

Changes to legislation: There are currently no known outstanding effects for the Welsh Development Agency Act 1975, Paragraph 13. (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}Notice for same purposes as paragraph 11 but given by statutory undertakers to [^{F1}Assembly]^{F1}

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** Sch. 4 para. 13 cross-heading: words in Act substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))

- ^{F1}13 (1) This paragraph applies where any land has been acquired by the [^{F2}Assembly]^{F2} 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 [^{F2}Assembly]^{F2} 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.

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- (3) Where, after the land has been acquired as mentioned in sub-paragraph (1) above, development of the land begins to be carried out, no notice under sub-paragraph (2) above may be served after the end of the period of 21 days beginning with the day on which the development commenced.
- (4) Where a notice is served under sub-paragraph (2) above, the [^{F2}Assembly]^{F2} 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
 - [^{F3}(b) in relation to apparatus—
 - (i) in, on, over or under land in Wales requiring removal or re-siting, apply to the Assembly and the appropriate Minister for an order under this sub-paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Assembly and the appropriate Minister think it appropriate to confer on them; and
 - (ii) in, on, over or under land in England requiring removal or re-siting, apply to the Secretary of State and the appropriate Minister for an order under this sub-paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it appropriate to confer on them.]
- ^{F3}(7) Where, by virtue of this paragraph or [^{F4}an order made under it by the Assembly and the appropriate Minister, or by the Ministers, as the case may be,]^{F4} statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the [^{F2}Assembly]^{F2} for the works to be carried out by the [^{F2}Assembly]^{F2}, 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 [^{F5}an order made under it by the Assembly and the appropriate Minister, or by the Ministers, as the case may be,]^{F5} the undertakers shall be entitled to compensation from the [^{F2}Assembly]^{F2}.
- [^{F6}(8A) References in this paragraph to the Assembly and the appropriate Minister are, if the appropriate Minister is the Assembly, to be construed as references to the Assembly alone.]
- ^{F6}(9) 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 (8) above as they apply to compensation under section 279(4) of that Act.

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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. 13: words in Act substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F3** Sch. 4 para. 13(6)(b) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(7)(a)** (with art. 3(1))
- F4** Words in Sch. 4 para. 13(7) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(7)(b)** (with art. 3(1))
- F5** Words in Sch. 4 para. 13(8) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(7)(b)** (with art. 3(1))
- F6** Sch. 4 para. 13(8A) inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(7)(c)** (with art. 3(1))

Marginal Citations

- M1** 1990 c. 8.

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