expenditure incurred by that person;
 - (b) a power, after consultation with such local authorities and other bodies as appear to the Agency to have an interest, to acquire ^{F41} . . . , for the purpose mentioned in subsection (1) above, the land to which that subsection applies or any other land; and

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- (c) a power to carry out, for that purpose, any works on the land to which that subsection applies or any other land;
and the Agency's powers under this subsection are in addition to, and not in derogation from, any power conferred on them by any other provision of this Act.
- (4) In subsection (3)(a) above "relevant expenditure" means expenditure incurred, with the approval of the Agency, in or in connection with—
- (a) the carrying out, for the purpose mentioned in subsection (1) above, of any works on the land to which that subsection applies or any other land;
 - (b) the carrying out of a survey of the land to which that subsection applies for determining whether any works for that purpose should be undertaken (whether or not such works are carried out); and
 - (c) in relation to a local authority in whose area the land to which that subsection applies is situated, the acquisition, for that purpose, of that land or any other land.
- (5) Grants under subsection (3)(a) above may be made in such manner as appears to the Agency to be requisite.
- (6) The amount of the grant which may be paid under subsection (3)(a) above to a person other than a local authority in whose area the land to which subsection (1) above applies is situated shall not exceed—
- (a) the prescribed percentage of the relevant expenditure; or
 - (b) in the case of a periodical grant in respect of costs from time to time incurred or treated as incurred in respect of the borrowing of money to defray the relevant expenditure, the prescribed percentage of the costs so incurred or treated as incurred.
- In this subsection "the prescribed percentage" means 80 per cent. or such other percentage as may be prescribed by order made by the Secretary of State with the consent of the Treasury.
- (7) After carrying out works on land acquired under subsection (3)(b) above the Agency may dispose of it free of charge to a local authority or the development corporation of a new town for the purpose of its use as a public open space.
- (8) A statutory instrument containing an order under subsection (6) above shall be subject to annulment in pursuance of a resolution of either House of Parliament; and an order under that subsection may make such transitional provision as appears to the Secretary of State to be necessary or expedient.
- (9) In this section—
- "local authority" means—
- (a) a county council or [^{F42}county borough] council ^{F43}. . .
 - ^{F43}(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.]

Status: Point in time view as at 01/10/1998.

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Textual Amendments

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

Modifications etc. (not altering text)

- C3** 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**

- (1) After consultation with the Agency, the Secretary of State [^{F44}may], with the approval of the Treasury, determine the financial duties of the Agency, and different determinations may be made in relation to different functions and activities of the Agency.
- (2) The Secretary of State shall give the Agency notice of every determination, and a determination may—
 - (a) relate to a period beginning before the date on which it is made;
 - (b) contain incidental or supplemental provisions; and
 - (c) be varied by a subsequent determination.

Textual Amendments

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

18 Finances of the Agency. **E+W+S**

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

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

(4) ^{F49}

(5) In subsection (2) above “general external borrowing” means—

(a) in relation to the Agency, sums borrowed by them other than—

(i) sums borrowed from a body corporate which is one of the Agency’s subsidiaries at the time of the loan;

(ii) any sums mentioned in subsection (2)(b) above; . . . ^{F50}

(iii) ^{F50}

(b) in relation to a subsidiary of the Agency, sums borrowed by it (whether or not it was such a subsidiary at the time any such sum was borrowed) other than sums borrowed from the Agency or from another subsidiary;

but does not include any debt assumed by the Agency under paragraph 7(1) of Schedule 3 to this Act.

Textual Amendments

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

F46 Words in [s. 18\(2\)](#) substituted (21.5.1997) by [1997 c. 37, ss. 1\(2\), 2\(3\)](#)

F47 Words in [s. 18\(3\)](#) substituted (21.5.1997) by [1997 c. 37, ss. 1\(3\), 2\(3\)](#)

F48 [S. 18\(3A\)](#) inserted (21.5.1997) by [1997 c. 37, ss. 1\(4\), 2\(3\)](#)

F49 [S. 18\(4\)](#) repealed by [Industry Act 1980 \(c. 33, SIF 64\), ss. 21\(1\), 22, Sch. 2](#)

F50 [S. 18\(5\)\(a\)\(iii\)](#) and word “or” immediately preceding it repealed by [Industry Act 1980 \(c. 33, SIF 64\), ss. 21\(1\), 22, Sch. 2](#)

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

(1) Subject to subsection (2) below, neither the Agency nor any of the Agency’s subsidiaries—

(a) shall commence a business of publishing newspapers, magazines or other periodicals for sale to the public in the United Kingdom; or

[^{F51}(b) shall become the holder of a relevant licence.]

(2) Subsection (1) above does not apply to periodicals wholly or mainly concerned with the activities of the Agency or any of the Agency’s subsidiaries.

(3) ^{F52}, neither the Agency nor any of the Agency’s subsidiaries shall acquire any of the share capital of a body corporate if a substantial part of the undertaking—

(a) of that body corporate, or

(b) of a group of companies of which it is the holding company,

consists of carrying on—

(i) a business such as is mentioned in paragraph (a) of subsection (1) above, or

[^{F53}(ii) activities connected with the provision of a service under a relevant licence.]

(4) ^{F54}

(5) Subject to subsections (7) and (8) below, if the Agency or any of the Agency’s subsidiaries acquire any of the share capital of a body corporate which carries on

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any such business as is mentioned in subsection (1)(a) above, it shall be their duty to exercise their voting power with a view to securing that the body corporate disposes of the business as soon as practicable.

- (6) Subject to subsections (7) and (8) below, if the Agency or any of the Agency's subsidiaries acquire any of the share capital of a body corporate which has any interest, direct or indirect, in a body corporate which carries on such a business, it shall be their duty to exercise their voting power with a view to securing that the capital of the body corporate which carries on that business is disposed of as soon as practicable.
- (7) The Secretary of State may direct that the Agency or a subsidiary of the Agency shall not be under any duty imposed by subsection (5) or (6) above during such time as the direction is in force.
- (8) The Secretary of State may only give such a direction as is mentioned in subsection (7) above if he is of the opinion that without such a direction serious commercial injury would be caused to any newspaper, magazine or periodical concerned.
- (9) If the Agency or any of the Agency's subsidiaries acquire any of the share capital of a body corporate which is [^{F55}the holder of a relevant licence, they shall consult the appropriate authority] as to the steps that they are to take with regard to that share capital and obey any direction given by [^{F56}the appropriate authority].

^{F57}(9A)

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

[^{F59}(11) In this section

“appropriate authority” means—

- (a) in relation to a licence granted under Part I of the Broadcasting Act 1990 [^{F60}or Part I of the Broadcasting Act 1996], the Independent Television Commission; and
- (b) in relation to a licence granted under Part III of [^{F61}the Broadcasting Act 1990 or Part II of the Broadcasting Act 1996], the Radio Authority;

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

Textual Amendments

- F51** S. 19(1)(b) substituted for paras. (b) and (c) (para. (c) was added by [Cable and Broadcasting Act 1984](#) (c. 46, SIF 96), s. 57(1), **Sch. 5 para. 33(1)**) by [Broadcasting Act 1990](#) (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 24(a)**.
- F52** Words repealed by [Industry Act 1980](#) (c. 33, SIF 64), s. 21, **Sch. 2**.
- F53** Para. (ii) substituted for paras. (ii) and (iii) (para. (iii) was added by [Cable and Broadcasting Act 1984](#) (c. 46, SIF 96), s. 57(1), **Sch. 5 para. 33(2)**) by [Broadcasting Act 1990](#) (c.42, SIF 96), s. 203(1), **Sch. 20 para. 24(b)**.
- F54** S. 19(4) repealed by [Industry Act 1980](#) (c. 33, SIF 64), s. 21, **Sch. 2**
- F55** Words substituted by [Broadcasting Act 1990](#) (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 24(c)(i)**.
- F56** Words substituted by [Broadcasting Act 1990](#) (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 24(c)(ii)**.

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

Modifications etc. (not altering text)

- C4** S. 19 modified by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(4), **Sch. 22 para. 5(2)(b)**.

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

- (1) Neither the Agency nor any of their subsidiaries shall acquire any of the share capital of a body corporate except with the consent of the Secretary of State or in accordance with any general authority given by the Secretary of State—
 - (a) if its acquisition would entitle the Agency to exercise or control the exercise of 30 per cent. or more of the votes at any general meeting of the body corporate; or
 - (b) if the value of the consideration for its acquisition, together with the value of any consideration paid for share capital of that body corporate [^{F63}already held by the Agency or any of their subsidiaries, would exceed £1,000,000].
- (2) Subsection (1)(a) above shall not restrict the acquisition of share capital of a body corporate which gives a right to vote exercisable only in restricted circumstances.
- (3) ^{F64}
- (4) In any case where the Agency hold share capital such as is mentioned in subsection (2) above, the fact that they hold it shall be disregarded for the purpose of determining whether subsection (1)(a) above prevents their acquisition of further share capital of the same body corporate.

Textual Amendments

- F63** Words substituted by [Industry Act 1980 \(c. 33, SIF 64\)](#), ss. 6(3), 22
- F64** S. 20(3) repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), ss. 21(1), 22, **Sch. 2**

21 Expenses. E+W+S

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

21A Powers of land acquisition. E+W+S

- (1) The powers to acquire land mentioned in sections 1(7)(h) and 16(3)(b) above are powers—

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- (a) to acquire land by agreement; and
 - (b) to acquire land compulsorily if authorised to do so by the Secretary of State.
- (2) Where the Agency acquire or have acquired land under subsection (1) above, they have power to acquire by agreement or, if authorised to do so by the Secretary of State, to acquire compulsorily—
- (a) any land which adjoins the land and is required for the purpose of executing works for facilitating its development or use; and
 - (b) where the land forms part of a common, an open space or a fuel or field garden allotment, any land required for the purpose of being given in exchange for it.
- (3) The Agency may under subsection (1) above acquire rights over land by the creation of new rights (as well as by acquiring rights already in existence).
- (4) Before the Agency acquire land under subsection (1) above for the purpose of their function under section 1(3)(da) above, they shall—
- (a) consider whether the land would or would not in their opinion be made available for development if they did not act;
 - (b) consider the fact that planning permission has or has not been granted in respect of the land or is likely or unlikely to be granted;
 - (c) (in a case where no planning permission has been granted in respect of the land) consult every relevant local authority; and
 - (d) consider the needs of those engaged in building, agriculture and forestry and of the community in general.
- (5) For the purposes of subsection (4)(c) above, each of the following is a relevant local authority—
- (a) the council of any county, county borough or district in whose area the land, or any part of the land, is situated;
 - (b) any joint planning board in whose district the land, or any part of the land, is situated; and
 - (c) any National Park authority which is the local planning authority for a National Park in which the land, or any part of the land, is situated.
- (6) Where the Agency have acquired land under subsection (1) above for the purpose of any of their functions, they may appropriate it to the purpose of any of their other functions.
- (7) Where the Agency have—
- (a) acquired land under subsection (1) above for the purpose of their function under section 1(3)(da) above; or
 - (b) under subsection (6) above have appropriated land to that purpose,
- they shall, until they either dispose of the land or appropriate it under subsection (6) above to the purpose of any of their other functions, manage it and turn it to account.
- (8) Schedule 4 to this Act shall have effect.

21B Disposal of land. E+W+S

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

- (a) as provided by section 16(7) above; or

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- (b) with the consent of the Secretary of State.

21C Powers to advise on land matters. E+W+S

- (1) The Agency may, if requested to do so by a public authority—
 - (a) advise the authority about disposing of any of the authority’s land in Wales to other persons; and
 - (b) assist the authority in disposing of the land.
- (2) In subsection (1) above “public authority” means—
 - (a) a government department;
 - (b) the National Assembly for Wales;
 - (c) a county council, county borough council or community council;
 - (d) a National Park authority;
 - (e) a development corporation for a new town;
 - (f) a Health Authority, Special Health Authority or National Health Service trust;
 - (g) a body corporate established by or under an enactment for the purpose of carrying on under national ownership any industry or part of an industry;
 - (h) any statutory undertakers; or
 - (i) any other public authority, body or undertakers specified in an order made by the Secretary of State.
- (3) The Agency may assist—
 - (a) the council of a county or county borough in Wales in making an assessment of land in its area which is, in its opinion, available and suitable for development;
 - (b) a joint planning board in Wales in making an assessment of land in its district which is, in its opinion, available and suitable for development; or
 - (c) a National Park authority for a National Park in Wales in making an assessment of land in the National Park which is, in its opinion, available and suitable for development.

^{F65}
_{F66F67} 22 E+W+S

Textual Amendments

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

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

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

^{F68} 23 E+W+S

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Textual Amendments

- F65** S. 18 was amended by [Industry Act 1979 \(c. 32, SIF 64\)](#), **s. 1(1)(4)–(6)** and has effect by s. 1(7) of the 1979 Act as set out in the Schedule to that Act
- F66** S. 21A inserted (1.10.1998) by [1998 c. 38, s. 127](#), **Sch. 13 para. 2** (with [ss. 139\(2\), 143\(2\)](#)); [S.I. 1998/2244, art. 4](#)
- F68** S. 23 repealed (1.10.1998) by [1998 c. 38, s. 152](#), **Sch. 18 Pt. III** (with [ss. 137\(1\), 139\(2\), 143\(2\)](#)); [S.I. 1998/2244, art. 4](#)

24 Power to obtain information. E+W+S

- F69**(1)
- F69**(2)
- F69**(3)
- F69**(4)
- F69**(5)

(6) Nothing in section 9 of the ^{M4}Statistics of Trade Act 1947 (restrictions on disclosure of information obtained under that Act) shall prevent or penalise the disclosure by the Secretary of State . . . ^{F70} to an officer of the Agency of information obtained under that Act, consisting of the name and address of any establishment, the numbers of persons of different descriptions employed there and the nature of the activities carried on there; and, accordingly, section 4 of the Employment and Training Act ^{M5}1973 (obtaining and disclosure of information by the [^{F71}Secretary of State]) shall have effect as if—

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

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

Textual Amendments

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

Marginal Citations

- M4** [1947 c. 39](#).
- M5** [1973 c.5043:1](#).

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

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

Marginal Citations

M6 1972 c. 70.

^{F72}26]] **E+W+S**

Textual Amendments

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

27 Interpretation. **E+W+S**

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

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

“the appropriate Minister” in relation to any statutory undertakers in relation to whom it is defined by [^{F73}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;

[^{F74}“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;

^{F75}“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882 and any town or village green;

^{F76}“dispose” includes dispose by sale or exchange or dispose by lease (whether by grant or assignment) and related expressions shall be construed accordingly;

^{F77}“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 [^{F78}section 736 of the Companies Act 1985];

^{F79} . . .

[^{F80}“land” has the meaning given by Schedule 1 to the ^{M7}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;]

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

and “statutory undertaking” shall be construed accordingly;

“subsidiary” means a subsidiary as defined by [^{F86}section 736 of the Companies Act 1985]; and

“wholly owned subsidiary” has the meaning assigned to it by [^{F87}^{F88}section 736] of the Companies Act 1985].

- (2) Securities and other property are publicly owned for the purposes of this Act if they are held—
 - (a) by or on behalf of the Crown;
 - (b) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company;
 - (c) by any corporation constituted by or under any enactment under which an industry or part of an industry is carried on by that corporation under national ownership or control; or
 - (d) by a wholly owned subsidiary of any such corporation.
- (3) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.

Textual Amendments

- F73** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 34\(3\)\(a\)](#).
- F74** S. 27(1): Definition of “business” inserted (1.10.1998) by [1998 c. 38, s. 128, Sch. 14 Pt. I para. 10\(2\)](#); [S.I. 1998/2244, art. 4](#)
- F75** S. 27(1): Definition of “common” inserted (1.10.1998) by [1998 c. 38, s. 128, Sch. 14 Pt. I para. 10\(2\)](#); [S.I. 1998/2244, art. 4](#)
- F76** S. 27(1): Definition of “dispose” inserted (1.10.1998) by [1998 c. 38, s. 128, Sch. 14 Pt. I para. 10\(2\)](#); [S.I. 1998/2244, art. 4](#)
- F77** S. 27(1): Definition of “fuel or field garden allotment” inserted (1.10.1998) by [1998 c. 38, s. 128, Sch. 14 Pt. I para. 10\(2\)](#); [S.I. 1998/2244, art. 4](#)
- F78** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#).
- F79** S. 27(1): Definition of “industry” and “industrial” repealed (1.10.1998) by [1998 c. 38, s. 152, Sch. 18 Pt. III \(with ss. 137\(1\), 139\(2\), 143\(2\)\)](#); [S.I. 1998/2244, art. 4](#)
- F80** S. 27(1): Definition of “land” and “open space” substituted for definition of “land” (1.10.1998) by [1998 c. 38, s. 128, Sch. 14 Pt. I para. 10\(3\)](#); [S.I. 1998/2244, art. 4](#)

Status: Point in time view as at 01/10/1998.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F81** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**.
- F82** Word and comma repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**.
- F83** Words “or hydraulic power” substituted (E.W.) for the words “hydraulic power or water” by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 25 para. 51** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58).
- F84** S. 27(1): Words in definition of statutory undertakers repealed (31.10.1994) by 1994 c. 21, s. 67, Sch. 9 para. 16, **Sch. 11 Pt. II**; S.I. 1994/2553, **art. 2**.
- F85** Words substituted by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 4, **Sch. 2 para. 34(3)(b)**.
- F86** Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**.
- F87** Words substituted by virtue of Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**.
- F88** Words substituted by Companies Act 1989 (c. 40, SIF 27), ss. 144(4), 213(2), **Sch. 18 para. 13** (subject to the transitional provisions referred to in S.I. 1990/1392, **arts. 2(d)**, 6).

Marginal Citations

M7 1978 c. 30.

28 Orders [^{F89}and regulations]. **E+W+S**

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

[^{F92}(1A) A statutory instrument containing—

- (a) an order under section 2(1) or 21C(2)(i); or
- (b) regulations under paragraph 7 of Schedule 4,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

- (2) Any power to make an order conferred by a provision of this Act shall include power to make an order varying or revoking any order previously made under that provision.

[^{F93}(3) Any regulations or order under this Act—

- (a) may make different provision for different areas or other different cases; and
- (b) may include transitional and other supplementary and incidental provisions.]

Textual Amendments

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

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29 Citation etc. **E+W+S**

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

Subordinate Legislation Made

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

Status:

Point in time view as at 01/10/1998.

Changes to legislation:

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