

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

SCHEDULES

^{F1F1}SCHEDULE 1

Textual Amendments

- F1** Sch. 1 omitted (1.4.2006) by virtue of [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), arts. 1(1)(2), 7(1), **Sch. 1 para. 30** (with art. 3(1))

^{F13F13}SCHEDULE 2

Textual Amendments

- F13** Sch. 2 omitted (1.4.2006) by virtue of [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), arts. 1(1)(2), 7(1), **Sch. 1 para. 31** (with arts. 3(1), 8(2))

SCHEDULE 3

Section 18.

^{F15}BORROWING AND GUARANTEES^{F15}

Textual Amendments

- F15** Sch. 3: words in heading substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), arts. 1(1)(2), 7(1), **Sch. 1 para. 32(5)** (with art. 3(1))

^{F16} ...

Textual Amendments

- F16** Sch. 3 para. 1 cross-heading omitted (1.4.2006) by virtue of [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), arts. 1(1)(2), 7(1), **Sch. 1 para. 32(1)** (with art. 3(1))

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

1 F17

Textual Amendments
F17 Sch. 3 para. 1 omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 32(1)** (with art. 3(1))

2 F18

Textual Amendments
F18 Sch. 3 para. 2 omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 32(1)** (with art. 3(1))

Borrowing Powers

(^{F19}3) For the purpose of exercising its functions under this Act, the Assembly may borrow money from any person (including its wholly owned subsidiaries), but any borrowing in a currency other than sterling requires the approval of the Treasury.^{F19]}

Textual Amendments
F19 Sch. 3 para. 3 substituted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 32(2)** (with art. 3(1))

F20 ...

Textual Amendments
F20 Sch. 3 para. 4 cross-heading omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 32(1)** (with art. 3(1))

4 F21

Textual Amendments
F21 Sch. 3 para. 4 omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 32(1)** (with art. 3(1))

Borrowing by wholly owned subsidiaries

(^{F22}5) It is the duty of the Assembly to secure that none of its wholly owned subsidiaries formed in pursuance of the exercise of the Assembly's functions under this Act

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

borrow money otherwise than from the Assembly or from another wholly owned subsidiary of the Assembly, except with the Assembly's consent.^{F22}]

Textual Amendments

F22 Sch. 3 para. 5 substituted (1.4.2006) by virtue of [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), arts. 1(1)(2), 7(1), [Sch. 1 para. 32\(3\)](#) (with art. 3(1))

Guarantees

- 6 (1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of [^{F23}the payment of interest on and the discharge of any other financial obligation in connection with] any sums which the [^{F24}Assembly^{F24}][^{F25}borrow in connection with its functions under this Act]^{F25}.
- (2) Immediately after a guarantee is given under this paragraph, the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given, the Treasury shall lay before each House of Parliament a statement relating to that sum, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest on it is finally discharged.
- (3) Any sums required by the Treasury for fulfilling a guarantee under this paragraph shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued in fulfilment of a guarantee given under this paragraph, the [^{F24}Assembly]^{F24} shall make to the Treasury, at such time and in such manner as the Treasury from time to time direct, payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rate as the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.
- (5) Any sums received by the Treasury in pursuance of sub-paragraph (4) above shall be paid into the Consolidated Fund.

Textual Amendments

F23 Words substituted by [Miscellaneous Financial Provisions Act 1983 \(c. 29, SIF 99:1\)](#), s. 4(1), [Sch. 2](#)

F24 Sch. 3 para. 6: words in Act substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), [arts. 1\(1\)\(2\), 7\(1\)](#), {[Sch. 1 para. 1, 2](#)} (with art. 3(1))

F25 Words in [Sch. 3 para. 6\(1\)](#) substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), arts. 1(1)(2), 7(1), [Sch. 1 para. 32\(4\)](#) (with art. 3(1))

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

F26 ...

Textual Amendments

F26 Sch. 3 para. 7 cross-heading omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 32(1)** (with art. 3(1))

7

F27

Textual Amendments

F27 Sch. 3 para. 7 omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 32(1)** (with art. 3(1))

F28 ...

Textual Amendments

F28 Sch. 3 para. 8 cross-heading omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 32(1)** (with art. 3(1))

8

F29

Textual Amendments

F29 Sch. 3 para. 8 omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 32(1)** (with art. 3(1))

F30 ...

Textual Amendments

F30 Sch. 3 para. 9 cross-heading omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 32(1)** (with art. 3(1))

9

F31

Textual Amendments

F31 Sch. 3 para. 9 omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 32(1)** (with art. 3(1))

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

^{F32}SCHEDULE 4

Section 21A.

ACQUISITION OF LAND

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} PART I

COMPULSORY ACQUISITION

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**.

^{F34}^{F35}1

- (1) The Acquisition of Land Act 1981 (referred to in this Schedule as “the 1981 Act”) applies in relation to the compulsory acquisition of land under section 21A above subject to the modifications made by the following provisions of this Part.
- (2) Notwithstanding section 2 of the 1981 Act—
 - (a) Schedule 1 to the 1981 Act applies only in relation to a compulsory acquisition of land under section 21A(1)(b) or (2)(b) above; and
 - (b) Part 2 of the 1981 Act applies in relation to a compulsory acquisition of land made under section 21A(1)(c) or (2)(c) above as if the Assembly were an acquiring authority and the Secretary of State were the confirming authority for the purposes of that Part.]^{F35}

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 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))

[^{F36}1A

- (1) Where a compulsory purchase order is prepared in draft by the Assembly under section 21A(1)(b) or (2)(b) above—
 - (a) a notice under paragraph 3 of Schedule 1 to the 1981 Act (notice to owners, lessees and occupiers) shall be served on every relevant local authority;
 - (b) each relevant local authority has a right to object in accordance with the notice; and

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

- (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

F36 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))

F37₂ F38

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 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)**

- F39₃** (1) Where a compulsory purchase order is made by the [^{F40}Assembly]^{F40} [^{F41}under section 21A(1)(c) or (2)(c) above]^{F41} —
- (a) a notice under section 12 of the [^{F42}1981 Act]^{F42} (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 [^{F43}sections 13 and 13A of that Act to relevant objections]^{F43} shall include references to an objection made by any relevant local authority.
- (2) ^{F44}

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

F41 Words in Sch. 4 para. 3(1) inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(2)(a)** (with art. 3(1))

F42 Words in Sch. 4 para. 3(1)(a) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(2)(b)** (with art. 3(1))

F43 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)**

F44 Sch. 4 para. 3(2) omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(2)(c)** (with art. 3(1))

[^{F45}3A For the purposes of paragraphs 1A and 3 above, each of the following is a relevant local authority —

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

- (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; ^{F46} ...
- (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 [^{F47}; and
- (d) any [^{F48}corporate joint committee in whose] area the land, or any part of the land, is situated.]]

Textual Amendments

- F45** 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))
- F46** Word in Sch. 4 para. 3A(b) omitted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 2 para. 4(2)(a)**; S.I. 2021/7, reg. 2(c)
- F47** Sch. 4 para. 3A(d) and word inserted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 2 para. 4(2)(b)**; S.I. 2021/7, reg. 2(c)
- F48** Words in Sch. 4 para. 3A(d) substituted (E.W.) (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), **Sch. 9 para. 19(a)**

- ^{F49}3B (1) Where the Welsh Ministers prepare a compulsory purchase order in draft under section 21A(1)(b) or (2)(b), they may include in the draft order a direction that compensation is to be assessed in accordance with section 14A of the Land Compensation Act 1961 (cases where prospect of planning permission to be ignored); and if they do so the following provisions of this paragraph apply.
- (2) The Welsh Ministers must prepare a statement of commitments together with the draft order.
 - (3) A “statement of commitments” is a statement of the Welsh Ministers’ intentions as to what will be done with the project land should the acquisition proceed, so far as they rely on those intentions in contending that the direction is justified in the public interest.
 - (4) Those intentions must include the provision of a certain number of units of affordable housing.
 - (5) The statement under paragraph 3(1)(a) of Schedule 1 to the 1981 Act must include a statement of the effect of the direction; and paragraphs (ba) and (bb) of the same subparagraph apply in respect of the statement of commitments as they apply in respect of the draft order.
 - (6) The Welsh Ministers may amend the statement of commitments before the compulsory purchase order is made.
 - (7) But they may do so—
 - (a) only if satisfied that the amendment would not be unfair to any person who made or could have made a relevant objection for the purposes of paragraph 4 of Schedule 1 to the 1981 Act, and

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

- (b) only if the statement of commitments as amended will still comply with sub-paragraph (4).
- (8) If the Welsh Ministers decide to make the compulsory purchase order in accordance with the applicable provisions of Schedule 1 to the 1981 Act—
- (a) they may make the order with the direction included if satisfied that the direction is justified in the public interest;
- (b) otherwise, they must modify the draft of the order so as to remove the direction.
- (9) If the order is made with the direction included, a making notice under paragraph 6 of Schedule 1 to the 1981 Act must (in addition to the matters set out in sub-paragraph (4) of that paragraph)—
- (a) state the effect of the direction,
- (b) explain how the statement of commitments may be viewed, and
- (c) explain that additional compensation may become payable if the statement of commitments is not fulfilled.
- (10) In this paragraph—
- “the project land” means—
- (a) the land proposed to be acquired further to the compulsory purchase order, and
- (b) any other land that the Welsh Ministers intend to be used in connection with that land;
- “unit of affordable housing” means a building or part of a building that is constructed or adapted for use as a separate dwelling and—
- (a) in the case of a building in Wales, is to be used as housing of a description that is set out in regulations made by the Welsh Ministers, or
- (b) in the case of a building in England, is to be used as—
- (i) social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, or
- (ii) housing of any other description that is set out in regulations made by the Secretary of State.
- (11) A statutory instrument containing regulations under sub-paragraph (10) is subject to annulment in pursuance of a resolution of—
- (a) Senedd Cymru, in the case of regulations made by the Welsh Ministers, or
- (b) either House of Parliament, in the case of regulations made by the Secretary of State.]

Textual Amendments

F49 Sch. 4 para. 3B inserted (31.3.2024 for W. for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), ss. **190(4)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(l)

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

^{F50}PART II

ACQUISITION BY AGREEMENT

Textual Amendments

F50 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**.

^{F51}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

F51 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.

^{F52} PART III

“CLEANSING” PROVISIONS

Textual Amendments

F52 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**.

^{F53}*Extinguishment of rights over land compulsorily acquired*

Textual Amendments

F53 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**.

^{F54}5 (1) On the completion by the [^{F55}Assembly]^{F55} 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 [^{F55}Assembly]^{F55}.

(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.

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

- (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 [^{F55}Assembly]^{F55} 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 [^{F55}Assembly]^{F55} 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 [^{F55}Assembly]^{F55}.
- (5) Any compensation payable under this paragraph shall be determined in accordance with the ^{M6}Land Compensation Act 1961.

Textual Amendments

F54 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**.

F55 Sch. 4 para. 5: words in Act substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))

Marginal Citations

M6 1961 c. 33.

^{F56} ...

Textual Amendments

F56 Sch. 4 para. 6 and crossheading omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 19 para. 1(2)**; S.I. 2016/733, reg. 3(m)

^{F56}6

^{F57}*Use and development of consecrated land and burial grounds*

Textual Amendments

F57 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**.

- ^{F58}7 (1) Any consecrated land (whether or not including a building) which has been acquired by the [^{F59}Assembly]^{F59} 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.

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

- (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 [F59 Assembly]^{F59} 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 ^{F60}... 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.
- [F61(3A) Regulations for the purposes of this paragraph are to be made by—
- (a) the Assembly, in relation to land in Wales; and
 - (b) the Secretary of State, in relation to land in England.]
- ^{F61}(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 [F62the Assembly or]^{F62} Secretary of State to be required for securing that any use of land which is subject to compliance with the regulations is, as nearly as may be, subject to the same control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure;
 - (b) shall contain such requirements relating to the disposal of any such land as is mentioned in sub-paragraphs (3) and (4) above as appear to the [F62the Assembly or]^{F62} 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 [F62the Assembly or]^{F62} 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—

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

- (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 ^{F63}the Assembly, in relation to land in Wales, or by the Secretary of State, in relation to land in England, ^{F63} 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 ^{M7}Burial Act 1857 (prohibition of removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.
- (10) Nothing in this paragraph authorises any act or omission on the part of any person which is actionable at the suit of any person on any ground other than contravention of any such obligation, restriction or enactment as is mentioned in sub-paragraph (1) or (6) above.
- (11) In this paragraph—
“burial ground” includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment; and
“monument” includes a tombstone or other memorial.

Textual Amendments

- F58** 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**.
- F59** Sch. 4 para. 7: words in Act substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F60** Words in Sch. 4 para. 7(3) omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(4)(a)** (with art. 3(1))
- F61** Sch. 4 para. 7(3A) added (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(4)(b)** (with art. 3(1))
- F62** Words in Sch. 4 para. 7(5) inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(4)(c)** (with art. 3(1))

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

F63 Words in Sch. 4 para. 7(8)(c) substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), arts. 1(1)(2), 7(1), [Sch. 1 para. 33\(4\)\(d\)](#) (with art. 3(1))

Marginal Citations

M7 1857 c. 81.

^{F64}Use and development of land for open spaces

Textual Amendments

F64 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](#).

- ^{F65}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 [^{F66}Assembly]^{F66} 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

F65 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](#).

F66 Sch. 4 para. 8: words in Act substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), [arts. 1\(1\)\(2\), 7\(1\)](#), {[Sch. 1 para. 1, 2](#)} (with art. 3(1))

^{F67}Paragraphs 6 to 8: supplementary

Textual Amendments

F67 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](#).

- ^{F68}g In construing the ^{M8}Compulsory Purchase Act 1965 in relation to section 21A above—
- ^{F69}(a)
 - (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.

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

Textual Amendments

- F68** 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**.
- F69** Sch. 4 para. 9(a) omitted (13.7.2016) by virtue of **Housing and Planning Act 2016 (c. 22)**, s. 216(3), **Sch. 19 para. 1(3)**; S.I. 2016/733, reg. 3(m)

Marginal Citations

- M8** 1965 c. 56.

- ^{F70}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

- F70** 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**.

^{F71}*Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers*

Textual Amendments

- F71** 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**.

- ^{F72}11 (1) This paragraph applies where any land has been acquired by the [^{F73}Assembly]^{F73} 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 [^{F74}Assembly]^{F74}, 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.

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

- (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 [^{F74}Assembly]^{F74}—
- (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 [^{F74}Assembly]^{F74} may remove the apparatus and dispose of it in any way they think appropriate.
- [^{F75}(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.]

^{F75}(5) If a counter-notice is served under sub-paragraph (3) above [^{F76}in relation to rights over, or apparatus on, land in England]^{F76}, the [^{F74}Assembly]^{F74} 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 [^{F74}Assembly]^{F74}.

(7) Sections 280 and 282 of the ^{M9}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

- F72** 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**.
- F73** 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))
- F74** 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))

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

- F75** 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))
- F76** 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

- M9** 1990 c. 8.

F77 Orders under paragraph 11

Textual Amendments

- F77** 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](#).

- ^{F78}12 (1) Before making an order under sub-paragraph [^{F79}(4A) or]^{F79}(5) of paragraph 11 above, the [^{F80}appropriate Minister and the Assembly, or the Ministers proposing to make the order, as the case may be]^{F80} proposing to make the order—
- (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
- [^{F81}(b) if any objection is made, shall consider the objection and afford to—
- (i) the statutory undertakers and the Assembly, in the case of an order under sub-paragraph (4A) of paragraph 11 above, or
- (ii) the statutory undertakers, in the case of an order under sub-paragraph (5) of paragraph 11 above,
- an opportunity of appearing before, and being heard by, a person appointed for the purpose by the Assembly and the appropriate Minister, or the Secretary of State and the appropriate Minister, as the case may be.]
- ^{F81}(2) The [^{F82}appropriate Minister and the Assembly, or the Ministers proposing to make the order, as the case may be,]^{F82} 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 [^{F83}11(4A) or]^{F83} 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 [^{F84}Assembly]^{F84} may remove the apparatus and dispose of it in any way [^{F85}it thinks]^{F85} appropriate.

Textual Amendments

- F78** Sch. 4 inserted (1.10.1998) by [1998 c. 38, s. 127, Sch. 13 para. 3](#) (with ss. 139(2), 143(2)); [S.I. 1998/2244, art. 4](#).

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

- F79** Words in Sch. 4 para. 12(1) inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(6)(a)(i)** (with art. 3(1))
- F80** Words in Sch. 4 para. 12(1) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(6)(a)(ii)** (with art. 3(1))
- F81** Sch. 4 para. 12(1)(b) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(6)(b)** (with art. 3(1))
- F82** Words in Sch. 4 para. 12(2) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(6)(c)** (with art. 3(1))
- F83** Words in Sch. 4 para. 12(3) inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(6)(d)** (with art. 3(1))
- F84** Sch. 4 para. 12: words in Act substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F85** Words in Sch. 4 para. 12(3)(b) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(6)(e)** (with art. 3(1))

^{F86}Notice for same purposes as paragraph 11 but given by statutory undertakers to [^{F87}Assembly]^{F87}

Textual Amendments

- F86** 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**.
- F87** 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))

- ^{F88}13 (1) This paragraph applies where any land has been acquired by the [^{F89}Assembly]^{F89} 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 [^{F89}Assembly]^{F89} 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.

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

- (4) Where a notice is served under sub-paragraph (2) above, the [^{F89}Assembly]^{F89} 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
 - [^{F90}(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.]
- ^{F90}(7) Where, by virtue of this paragraph or [^{F91}an order made under it by the Assembly and the appropriate Minister, or by the Ministers, as the case may be,]^{F91} statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the [^{F89}Assembly]^{F89} for the works to be carried out by the [^{F89}Assembly]^{F89}, 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 [^{F92}an order made under it by the Assembly and the appropriate Minister, or by the Ministers, as the case may be,]^{F92} the undertakers shall be entitled to compensation from the [^{F89}Assembly]^{F89}.
- [^{F93}(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.]
- ^{F93}(9) 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 (8) above as they apply to compensation under section 279(4) of that Act.

Textual Amendments

F88 Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

- F89** 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))**
- F90** 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))**
- F91** 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))**
- F92** 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))**
- F93** 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

M10 1990 c. 8.

^{F94} PART IV

OTHER PROVISIONS

Textual Amendments

F94 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.**

^{F95}Rights of entry

Textual Amendments

F95 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.**

^{F96}14^{F97}(1)

- (2) Any person duly authorised in writing by the [^{F98}Assembly]^{F98} may at any reasonable time enter any land for the purpose of surveying it in order to enable the [^{F98}Assembly]^{F98} 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.

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

Textual Amendments

- F96** 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**.
- F97** Sch. 4 para. 14(1) omitted (13.7.2016) by virtue of **Housing and Planning Act 2016** (c. 22), s. 216(3), **Sch. 14 para. 8**; S.I. 2016/733, reg. 3(h) (with reg. 6)
- F98** Sch. 4 para. 14: words in Act substituted (1.4.2006) by **The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005** (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))

- ^{F99}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 [^{F100}Assembly^{F100}]^{F101}....
- (4) Except in so far as may be otherwise provided by regulations made by the [^{F102}Assembly]^{F102} under this sub-paragraph, any question of disputed compensation under sub-paragraph (3) above shall be referred to and determined by the [^{F103}Upper Tribunal]^{F103}; and the provisions of [^{F104}section]^{F104} 4 of the ^{M11}Land Compensation Act 1961 apply to the determination of any question under this sub-paragraph, subject to any necessary modifications and to the provisions of any regulations under this sub-paragraph.
- (5) Where under paragraph 14 above a person proposes to carry out any works authorised by sub-paragraph (3) of that paragraph—
- (a) he shall not carry out those works unless notice of his intention to do so was included in the notice required by sub-paragraph (1)(b) above; and
 - (b) if the land in question is held by statutory undertakers and those undertakers object to the proposed works on the grounds that the carrying out of the works would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out without the authority of the appropriate Minister.
- (6) A person who enters land in the exercise of a power of entry conferred by paragraph 14 above—
- (a) shall take reasonable care to avoid damage or injury to plant, machinery, equipment, livestock, crops or enclosures; and
 - (b) on leaving the land, shall secure it as effectively against unauthorised entry as he found it.
- (7) If any person who is admitted into a factory, workshop or workplace in the exercise of a power of entry conferred by paragraph 14 above discloses to any person any information obtained by him there as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

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

- F99** 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**.
- F100** Sch. 4 para. 15: words in Act substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F101** Words in Sch. 4 para. 15(3) omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(8)(a)** (with art. 3(1))
- F102** Words in Sch. 4 para. 15(4) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(8)(b)** (with art. 3(1))
- F103** Words in Sch. 4 para. 15(4) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 117(a)** (with Sch. 5)
- F104** Words in Sch. 4 para. 15(4) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 117(b)** (with Sch. 5)

Marginal Citations

- M11** 1961 c. 33.

F105 Displacement of legislation preventing possession

Textual Amendments

- F105** 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**.

- F106** 16 If the **F107** Assembly, in relation to a house in Wales, or the Secretary of State in relation to a house in England, **F107** certifies that possession of a house which—
- (a) has been acquired by the **F108** Assembly **F108** under section 21A above; and
 - (b) is for the time being held by the **F108** Assembly **F108** for the purposes for which it was acquired,
- is immediately required for those purposes, nothing in the **M12** Rent (Agriculture) Act 1976, the **M13** Rent Act 1977 or the **M14** Housing Act 1988 shall prevent the **F108** Assembly **F108** from obtaining possession of the house.

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

Textual Amendments

- F106** 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**.
- F107** Words in Sch. 4 para. 16 substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(9)** (with art. 3(1))
- F108** Sch. 4 para. 16: words in Act substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2)**, 7(1), {Sch. 1 para. 1, 2} (with art. 3(1))

Marginal Citations

- M12** 1976 c. 80.
- M13** 1977 c. 42.
- M14** 1988 c. 50.

F109 Register of land holdings

Textual Amendments

- F109** 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**.

17 **F110**

Textual Amendments

- F110** Sch. 4 para. 17 omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(10)** (with art. 3(1))

F111 Information

Textual Amendments

- F111** 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**.

^{F112}18 (1) Where, with a view to performing any function of the [^{F113}Assembly^{F113}][^{F114} under this Act]^{F114} relating to land, the [^{F113}Assembly]^{F113} considers that [^{F115}it]^{F115} ought to have information connected with that or any other land, the [^{F113}Assembly]^{F113} may serve on one or more of—

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

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

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 [F113 Assembly]^{F113}, 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

- F112** 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**.
- F113** Sch. 4 para. 18: words in Act substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F114** Words in Sch. 4 para. 18(1) inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(11)** (with art. 3(1))
- F115** Word in Sch. 4 para. 18(1) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(11)** (with art. 3(1))

- ^{F116}19 (1) The council of every county and county borough in Wales, every joint planning board for a district in Wales [F117], every National Park authority for a National Park in Wales and every [F118 corporate joint committee] shall supply the [F119 Assembly]—
- (a) with such information as the [F120 Assembly] may by regulations prescribe for the purposes of this paragraph (being information which the [F119 Assembly] may need for the purpose of performing [F121 its functions under this Act]); and
 - (b) with such certificates supporting the information as the [F120 Assembly] 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 [F119 Assembly].

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

- (3) On any grant of planning permission relating to land in Wales, the local planning authority, ^{F122}... shall, as soon as is practicable, send a copy of the notification of the planning permission to the [^{F119}Assembly].
- (4) Sub-paragraphs (2) and (3) above shall not apply if and so far as the [^{F119}Assembly] directs.

Textual Amendments

- F116** 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**.
- F117** Words in Sch. 4 para. 19(1) substituted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by **Planning (Wales) Act 2015** (anaw 4), s. 58(2)(b)(4)(b), **Sch. 2 para. 4(3)**; S.I. 2021/7, reg. 2(c)
- F118** Words in Sch. 4 para. 19(1) substituted (E.W.) (21.1.2021) by **Local Government and Elections (Wales) Act 2021** (asc 1), s. 175(1)(e), **Sch. 9 para. 19(b)**
- F119** Sch. 4 para. 19: words in Act substituted (1.4.2006) by **The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005** (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F120** Words in Sch. 4 para. 19(1)(a)(b) substituted (1.4.2006) by **The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005** (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(12)(a)** (with art. 3(1))
- F121** Words in Sch. 4 para. 19(1)(a) substituted (1.4.2006) by **The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005** (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(12)(b)** (with art. 3(1))
- F122** Words in Sch. 4 para. 19(3) omitted (1.4.2006) by virtue of **The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005** (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(12)(c)** (with art. 3(1))

^{F123}Regulations as to form of documents

Textual Amendments

- F123** 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**.

[^{F124}^{F125}20

- (1) The Assembly may make regulations for prescribing the form of any document required or authorised by or under this Schedule which relates to land in Wales.
- (2) The Secretary of State may make regulations for prescribing the form of any document required or authorised by or under this Schedule which relates to land in England.^{F124}]

Textual Amendments

- F124** Sch. 4 para. 20 substituted (1.4.2006) by **The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005** (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(13)** (with art. 3(1))

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

F125 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**.

F126 Local inquiries

Textual Amendments

F126 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**.

^{F127}21 Section 250 of the ^{M15}Local Government Act 1972 (costs of inquiries and expenses of witnesses) shall extend to any public local inquiry held under [^{F128}part 2 of]^{F128} the ^{M16}Acquisition of Land Act 1981, by virtue of paragraph 1 above, as if the [^{F129}Assembly]^{F129} were a local authority.

Textual Amendments

F127 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**.

F128 Words in Sch. 4 para. 21 inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(14)** (with art. 3(1))

F129 Sch. 4 para. 21: words in Act substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1), {Sch. 1 para. 1, 2}** (with art. 3(1))

Marginal Citations

M15 1972 c. 70.

M16 1981 c. 67.

F130 Crown land

Textual Amendments

F130 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**.

^{F131}22 (1) A private interest in land may be acquired compulsorily under section 21A above even though the land is Crown land [^{F132}if the appropriate authority is the Assembly or, otherwise,]^{F132} 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;

Status: Point in time view as at 31/03/2024.

Changes to legislation: Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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)

- (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 ^{M17}Town and Country Planning Act 1990.

Textual Amendments

F131 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**.

F132 Words in Sch. 4 para. 22(1) inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(15)** (with art. 3(1))

Marginal Citations

M17 1990 c. 8.

F133 Offences by corporations

Textual Amendments

F133 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**.

- ^{F134}23 (1) Where an offence under this Schedule which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person who was purporting to act in any such capacity,
- he, as well as the body corporate, shall be guilty of that offence and liable to be proceeded against accordingly.
- (2) Where the affairs of a body corporate are managed by its members, this paragraph shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of a body corporate.

Textual Amendments

F134 Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

Status:

Point in time view as at 31/03/2024.

Changes to legislation:

Welsh Development Agency Act 1975 is up to date with all changes known to be in force on or before 19 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.