

Changes to legislation: There are currently no known outstanding effects for the Welsh Development Agency Act 1975, Paragraph 11. (See end of Document for details)

SCHEDULES

^{F1}SCHEDULE 4

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**

^{F1} PART III

“CLEANSING” PROVISIONS

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**.

^{F1}Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers

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**.

- ^{F1}11 (1) This paragraph applies where any land has been acquired by the [^{F2}Assembly]^{F2} 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 [^{F3}Assembly]^{F3}, if satisfied that the extinguishment of the right or the removal of the apparatus is necessary for the purpose of carrying out any development, may serve on the statutory undertakers a notice—
- (a) stating that, at the end of the period of 28 days beginning with the day of service of the notice or such longer period as may be specified in it, the right will be extinguished; or
 - (b) requiring that the apparatus be removed before the end of that period.

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- (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 [^{F3}Assembly]^{F3}—
- (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 [^{F3}Assembly]^{F3} may remove the apparatus and dispose of it in any way they think appropriate.
- ^{F4}(4A) If a counter-notice is served under sub-paragraph (3) above in relation to rights over, or apparatus on, land in Wales, the Assembly may either—
- (a) withdraw the notice (but without prejudice to the service of a further notice); or
 - (b) invite the appropriate Minister to make an order jointly with the Assembly under this sub-paragraph embodying the provisions of the notice with or without modification.]
- ^{F4}(5) If a counter-notice is served under sub-paragraph (3) above [^{F5}in relation to rights over, or apparatus on, land in England]^{F5}, the [^{F3}Assembly]^{F3} 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 [^{F3}Assembly]^{F3}.
- (7) Sections 280 and 282 of the ^{M1}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

- 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** Sch. 4 para. 11: words in Act substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F3** Sch. 4 para. 11: words in Act substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))

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- F4** Sch. 4 para. 11(4A) inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(5)(a)** (with art. 3(1))
- F5** Words in Sch. 4 para. 11(5) inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(5)(b)** (with art. 3(1))

Marginal Citations

- M1** 1990 c. 8.

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