

Status: Point in time view as at 31/10/2004. This version of this schedule contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Welsh Development Agency Act 1975, SCHEDULE 4. (See end of Document for details)

SCHEDULES

^{F1}SCHEDULE 4

Section 21A.

ACQUISITION OF LAND

Textual Amendments

- F1** 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

^{F2}PART I

COMPULSORY ACQUISITION

Textual Amendments

- F2** 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.

- ^{F3}1 (1) The ^{M1}Acquisition of Land Act 1981 applies in relation to the compulsory acquisition of land under section 21A above.
- (2) The ^{M2}Acquisition of Land Act 1981 has effect in its application by virtue of subparagraph (1) above with the modifications made by the following provisions of this Part.

Textual Amendments

- F3** 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

- M1** 1981 c. 67.
M2 1981 c. 67.

VALID FROM 01/04/2006

^{F4}1A

- (1) Where a compulsory purchase order is prepared in draft by the Assembly under section 21A(1)(b) or (2)(b) above—

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- (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

- F4** 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))

F52

F6

Textual Amendments

- F5** 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**.
- F6** Sch. 4 para. 2 repealed (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 89, 120, 121(1), Sch. 7 para. 9(2)(4), **Sch. 9** (with s. 111); S.I. 2004/2593, **art.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)**

- F73** (1) Where a compulsory purchase order is made by the Agency—
- (a) a notice under section 12 of the ^{M3}Acquisition of Land Act 1981 (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 [^{F8}sections 13 and 13A of that Act to relevant objections]^{F8} shall include references to an objection made by any relevant local authority.
- (2) For the purposes of sub-paragraph (1) above, each of the following is a relevant local authority—
- (a) the council of any county, county borough or district in whose area the land, or any part of the land, is situated;
 - (b) any joint planning board in whose district the land, or any part of the land, is situated; and
 - (c) any National Park authority which is the local planning authority for a National Park in which the land, or any part of the land, is situated.

Textual Amendments

- F7** 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**.
- F8** 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)**

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Marginal Citations

M3 1981 c. 67.

VALID FROM 01/04/2006

[^{F9}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

F9 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))

^{F10}PART II

ACQUISITION BY AGREEMENT

Textual Amendments

F10 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**.

^{F11}4 The provisions of Part I of the ^{M4}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 ^{M5}Interpretation Act 1978.

Textual Amendments

F11 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

M4 1965 c. 56.

M5 1978 c. 30.

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Changes to legislation: There are currently no known outstanding effects for the Welsh Development Agency Act 1975, SCHEDULE 4. (See end of Document for details)

^{F12}PART III

“CLEANSING” PROVISIONS

Textual Amendments

F12 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**.

^{F13}*Extinguishment of rights over land compulsorily acquired*

Textual Amendments

F13 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**.

- ^{F145} (1) On the completion by the Agency of a compulsory acquisition of land under section 21A above, all—
- (a) private rights of way; and
 - (b) rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land,
- shall be extinguished and any such apparatus shall vest in the Agency.
- (2) Sub-paragraph (1) above does not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking.
- (3) Sub-paragraph (1) above has effect in relation to any right or apparatus not falling within sub-paragraph (2) above subject—
- (a) to any direction given by the Agency before the completion of the acquisition that sub-paragraph (1) above shall not apply to any right or apparatus specified in the direction; and
 - (b) to any agreement which may be made (whether before or after the completion of the acquisition) between the Agency and the person in or to whom the right or apparatus is vested or belongs.
- (4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this paragraph shall be entitled to compensation from the Agency.
- (5) Any compensation payable under this paragraph shall be determined in accordance with the ^{M6}Land Compensation Act 1961.

Textual Amendments

F14 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 1961 c. 33.

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F15 Power to override easements and other rights

Textual Amendments

F15 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.

- F16* (1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired by the Agency under section 21A above, whether done by the Agency or by a person deriving title under the Agency, is authorised by virtue of this paragraph if it is done in accordance with planning permission even if it involves—
- (a) interference with an interest or right to which this paragraph applies; or
 - (b) a breach of a restriction as to the user of land arising by virtue of a contract.
- (2) Nothing in this paragraph authorises interference with—
- (a) any right of way; or
 - (b) any right of laying down, erecting, continuing or maintaining apparatus on, under or over land,
- which is vested in or belongs to statutory undertakers for the purpose of the carrying on of their undertaking.
- (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 ^{M7}Compulsory Purchase Act 1965; and
 - (b) shall be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase to which that Act applies or the injury arises from the execution of works on land acquired by such a purchase.
- (5) Where a person deriving title under the Agency—
- (a) is liable to pay compensation by virtue of sub-paragraph (4) above; but
 - (b) fails to discharge that liability,
- the liability shall be enforceable against the Agency.
- (6) Nothing in sub-paragraph (5) above affects any agreement between the Agency and any other person for indemnifying the Agency against any liability under that sub-paragraph.
- (7) Nothing in this paragraph authorises any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than an interference or breach such as is mentioned in sub-paragraph (1) above.
- (8) In this paragraph—
- (a) a reference to a person deriving title from another person includes a reference to any successor in title of that other person; and

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- (b) a reference to deriving title is a reference to deriving title either directly or indirectly.

Textual Amendments

F16 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

M7 1965 c. 56.

^{F17}Use and development of consecrated land and burial grounds

Textual Amendments

F17 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**.

- ^{F187} (1) Any consecrated land (whether or not including a building) which has been acquired by the Agency under section 21A above may be used by any person in any manner in accordance with planning permission in spite of any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land.
- (2) Sub-paragraph (1) above does not apply to land which consists or forms part of a burial ground.
- (3) Any use of consecrated land authorised by sub-paragraph (1) above, and the use of any land (not being consecrated land) which was—
- (a) acquired by the Agency under section 21A above; and
 - (b) at the time of acquisition included a church or other building used or formerly used for religious worship or the site of such a building,
- shall be subject to compliance with the requirements of regulations made by the Secretary of State for the purposes of this paragraph with respect to the removal and re-interment of any human remains and the disposal of monuments and fixtures and furnishings.
- (4) Any use of consecrated land authorised by sub-paragraph (1) above shall be subject to such provisions as may be prescribed by such regulations for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part of such a building, remains on the land.
- (5) Any regulations made for the purposes of this paragraph—
- (a) shall contain such provisions as appear to the Secretary of State to be required for securing that any use of land which is subject to compliance with the regulations is, as nearly as may be, subject to the same control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure;

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- (b) shall contain such requirements relating to the disposal of any such land as is mentioned in sub-paragraphs (3) and (4) above as appear to the Secretary of State necessary for securing that the provisions of those sub-paragraphs are complied with in relation to the use of the land; and
 - (c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Secretary of State to be appropriate for the purposes of the regulations.
- (6) Any land consisting of a burial ground, or part of a burial ground, which has been acquired as mentioned in sub-paragraph (1) above may be used by any person in any manner in accordance with planning permission in spite of—
 - (a) anything in any enactment relating to burial grounds; or
 - (b) any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds.
- (7) Sub-paragraph (6) above shall not have effect in relation to any land which has been used for the burial of the dead until the requirements prescribed by regulations made under this paragraph with respect to the removal and re-interment of human remains, and the disposal of monuments, in or on the land have been complied with.
- (8) Provision shall be made by any regulations made for the purposes of this paragraph—
 - (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and re-interment of any human remains or the disposal of any monuments;
 - (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and re-interment of the remains of the deceased, and the disposal of any monument commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, re-interment and disposal, not exceeding such amount as may be prescribed; and
 - (c) for requiring compliance with such reasonable conditions (if any) as may be imposed in the case of consecrated land, by the bishop of the diocese, with respect to the manner of removal, and the place and manner of re-interment, of any human remains and the disposal of any monuments and with any directions given in any case by the Secretary of State with respect to the removal and re-interment of any human remains.
- (9) Subject to the provisions of regulations made under this paragraph, no faculty shall be required for the removal and re-interment in accordance with the regulations of any human remains or for the removal or disposal of any monuments; and the provisions of section 25 of the ^{M8}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

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“monument” includes a tombstone or other memorial.

Textual Amendments

F18 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

M8 1857 c. 81.

^{F19}Use and development of land for open spaces

Textual Amendments

F19 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**.

- ^{F20}g (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 Agency under section 21A above,
- may be used by any person in any manner in accordance with planning permission in spite of anything in any enactment relating to land of that kind or in any enactment by which the land is specially regulated.
- (2) Sub-paragraph (1) does not authorise any act or omission on the part of any person which is actionable at the suit of any person on any ground other than contravention of any such enactment as is mentioned in that sub-paragraph.

Textual Amendments

F20 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**.

^{F21}Paragraphs 6 to 8: supplementary

Textual Amendments

F21 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**.

- ^{F22}g In construing the ^{M9}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

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- (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

F22 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

M9 1965 c. 56.

- ^{F23}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.

Textual Amendments

F23 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**.

^{F24}Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers

Textual Amendments

F24 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**.

- ^{F25}11 (1) This paragraph applies where any land has been acquired by the Agency under section 21A above and—
- (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over that land; or
- (b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.
- (2) The Agency, if satisfied that the extinguishment of the right or the removal of the apparatus is necessary for the purpose of carrying out any development, may serve on the statutory undertakers a notice—
- (a) stating that, at the end of the period of 28 days beginning with the day of service of the notice or such longer period as may be specified in it, the right will be extinguished; or

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- (b) requiring that the apparatus be removed before the end of that period.
- (3) The statutory undertakers on whom a notice is served under sub-paragraph (2) above may, before the end of the period of 28 days beginning with the day on which the notice was served, serve a counter-notice on the Agency—
- (a) stating that they object to all or any provisions of the notice; and
 - (b) specifying the grounds of their objection.
- (4) Where no counter-notice is served under sub-paragraph (3) above—
- (a) any right to which the notice relates shall be extinguished at the end of the period specified in the notice; and
 - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been complied with, the Agency may remove the apparatus and dispose of it in any way they think appropriate.
- (5) If a counter-notice is served under sub-paragraph (3) above, the Agency may either—
- (a) withdraw the notice (but without prejudice to the service of a further notice); or
 - (b) apply to the Secretary of State and the appropriate Minister for an order under this sub-paragraph embodying the provisions of the notice with or without modification.
- (6) Where by virtue of this paragraph—
- (a) any right vested in or belonging to statutory undertakers is extinguished; or
 - (b) any requirement is imposed on statutory undertakers,
- those undertakers shall be entitled to compensation from the Agency.
- (7) Sections 280 and 282 of the ^{M10}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

F25 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

M10 1990 c. 8.

^{F26}Orders under paragraph 11

Textual Amendments

F26 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**.

- ^{F27}12 (1) Before making an order under sub-paragraph (5) of paragraph 11 above, the Ministers 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
 - (b) if any objection is made, shall consider the objection and afford to those statutory undertakers and to the Agency an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State and the appropriate Minister for the purpose.
- (2) The Ministers may then, if they think fit, make the order in accordance with the application either with or without modification.
- (3) Where an order is made under paragraph 11(5) above—
- (a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order; and
 - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the Agency may remove the apparatus and dispose of it in any way they think appropriate.

Textual Amendments

F27 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**.

^{F28}*Notice for same purposes as paragraph 11 but given by statutory undertakers to Agency*

Textual Amendments

F28 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**.

- ^{F29}13 (1) This paragraph applies where any land has been acquired by the Agency under section 21A above and—
- (a) there is on, under or over the land apparatus vested in or belonging to statutory undertakers; and
 - (b) the undertakers claim that development to be carried out on the land is such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of the apparatus affected by the development.
- (2) The undertakers may serve on the Agency a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.
- (3) Where, after the land has been acquired as mentioned in sub-paragraph (1) above, development of the land begins to be carried out, no notice under sub-paragraph (2) above may be served after the end of the period of 21 days beginning with the day on which the development commenced.

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- (4) Where a notice is served under sub-paragraph (2) above, the Agency may, before the end of the period of 28 days beginning with the day on which the notice was served, serve a counter-notice on the statutory undertakers—
- (a) stating that they object to all or any of the provisions of the notice; and
 - (b) specifying the grounds of their objection.
- (5) Where no counter-notice is served under sub-paragraph (4) above, the statutory undertakers shall, after the end of that period of 28 days, have the rights claimed in their notice.
- (6) If a counter-notice is served under sub-paragraph (4) above, the statutory undertakers who served the notice under this paragraph may either—
- (a) withdraw it; or
 - (b) apply to the Secretary of State and the appropriate Minister for an order under this sub-paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it appropriate to confer on them.
- (7) Where, by virtue of this paragraph or an order of Ministers made under it, statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the Agency for the works to be carried out by the Agency, under the superintendence of the undertakers, instead of by the undertakers themselves.
- (8) Where works are carried out for the removal or re-siting of statutory undertakers' apparatus, being works which the undertakers have the right to carry out by virtue of this paragraph or an order of Ministers made under it, the undertakers shall be entitled to compensation from the Agency.
- (9) Sections 280 and 282 of the ^{M11}Town and Country Planning Act 1990 (measure of compensation for statutory undertakers) apply to compensation under sub-paragraph (8) above as they apply to compensation under section 279(4) of that Act.

Textual Amendments

F29 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 1990 c. 8.

^{F30}PART IV

OTHER PROVISIONS

Textual Amendments

F30 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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F31 Rights of entry

Textual Amendments

F31 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.

- F32* 14 (1) Any person duly authorised in writing by the Agency may, at any reasonable time, enter any land—
- (a) for the purposes of surveying it, or estimating its value, in connection with any proposal to acquire that land, or any other land, under section 21A above; or
 - (b) in connection with any claim for compensation in respect of any such acquisition.
- (2) Any person duly authorised in writing by the Agency may at any reasonable time enter any land for the purpose of surveying it in order to enable the Agency to 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

F32 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.

- F33* 15 (1) A person authorised under paragraph 14 above to enter any land—
- (a) shall, if so required by the occupier or anyone acting on his behalf, produce evidence of his authority; and
 - (b) shall not, if the land is occupied, demand admission as of right to it unless 24 hours' notice of the intended entry has been given to the occupier.
- (2) Any person who intentionally obstructs a person acting in the exercise of a power conferred by paragraph 14 above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Where any land is damaged in the exercise of a power of entry conferred by paragraph 14 above, compensation in respect of the damage may be recovered by any person interested in the land from the Agency or the Secretary of State.
- (4) Except in so far as may be otherwise provided by regulations made by the Secretary of State under this sub-paragraph, any question of disputed compensation under sub-paragraph (3) above shall be referred to and determined by the Lands Tribunal; and the provisions of sections 2 and 4 of the ^{M12}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.

Status: Point in time view as at 31/10/2004. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Welsh Development Agency Act 1975, SCHEDULE 4. (See end of Document for details)

- (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

F33 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

M12 1961 c. 33.

^{F34}Displacement of legislation preventing possession

Textual Amendments

F34 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**.

- ^{F35}16 If the Secretary of State certifies that possession of a house which—
- (a) has been acquired by the Agency under section 21A above; and
 - (b) is for the time being held by the Agency for the purposes for which it was acquired,

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is immediately required for those purposes, nothing in the ^{M13}Rent (Agriculture) Act 1976, the ^{M14}Rent Act 1977 or the ^{M15}Housing Act 1988 shall prevent the Agency from obtaining possession of the house.

Textual Amendments

F35 Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

Marginal Citations

M13 1976 c. 80.

M14 1977 c. 42.

M15 1988 c. 50.

^{F36}Register of land holdings

Textual Amendments

F36 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**.

- ^{F37}17 (1) The Secretary of State may by regulations provide for the keeping by the Agency of a register recording their acquisitions, holdings and disposals of land.
- (2) Regulations under this paragraph may prescribe—
- (a) the kinds of land and the kinds of transactions to be registered;
 - (b) the form of the registers, and the particulars to be contained in them; and
 - (c) the circumstances in which, and conditions subject to which, the registers are to be open to public inspection.

Textual Amendments

F37 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**.

^{F38}Information

Textual Amendments

F38 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**.

- ^{F39}18 (1) Where, with a view to performing any function of the Agency relating to land, the Agency considers that they ought to have information connected with that or any other land, the Agency may serve on one or more of—

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- (a) the occupier of the land;
- (b) any person who has an interest in the land either as freeholder, mortgagee or lessee, or who directly or indirectly receives rent for the land; and
- (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it,

a notice specifying the land and the function and the provision which confers the function.

- (2) The notice shall require the recipient to furnish to the Agency, within a period specified in it (which shall not be less than 14 days beginning with the day on which the notice is served)—

- (a) the nature of his interest in the land; and
- (b) the name and address of each person whom the recipient of the notice believes to be the occupier of the land and of each person whom he believes to be, as respects the land, a person mentioned in sub-paragraph (1)(b) or (c) above.

- (3) A person who—

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

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

Textual Amendments

F39 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**.

- ^{F40}19 (1) The council of every county and county borough in Wales, every joint planning board for a district in Wales and every National Park authority for a National Park in Wales shall supply the Agency—

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

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

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

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

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Textual Amendments

F40 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**.

F41 Regulations as to form of documents

Textual Amendments

F41 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**.

F42²⁰ The Secretary of State may make regulations for prescribing the form of any document required or authorised by or under this Schedule.

Textual Amendments

F42 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**.

F43 Local inquiries

Textual Amendments

F43 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**.

F44²¹ Section 250 of the ^{M16}Local Government Act 1972 (costs of inquiries and expenses of witnesses) shall extend to any public local inquiry held under the ^{M17}Acquisition of Land Act 1981, by virtue of paragraph 1 above, as if the Agency were a local authority.

Textual Amendments

F44 Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

Marginal Citations

M16 1972 c. 70.

M17 1981 c. 67.

Status: Point in time view as at 31/10/2004. This version of this schedule contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Welsh Development Agency Act 1975, SCHEDULE 4. (See end of Document for details)

^{F45}Crown land

Textual Amendments

F45 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.

- ^{F46}22 (1) A private interest in land may be acquired compulsorily under section 21A above even though the land is Crown land if consent is given in writing by the appropriate authority.
- (2) In this paragraph—
- (a) “private interest” means an interest which is not a Crown interest or a Duchy interest;
 - (b) “Crown land” means land in which there is a Crown interest or a Duchy interest;
 - (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 ^{M18}Town and Country Planning Act 1990.

Textual Amendments

F46 Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, Sch. 13 para. 3 (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4.

Marginal Citations

M18 1990 c. 8.

^{F47}Offences by corporations

Textual Amendments

F47 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.

- ^{F48}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.

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- (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

F48 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:

There are currently no known outstanding effects for the Welsh Development Agency Act 1975, SCHEDULE 4.