

Status: Point in time view as at 01/04/2018.

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SCHEDULES

F1F1 SCHEDULE 1

Textual Amendments

- F1** Schs. 1-3 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the repealing provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

F2F2 SCHEDULE 2

Textual Amendments

- F2** Schs. 1-3 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the repealing provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

F3F3 SCHEDULE 3

Textual Amendments

- F3** Schs. 1-3 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

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SCHEDULE 4

Section 28.

PUBLIC BODIES SUBJECT TO REFORM BY ASSEMBLY

Commencement Information

I1 Sch. 4 in force at 1.12.1998 by S.I. 1998/2789, art. 2

PART I

BODIES WHICH MAY LOSE OR GAIN FUNCTIONS

- 1 An agricultural dwelling-house advisory committee for an area wholly in, or consisting of, Wales.
- 2 An agricultural wages committee for an area wholly in, or consisting of, Wales.
- 3 ^{F5} . . .

Textual Amendments

F5 Sch. 4 Pt. 1 para. 3: entry relating to "Ancient Monument Board for Wales" repealed (1.4.2006) by [The Ancient Monuments Board for Wales \(Abolition\) Order 2006 \(S.I. 2006/64\)](#), art. 3(1)(b)(ii)

[^{F6}3A The Care Council for Wales.]

Textual Amendments

F6 Sch. 4 para. 3A inserted (1.4.2001) by 2000 c. 14, ss. 6, 54, 66, [Sch. 1 para. 27\(b\)](#); S.I. 2000/2992, art. 2(2)

- 4 The committee established under section 11 of the ^{M11}Environment Act 1995 to advise about the carrying out in Wales of the Environment Agency’s functions.

Marginal Citations

M11 1995 c. 25.

- 5 ^{F7}

Textual Amendments

F7 Sch. 4 para. 5 omitted (1.4.2006) by virtue of [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), arts. 1, 9(1), [Sch. 1 para. 44](#) (with art. 7)

- 6 ^{F8}

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Textual Amendments

F8 Sch. 4 para. 6 repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 107, 105(1)(2), Sch. 11 para. 149, **Sch. 12**; S.I. 2006/2541, **art. 2**

7 **F9** . . .

Textual Amendments

F9 Sch. 4 Pt. 1 para. 7: entry relating to "The Historic Building Council for Wales" repealed (1.10.2006) by The Historic Buildings Council for Wales (Abolition) Order 2006 (S.I. 2006/63), **art. 3(1)(c)(ii)**

8 The Library Advisory Council for Wales (known as the Library and Information Services Council (Wales)).

9 **F10**

Textual Amendments

F10 Sch. 4 para. 9 omitted (1.4.2006) by virtue of The Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1, **Sch. 1 para. 28**

10 The Wales Tourist Board.

11 The Welsh Development Agency.

12 The Welsh Industrial Development Advisory Board.

F11 13

Textual Amendments

F11 Sch. 4 para. 13 omitted (E.W.) (1.4.2012) by virtue of The Welsh Language (Wales) Measure 2011 (Transfer of functions, Transitional and Consequential Provisions) Order 2012 (S.I. 2012/990), arts. 1(2), **6**

PART II

BODIES WHICH MAY LOSE FUNCTIONS OR GAIN FUNCTIONS WITH CONSENT

14 The committees referred to in section 19(1) of, or paragraph 1(1)(a) or (b) of Schedule 6 to, the ^{M12}National Health Service Act 1977 (advisory committees for Wales).

Marginal Citations

M12 1977 c. 49.

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PART III

BODIES WHICH MAY ONLY GAIN FUNCTIONS

^{F12}15

Textual Amendments
F12 Sch. 4 para. 15 omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 392](#) (with Sch. 7)

16 The Higher Education Funding Council for Wales.

17 ^{F13}

Textual Amendments
F13 Sch. 4 Pt. 3 para. 17 omitted by virtue of [The Nursing and Midwifery Order 2001 \(S.I. 2002/253\)](#), art. 54(3), [Sch. 5 para. 15](#) (with art. 3(18)) (the amendment coming into force in accordance with art. 1(2) (3) of the amending S.I.)

PART IV

BODIES WHICH MAY ONLY GAIN FUNCTIONS AND ONLY WITH CONSENT

18 The Arts Council of Wales.

19 The National Library of Wales.

20 The National Museum of Wales.

21 The Royal Commission on Ancient and Historical Monuments of Wales.

22 The Sports Council for Wales.

^{F14}SCHEDULE 5

Textual Amendments
F14 Sch. 5 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

Commencement Information
I2 Sch. 5 in force at 1.12.1998 by [S.I. 1998/2789](#), art. 2

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- 1 The bodies specified in Schedule 4.
.....
- 2 The Advisory Committee on Pesticides.
.....
- 3 The Committee on Agricultural Valuation.
.....
- 4 The Agricultural Wages Board for England and Wales.
.....
- 5 The Apple and Pear Research Council.
.....
- 6 The Committee on Aquaculture Research and Development.
.....
- 7 The Audit Commission for Local Authorities and the National Health Service in
 England and Wales.
- 7A
.....
- 8 The British Tourist Authority.
.....
- 9 The British Waterways Board.
.....
- 10 The British Wool Marketing Board.
.....
- 11
.....
- 12 The Clinical Standards Advisory Group.
.....
- 12A The Commission for Healthcare Audit and Inspection.

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.....

13 A Community Health Council

.....

14 The Standing Dental Advisory Committee.

.....

15 The Dental Practice Board.

.....

16 The Committee on Dental and Surgical Materials.

.....

17 The Environment Agency.

.....

18 The Family Health Services Appeal Authority.

.....

19 Food from Britain.
Food Standards Agency.
Food Standards Agency advisory committee for Wales.

.....

20

.....

20A The Health Protection Agency.

.....

21

.....

22 The Home Grown Cereals Authority.

.....

23 The Horticultural Development Council.

.....

24 The Joint Nature Conservation Committee.

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-
- 25 The Local Government Boundary Commission for Wales.
-
- 25A A Local Health Board.
-
- 26 The Meat and Livestock Commission.
-
- 27 The Standing Medical Advisory Committee.
-
- 28 The Mental Health Act Commission.
-
- 29 The Milk Development Council.
-
- 30 The Museums and Galleries Commission.
-
- 31 The National Biological Standards Board.
-
- 32 A National Health Service trust all or some of whose hospitals, establishments or other facilities are situated in Wales.
-
- 33 The Trustees of the National Heritage Memorial Fund.
-
- 34 **F21**

Textual Amendments

F21 Sch. 5 para. 34 repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. 21, 22, [Sch. 3](#); S.I. [2006/3201](#), [art. 2\(e\)](#)

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35

36 The Standing Nursing and Midwifery Advisory Committee.

37 The Standing Pharmaceutical Advisory Committee.

38 The Potato Industry Development Council (known as the British Potato Council).

39

40 The Residuary Milk Marketing Board.

41 The Sea Fish Industry Authority.

42 A Special Health Authority performing functions only or mainly in respect of Wales.

43 The Sugar Beet Research and Education Committee.

44 The United Kingdom Sports Council.

45 The United Kingdom Transplant Support Service Authority.

46 The Wales Centre for Health.

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SCHEDULE 6

Section 104.

[^{F24}HER MAJESTY’S CHIEF INSPECTOR OF EDUCATION AND TRAINING IN WALES OR PRIF AROLYGYDD EI MAWRHYDI DROS ADDYSG A HYFFORDDIANT YNG NGHYMRU]

Textual Amendments

F24 Words in Heading to Sch. 6 substituted (1.1.2001) by 2000 c. 21 s. 73(3)(a); S.I. 2000/3230, art. 2, **Sch.**

Modifications etc. (not altering text)

C1 **Sch. 6** restricted (16.2.2000) by S.I. 2000/253, **arts. 1(2), 11**

Interpretation

1 In this Schedule—

“the Chief Inspector” means [^{F25}Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru], and

“the Office of the Chief Inspector” means the Chief Inspector and the persons who [^{F26}(in accordance with section 19(3) of, and Schedule 2 to, the Education Act 2005)] are members of his staff.

Textual Amendments

F25 Words in **Sch. 6 para. 1** substituted (1.1.2001) by 2000 c. 21 s. 73(3)(a); S.I. 2000/3230, art. 2, **Sch.**

F26 Words in **Sch. 6 para. 1** substituted (1.9.2006 for E.W.) by Education Act 2005 (c. 18), ss. 61, 125, **Sch. 9 para. 22**; S.I. 2006/1338, {art. 4}, Sch. 2 (with Sch. 4)

Status of the Office of the Chief Inspector

2 The Secretary of State may by order provide that the Office of the Chief Inspector is, for the purposes of the enactments specified in the order, to be treated as if it were a government department.

Status of the Chief Inspector and his staff

3 (1) Despite the provision made by section 104—

(a) the functions of the Chief Inspector and his staff shall continue to be regarded as exercised on behalf of the Crown, and

(b) service as a member of the Chief Inspector’s staff shall continue to be service in [^{F27}the civil service of the State].

(2) Whether service as the Chief Inspector is service in [^{F27}the civil service of the State] shall continue to be a matter which falls to be determined in accordance with the terms of the Chief Inspector’s appointment, but the Chief Inspector shall in any event be a person to whom section 1 of the ^{M13}Superannuation Act 1972 (superannuation schemes for civil servants) applies.

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Textual Amendments

F27 Words in [Sch. 6 para. 3\(1\)\(2\)](#) substituted (11.11.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 19, 52(2), [Sch. 2 para. 8](#); S.I. 2010/2703, [art. 2\(a\)](#)

Marginal Citations

M13 1972 c. 11.

Receipts

- 4 (1) The Treasury may direct that any requirement that sums be paid into the Consolidated Fund shall not have effect in relation to sums received by the Chief Inspector if the sums are, or are of a description, specified in the direction.
- (2) Any sums received by the Chief Inspector which are not required to be paid into the Consolidated Fund shall be applied by him towards meeting his expenses.

Accounts

- 5 (1) The Chief Inspector shall keep proper accounting records.
- (2) The Chief Inspector shall, for each financial year, prepare accounts in accordance with directions given to him by the Treasury.
- (3) The directions which the Treasury may give under sub-paragraph (2) include, in particular, directions as to—
- (a) the information to be contained in the accounts and the manner in which it is to be presented,
 - (b) the methods and principles in accordance with which the accounts are to be prepared, and
 - (c) the additional information (if any) that is to accompany the accounts.

Audit

- 6 (1) The accounts prepared by the Chief Inspector for any financial year shall be submitted by him to the Auditor General for Wales [^{F28}no later than 30th November of the following financial year].
- (2) The Auditor General for Wales shall—
- (a) examine and certify any accounts submitted to him under this paragraph, and
 - (b) no later than four months after the accounts are submitted to him, lay before the Assembly a copy of them as certified by him together with his report on them.
- (3) In examining any accounts submitted to him under this paragraph, the Auditor General for Wales shall, in particular, satisfy himself that the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it.

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Textual Amendments

F28 Words in **Sch. 6 para. 6(1)** substituted (1.4.2001) by **2000 c. 20, s. 29, Sch. 1 para. 23(b); S.I. 2000/3349, art. 3(1)**

Modifications etc. (not altering text)

C2 **Sch. 6 para. 6(1)**: power to amend conferred (1.4.2001) by **2000 c. 20, s. 29, Sch. 1 para. 27; S.I. 2000/3349, art. 3(1)**

Accounting officer

- 7 (1) The accounting officer for the Office of the Chief Inspector shall be the Chief Inspector.
- (2) But where the Chief Inspector is incapable of discharging his responsibilities as accounting officer, or where the office of Chief Inspector is vacant, the Treasury may designate a member of the Chief Inspector’s staff to be the accounting officer for so long as the incapacity or vacancy continues.
- (3) The accounting officer for the Office of the Chief Inspector shall have, in relation to the accounts of the Chief Inspector and the finances of the Office of the Chief Inspector, the responsibilities which are from time to time specified by the Treasury.
- (4) In this paragraph references to responsibilities include in particular—
- responsibilities in relation to the signing of accounts,
 - responsibilities for the propriety and regularity of the finances of the Office of the Chief Inspector, and
 - responsibilities for the economy, efficiency and effectiveness with which the resources of the Office of the Chief Inspector are used.
- (5) The responsibilities which may be specified under this paragraph include responsibilities owed to—
- the Assembly or the Audit Committee, or
 - the House of Commons or its Committee of Public Accounts.
- (6) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—
- on behalf of the Committee of Public Accounts take evidence from the accounting officer for the Office of the Chief Inspector, and
 - report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.

Examinations into use of resources

- 8 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which the Chief Inspector has used the resources of the Office of the Chief Inspector in discharging his functions.
- (2) Sub-paragraph (1) shall not be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of the Chief Inspector.

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- (3) In determining how to exercise his functions under this paragraph, the Auditor General for Wales shall take into account the views of the Audit Committee as to the examinations which he should carry out under this paragraph.
- (4) The Auditor General for Wales may lay before the Assembly a report of the results of any examination carried out by him under this paragraph.
- (5) ^{F29}

Textual Amendments

F29 Sch. 6 para. 8(5) repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 72, 73, Sch. 2 para. 48, Sch. 4; S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Examinations by the Comptroller and Auditor General

^{F30}g

Textual Amendments

F30 Sch. 6 para. 9 omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), s. 71(4), Sch. 6 para. 55 (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

SCHEDULE 7

Section 105.

FORESTRY COMMISSIONERS

Separate exercise of functions in relation to Wales

^{F31}1

Textual Amendments

F31 Sch. 7 para. 1 omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), Sch. 2 para. 393 (with Sch. 7)

^{F32}2

Textual Amendments

F32 Sch. 7 para. 2 omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), Sch. 2 para. 393 (with Sch. 7)

Status of Commissioners and staff

^{F33}3

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Textual Amendments

F33 Sch. 7 paras. 3-11 omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **15(2)** (with arts. 24, 27)

Receipts

F33₄

Textual Amendments

F33 Sch. 7 paras. 3-11 omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **15(2)** (with arts. 24, 27)

Accounts

F33₅

Textual Amendments

F33 Sch. 7 paras. 3-11 omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **15(2)** (with arts. 24, 27)

Audit

F33₆

Textual Amendments

F33 Sch. 7 paras. 3-11 omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **15(2)** (with arts. 24, 27)

Accounting officer

F33₇

Textual Amendments

F33 Sch. 7 paras. 3-11 omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **15(2)** (with arts. 24, 27)

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Examinations into use of resources

F33⁸

Textual Amendments

F33 Sch. 7 paras. 3-11 omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **15(2)** (with arts. 24, 27)

Examinations by the Comptroller and Auditor General

F33⁹

Textual Amendments

F33 Sch. 7 paras. 3-11 omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **15(2)** (with arts. 24, 27)

Reports

F33¹⁰

Textual Amendments

F33 Sch. 7 paras. 3-11 omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **15(2)** (with arts. 24, 27)

Interpretation

F33¹¹

Textual Amendments

F33 Sch. 7 paras. 3-11 omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **15(2)** (with arts. 24, 27)

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Textual Amendments

F34 Sch. 8 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

F35F35 SCHEDULE 9

Textual Amendments

F35 Sch. 9 repealed (12.10.2005 in so far as relates, for certain purposes, to para. 8 and 1.4.2006 otherwise) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 6 para. 69, Sch. 7 (with s. 38); S.I. 2005/2800, arts. 3, 5(1), Sch. 1 Pt. 2 (with Sch. 2)

SCHEDULE 10

Section 112.

AMENDMENTS OF HEALTH SERVICE COMMISSIONERS ACT 1993

Commencement Information

I4 Sch. 10 partly in force; Sch. 10 not in force at Royal Assent; Sch. 10 paras. 2, 3(3)(4), 5, 8-12, 15(3), 16 and 17 in force at 1.7.1999 by S.I. 1999/1290, art. 4; Sch. 10 paras. 1, 3(1)(2), 4, 6, 7, 13, 14 and 15(1)(2)(4) in force at 1.4.1999 by S.I. 1999/782, art. 2

1 The ^{M33}Health Service Commissioners Act 1993 has effect subject to the following amendments.

Marginal Citations

M33 1993 c. 46.

2 In section 1(3) (which introduces Schedule 1), for "the Commissioners and other administrative matters" substitute " , and other administrative matters relating to, the Health Service Commissioner for England and the Health Service Commissioner for Scotland; and Schedule 1A has effect with respect to the appointment and remuneration of, and other administrative matters relating to, the Health Service Commissioner for Wales "

3 (1) Section 2 (bodies subject to investigation by Health Service Commissioners) is amended as follows.

(2) ^{F58}

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(3) In subsection (5)(b) (Special Health Authorities which are subject to investigation by Health Service Commissioner), omit “by Order in Council”.

(4) For subsection (6) (procedure for Order in Council) substitute—

“(6) A designation for the purposes of subsection (5)(b) shall be made—
(a) in the case of a Special Health Authority exercising functions only or mainly in Wales, by order made by the Assembly by statutory instrument, and
(b) in any other case, by Order in Council;
and a statutory instrument containing an Order in Council made by virtue of paragraph (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Textual Amendments

F58 Sch. 10 para. 3(2) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

Commencement Information

I5 Sch. 10 para. 3 partly in force; Sch. 10 para. 3 not in force at Royal Assent see s. 158; Sch. 10 para. 3(3) (4) in force at 1.7.1999 by S.I. 1999/1290, art. 4

4 F59

Textual Amendments

F59 Sch. 10 para. 4 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

5 F60

Textual Amendments

F60 Sch. 10 para. 5 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

6 F61

Textual Amendments

F61 Sch. 10 para. 6 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

7 In section 8(2) (authorities not entitled to make a complaint)—
(a) in paragraph (a), after “government” insert “ (including the Assembly) ”,
and
(b) in paragraph (c), after “department” insert “ or by the Assembly ” and after “Parliament” insert “ or the Assembly ”.

Status: Point in time view as at 01/04/2018.

Changes to legislation: Government of Wales Act 1998 is up to date with all changes known to be in force on or before 07 August 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)

8 F62

Textual Amendments

F62 Sch. 10 para. 8 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

9 In section 11(4) (payment of expenses etc. by Commissioner)—
(a) after “Payments” insert “ made by the Health Service Commissioner for England or the Health Service Commissioner for Scotland ”, and
(b) F63

Textual Amendments

F63 Sch. 10 para. 9(b) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

10 (1) Section 14 (reports by Commissioners) is amended as follows.
(2) For “a Commissioner” (in each place) substitute “ the Health Service Commissioner for England or the Health Service Commissioner for Scotland ”.
(3) In subsection (4) (annual reports)—
(a) for “Each of the Commissioners” substitute “ The Health Service Commissioner for England and the Health Service Commissioner for Scotland ”, and
(b) after “shall” and “may” insert “ each ”.
(4) In the sidenote, after “by” insert “ English and Scottish ”.

11 F64

Textual Amendments

F64 Sch. 10 para. 11 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

12 F65

Textual Amendments

F65 Sch. 10 para. 12 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

13 In section 17(1) (use of information by Commissioner in other capacity), after “Health Service Commissioner” insert “ , the office of Welsh Administration Ombudsman ”.

14 (1) Section 18 (consultation with other Commissioners) is amended as follows.
(2) In subsection (1) (duty to consult), after paragraph (b) insert—

Status: Point in time view as at 01/04/2018.

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- “(ba) by the Welsh Administration Ombudsman under the Government of Wales Act 1998,”, and after “Commissioner”, in both places where it appears in the words following paragraph (d), insert “ or the Ombudsman ”.
- (3) In subsection (2) (matters which may be covered by consultation), after “another Commissioner” insert “ or the Welsh Administration Ombudsman ”.
- (4) In subsection (3) (confidentiality), omit “by a Commissioner or his officers”.
- 15 (1) Section 19 (interpretation) is amended as follows.
 - (2) After the definition of “allotted sum” insert—
 - ““the Assembly” means the National Assembly for Wales;”.
 - (3) ^{F66}
 - (4) ^{F66}

Textual Amendments

F66 Sch. 10 para. 15(3)(4) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

Commencement Information

I6 Sch. 10 para. 15 partly in force; Sch. 10 para. 15 not in force at Royal Assent see s. 158; Sch. 10 para. 15(3) in force at 1.7.1999 by S.I. 1999/1290, art. 4

- 16 (1) Schedule 1 (the Commissioners) is amended as follows.
 - (2) In the heading, before “COMMISSIONERS” insert “ ENGLISH AND SCOTTISH ”.
 - (3) ^{F67}
 - (4) In paragraph 2(1) (acting Commissioners), for “Where any” substitute “ Where either ”.
 - (5) In paragraphs 3(2)(a) and 3A(2)(a) (ineligibility of certain persons for appointment), omit “or for Wales”.
 - (6) In paragraph 6 (salary of person holding more than one office)—
 - (a) in sub-paragraph (1)(b), for “one or more” substitute “ either or both ”, and
 - (b) in sub-paragraph (2), for “two or more” substitute “ both ”.
 - (7) Omit paragraph 11(2) (staff of Welsh Commissioner).
 - (8) In paragraph 12 (performance of functions of Commissioner by officers of another Commissioner), for “another Commissioner or the Parliamentary Commissioner” substitute “ the other Commissioner, the Health Service Commissioner for Wales, the Parliamentary Commissioner or the Welsh Administration Ombudsman ”.

Status: Point in time view as at 01/04/2018.

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Textual Amendments

F67 Sch. 10 para. 16(3) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

17 F68

Textual Amendments

F68 Sch. 10 para. 17 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

F69F69 SCHEDULE 11

Textual Amendments

F69 Sch. 11 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

SCHEDULE 12

Section 125.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Exchequer and Audit Departments Act 1866 (c.39)

F70 1

Textual Amendments

F70 Sch. 12 para. 1 omitted (1.4.2012) by virtue of Budget Responsibility and National Audit Act 2011 (c. 4), s. 29, Sch. 5 para. 19; S.I. 2011/2576, art. 5

The Statutory Instruments Act 1946 (c.36)

2 F71

Textual Amendments

F71 Sch. 12 para. 2 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007)

Status: Point in time view as at 01/04/2018.

Changes to legislation: *Government of Wales Act 1998 is up to date with all changes known to be in force on or before 07 August 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)*

subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

The Public Records Act 1958 (c.51)

- 3 (1) The First Schedule to the Public Records Act 1958 (definition of public records) is amended as follows.
- (2) In paragraph 2(2) (excluded departmental records), at the end insert “or
 (e) to Welsh public records (as defined in the Government of Wales Act 1998).”
- (3) In Part I of the Table at the end of paragraph 3 (boards and establishments under government departments)—
- (a) at the end of the entry relating to National Health Service Authorities insert “and Authorities for districts or localities in Wales, or for areas in or consisting of Wales (including National Health Service trusts all of whose hospitals, establishments and facilities are situated in Wales) ”,
- (b) at the end of the entry relating to Family Practitioner Committees insert “for localities in England ”, and
- (c) in the entry relating to health service hospitals, after “1977” insert “ , in England ”.
- (4) In paragraph 5 (Chancery records), after “England” insert “ , other than any which are Welsh public records (as defined in the Government of Wales Act 1998), ”.
- (5) In paragraph 6 (records in Public Record Office), at the end (but not as part of paragraph (c)) insert— “ other than any which are Welsh public records (as defined in the Government of Wales Act 1998). ”
- (6) In paragraph 7(1) (power to add further categories of records), after “provisions of this Schedule” insert “ and not being Welsh public records (as defined in the Government of Wales Act 1998) ”.

The Parliamentary Commissioner Act 1967 (c.13)

- 4 The Parliamentary Commissioner Act 1967 has effect subject to the following amendments.
- 5 In section 3(2) (performance of functions of Parliamentary Commissioner by officers of his or of a Health Service Commissioner), for the words “or may be performed” onwards substitute “ , by any member of the staff so authorised of the Welsh Administration Ombudsman or of the Health Service Commissioner for Wales or by any officer so authorised of the Health Service Commissioner for England or of the Health Service Commissioner for Scotland. ”
- 6 In section 4 (departments etc. subject to investigation), after subsection (3) insert—
- “(3A) No entry shall be made if the result of making it would be that the Parliamentary Commissioner could investigate action which can be investigated by the Welsh Administration Ombudsman under Schedule 9 to the Government of Wales Act 1998.”

Status: Point in time view as at 01/04/2018.

Changes to legislation: Government of Wales Act 1998 is up to date with all changes known to be in force on or before 07 August 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)

7 F72

Textual Amendments

F72 Sch. 12 para. 7 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

- 8 (1) Section 11A (consultations between Parliamentary Commissioner and Health Service Commissioners) is amended as follows.
- (2) In subsection (1) (duty of consultation)—
- (a) F73
 - (b) for “office as that Commissioner” substitute “ the office concerned ”, and
 - (c) after “a complaint under” insert “ the Government of Wales Act 1998 or ”.
- (3) F73
- (4) F73

Textual Amendments

F73 Sch. 12 para. 8(2)(a) repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

- 9 In Schedule 2 (departments etc. subject to investigation by Parliamentary Commissioner)—
- (a) in the entry relating to urban development corporations, after “corporations” insert “ established for urban development areas wholly in England ”,
 - (b) in note 1A, insert at the end “ ; and no investigation under this Act shall be conducted in respect of any action in connection with functions of the Environment Agency in relation to Wales (within the meaning of the Government of Wales Act 1998). ”, and
 - (c) after that note insert—
 - “1B In the case of the Forestry Commission no investigation under this Act shall be conducted in respect of any action in connection with functions of the Forestry Commissioners in relation to Wales (within the meaning of the Government of Wales Act 1998).”

The Pensions (Increase) Act 1971 (c.56)

- 10 In Part II of Schedule 2 to the Pensions (Increase) Act 1971 (official pensions), before paragraph 39 insert—

Status: Point in time view as at 01/04/2018.

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“ *National Assembly for Wales*

38B A pension payable under a scheme established under section 18(2)(b) of the Government of Wales Act 1998.”

The Local Government Act 1974 (c.7)

11 The Local Government Act 1974 has effect subject to the following amendments.

12 F74

Textual Amendments

F74 Sch. 12 para. 12 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

13 F75

Textual Amendments

F75 Sch. 12 para. 13 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

14 In section 27(1) (authorities not entitled to make a complaint)—
(a) in paragraph (a), after “government” insert “ (including the National Assembly for Wales) ”, and
(b) in paragraph (b), after “department” insert “ or by the National Assembly for Wales ” and after “Parliament” insert “ or the National Assembly for Wales ”.

15 F76

Textual Amendments

F76 Sch. 12 para. 15 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)(5) of the amending Act.

16 F77

Status: Point in time view as at 01/04/2018.

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Textual Amendments

F77 Sch. 12 para. 16 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

- 17 (1) Section 33 (consultation with other Commissioners) is amended as follows.
- (2) In subsection (1) (duty to consult), before “or” at the end of paragraph (a) insert—
- “(aa) by the Welsh Administration Ombudsman, in accordance with the Government of Wales Act 1998,” and, in the words following paragraph (b), after “Commissioner” insert “ or the Ombudsman ” and after “under the Act of 1967” insert “ , under the Government of Wales Act 1998 ”.
- (3) In subsection (2) (matters which may be covered by consultation)—
- (a) ^{F78}
- (b) after “that Commissioner” insert “ or the Ombudsman ”.
- (4) In subsection (5) (confidentiality)—
- (a) after “Act of 1993,” insert “ in paragraph 25(1) of Schedule 9 to the Government of Wales Act 1998 ”, and
- (b) omit “by any of the Commissioners mentioned in this section, or by any of their officers.”.

Textual Amendments

F78 Sch. 12 para. 17(3)(a) repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

The Juries Act 1974 (c.23)

- 18 ^{F79}

Textual Amendments

F79 Sch. 12 para. 18 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, Sch. 37 Pt. 10; S.I. 2004/829, art. 2(2)(i)(iv)

The House of Commons Disqualification Act 1975 (c.24)

- 19 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (certain disqualifying offices) insert at the appropriate places—
- “Auditor General for Wales.”,
- “Member of the staff of the Auditor General for Wales.”, and

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“Welsh Administration Ombudsman.”

The Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55)

- 20 In Part III of Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (excusal from jury service as of right: Scotland), before Group C insert—

“GROUP BA

National Assembly for Wales

Members of the National Assembly for Wales.”

The Mental Health Act 1983 (c.20)

- 21 The Mental Health Act 1983 has effect subject to the following amendments.
- 22 In section 134(3)(c) (no power to withhold correspondence between patients and ombudsmen), after “Parliamentary Commissioner for Administration,” insert “ the Welsh Administration Ombudsman, ”.

^{F80}23

Textual Amendments

F80 Sch. 12 para. 23 omitted (28.4.2013) by virtue of [Mental Health \(Discrimination\) Act 2013 \(c. 8\)](#), s. 4(1), [Sch. para. 3](#)

The Insolvency Act 1986 (c.45)

- 24 In section 427 of the Insolvency Act 1986 (members of House of Commons adjudged bankrupt etc.), before subsection (7) insert—

“(6B) Subsections (4) to (6) have effect in relation to a member of the National Assembly for Wales but as if—

- (a) references to the House of Commons were to the Assembly and references to the Speaker were to the presiding officer, and
- (b) in subsection (4), for “under this section” there were substituted “under section 12(2) of the Government of Wales Act 1998 by virtue of this section”.

The Finance Act 1987 (c.16)

- 25 In section 55(1) of the Finance Act 1987 (Crown exemption from stamp duty), after “Her Majesty’s Treasury,” insert “ or to the National Assembly for Wales, ”.

The Copyright, Designs and Patents Act 1988 (c.48)

- 26 The Copyright, Designs and Patents Act 1988 has effect subject to the following amendments.

Status: Point in time view as at 01/04/2018.

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27 In section 49 (copying of public records not to constitute infringement of copyright), after “1923” insert “, or in Welsh public records (as defined in the Government of Wales Act 1998),”.

28 F81

Textual Amendments

F81 Sch. 12 para. 28 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after “the 2007 election” (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of “the initial period” (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)(5) of the amending Act.

29 In paragraph 10(1) of Schedule 2 (copying of public records not to constitute infringement of rights in performances), after “1923” insert “, or in Welsh public records (as defined in the Government of Wales Act 1998),”.

The Official Secrets Act 1989 (c.6)

30 F82

Textual Amendments

F82 Sch. 12 para. 30 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after “the 2007 election” (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of “the initial period” (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

The Finance Act 1989 (c.26)

31 (1) Section 182 of the Finance Act 1989 (restrictions on disclosure of information about taxpayers) is amended as follows.

(2) In subsection (4)(a) (offence for Parliamentary Commissioner for Administration and others to disclose information about taxpayers), after sub-paragraph (ii) insert—
“(iii) of the Auditor General for Wales and any member of his staff, or
(iv) of the Welsh Administration Ombudsman and any member of his staff,”.

(3) In subsection (6) (authorised disclosures), in the words after paragraph (e), for “or the Parliamentary Commissioner,” substitute “, the Parliamentary Commissioner, the Auditor General for Wales or the Welsh Administration Ombudsman,”.

The Social Security Administration Act 1992 (c.5)

32 In section 123(8) of the Social Security Administration Act 1992 (auditors and investigators of complaints who may not disclose social security information)—

Status: Point in time view as at 01/04/2018.

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- (a) after paragraph (b) insert—
 “(ba) the Auditor General for Wales and any member of his staff,” and
- (b) ^{F83}

Textual Amendments

F83 Sch. 12 para. 32(b) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

The Tribunals and Inquiries Act 1992 (c.53)

- 33 In section 16(1) of the Tribunals and Inquiries Act 1992 (interpretation), in the definition of “Minister”, after “includes” insert “ the National Assembly for Wales and ”.

The European Communities (Amendment) Act 1993 (c.32)

- 34 In section 6 of the European Communities (Amendment) Act 1993 (which provides that a person may be proposed for membership of the Committee of the Regions constituted under Article 198a of the Treaty establishing the European Community only if he is an elected member of a local authority), before “an elected member of a local authority” insert “ a member of the National Assembly for Wales or ”.

The Value Added Tax Act 1994 (c.23)

- 35 In section 41(6) of the Value Added Tax Act 1994 (meaning of government department), before “a Northern Ireland department,” insert “ , the National Assembly for Wales, ”.

The Deregulation and Contracting Out Act 1994 (c.40)

- 36 In section 79(1) of the Deregulation and Contracting Out Act 1994 (interpretation of Part II), in the definition of “office-holder”—
- (a) after “officer of either House of Parliament,” insert “ the Auditor General for Wales, ” and
- (b) after “the Parliamentary Commissioner for Administration” insert “ , the Welsh Administration Ombudsman ”.

SCHEDULE 13

Section 127.

WELSH DEVELOPMENT AGENCY: LAND PROVISIONS

Commencement Information

I7 Sch. 13 in force at 1.10.1998 by S.I. 1998/2244, art. 4

Status: Point in time view as at 01/04/2018.

Changes to legislation: Government of Wales Act 1998 is up to date with all changes known to be in force on or before 07 August 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 The ^{M34}Welsh Development Agency Act 1975 has effect subject to the following amendments.

Marginal Citations

M34 1975 c. 70.

- 2 After section 21 insert—

“21A Powers of land acquisition.

- (1) The powers to acquire land mentioned in sections 1(7)(h) and 16(3)(b) above are powers—
 - (a) to acquire land by agreement; and
 - (b) to acquire land compulsorily if authorised to do so by the Secretary of State.
- (2) Where the Agency acquire or have acquired land under subsection (1) above, they have power to acquire by agreement or, if authorised to do so by the Secretary of State, to acquire compulsorily—
 - (a) any land which adjoins the land and is required for the purpose of executing works for facilitating its development or use; and
 - (b) where the land forms part of a common, an open space or a fuel or field garden allotment, any land required for the purpose of being given in exchange for it.
- (3) The Agency may under subsection (1) above acquire rights over land by the creation of new rights (as well as by acquiring rights already in existence).
- (4) Before the Agency acquire land under subsection (1) above for the purpose of their function under section 1(3)(da) above, they shall—
 - (a) consider whether the land would or would not in their opinion be made available for development if they did not act;
 - (b) consider the fact that planning permission has or has not been granted in respect of the land or is likely or unlikely to be granted;
 - (c) (in a case where no planning permission has been granted in respect of the land) consult every relevant local authority; and
 - (d) consider the needs of those engaged in building, agriculture and forestry and of the community in general.
- (5) For the purposes of subsection (4)(c) above, each of the following is a relevant local authority—
 - (a) the council of any county, county borough or district in whose area the land, or any part of the land, is situated;
 - (b) any joint planning board in whose district the land, or any part of the land, is situated; and
 - (c) any National Park authority which is the local planning authority for a National Park in which the land, or any part of the land, is situated.
- (6) Where the Agency have acquired land under subsection (1) above for the purpose of any of their functions, they may appropriate it to the purpose of any of their other functions.

Status: Point in time view as at 01/04/2018.

Changes to legislation: Government of Wales Act 1998 is up to date with all changes known to be in force on or before 07 August 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)

- (7) Where the Agency have—
- (a) acquired land under subsection (1) above for the purpose of their function under section 1(3)(da) above; or
 - (b) under subsection (6) above have appropriated land to that purpose, they shall, until they either dispose of the land or appropriate it under subsection (6) above to the purpose of any of their other functions, manage it and turn it to account.
- (8) Schedule 4 to this Act shall have effect.

21B Disposal of land.

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

- (a) as provided by section 16(7) above; or
- (b) with the consent of the Secretary of State.

21C Powers to advise on land matters.

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

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3 After Schedule 3 insert—

“SCHEDULE 4

Section 21A.

ACQUISITION OF LAND

PART I

COMPULSORY ACQUISITION

- 1 (1) The ^{M35}Acquisition of Land Act 1981 applies in relation to the compulsory acquisition of land under section 21A above.
- (2) The ^{M36}Acquisition of Land Act 1981 has effect in its application by virtue of sub-paragraph (1) above with the modifications made by the following provisions of this Part.
- 2 (1) This paragraph applies where a compulsory purchase order of the Agency authorising the acquisition of any land is submitted to the Secretary of State in accordance with section 2(2) of the ^{M37}Acquisition of Land Act 1981.
- (2) If the Secretary of State—
 - (a) is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised in it; but
 - (b) has not for the time being determined whether it ought to be confirmed so far as it relates to any other such land,he may confirm the order so far as it relates to the land mentioned in paragraph (a) above and give directions postponing the consideration of the order so far as it relates to any other land specified in the directions until such time as may be so specified.
- (3) Where the Secretary of State gives directions under sub-paragraph (2) above, the notices required by section 15 of the ^{M38}Acquisition of Land Act 1981 to be published and served shall include a statement of the effect of the directions.
- 3 (1) Where a compulsory purchase order is made by the Agency—
 - (a) a notice under section 12 of the ^{M39}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 section 13 of that Act to objections made by an owner, lessee or occupier 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

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- (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.

PART II

ACQUISITION BY AGREEMENT

- 4 The provisions of Part I of the ^{M40}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 ^{M41}Interpretation Act 1978.

PART III

“CLEANSING” PROVISIONS

Extinguishment of rights over land compulsorily acquired

- 5 (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 ^{M42}Land Compensation Act 1961.

Power to override easements and other rights

- 6 (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

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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 ^{M43}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
- (b) a reference to deriving title is a reference to deriving title either directly or indirectly.

Use and development of consecrated land and burial grounds

- 7 (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

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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;
 - (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.

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- (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 ^{M44}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.

Use and development of land for open spaces

- 8 (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.

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Paragraphs 6 to 8: supplementary

- 9 In construing the ^{M45}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
 - (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.
- 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.

*Extinguishment of rights of way, and rights
as to apparatus, of statutory undertakers*

- 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
 - (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—

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- (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 ^{M46}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.

Orders under paragraph 11

- 12 (1) Before making an order under sub-paragraph (5) of paragraph 11 above, the Ministers 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
 - (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.

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*Notice for same purposes as paragraph 11
but given by statutory undertakers to Agency*

- 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.
- (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.

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- (9) Sections 280 and 282 of the ^{M47}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.

PART IV

OTHER PROVISIONS

Rights of entry

- 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.
- 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 [^{F84}Upper Tribunal] ; and the provisions of [^{F85}section 4] of the ^{M48}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.

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- (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.

Displacement of legislation preventing possession

- 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,
- is immediately required for those purposes, nothing in the ^{M49}Rent (Agriculture) Act 1976, the ^{M50}Rent Act 1977 or the ^{M51}Housing Act 1988 shall prevent the Agency from obtaining possession of the house.

Register of land holdings

- 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

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- (c) the circumstances in which, and conditions subject to which, the registers are to be open to public inspection.

Information

- 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—
- (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.
- 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.

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- (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.

Regulations as to form of documents

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

Local inquiries

- 21 Section 250 of the ^{M52}Local Government Act 1972 (costs of inquiries and expenses of witnesses) shall extend to any public local inquiry held under the ^{M53}Acquisition of Land Act 1981, by virtue of paragraph 1 above, as if the Agency were a local authority.

Crown land

- 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 ^{M54}Town and Country Planning Act 1990.

Offences by corporations

- 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.

Status: Point in time view as at 01/04/2018.

Changes to legislation: Government of Wales Act 1998 is up to date with all changes known to be in force on or before 07 August 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) 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

- F84** By [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), arts. 1, 5(1)(2), **Sch. 1 para. 263(a)** it is provided that in Sch. 13. para. 15(4) for "Lands Tribunal" there is substituted "Upper Tribunal" (1.6.2009)
- F85** By [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), arts. 1, 5(1)(2), **Sch. 1 para. 263(b)** it is provided that in Sch. 13. para. 15(4) for "sections 2 and 4" there is substituted "section 41" (1.6.2009)

Marginal Citations

- M35** 1981 c. 67.
M36 1981 c. 67.
M37 1981 c. 67.
M38 1981 c. 67.
M39 1981 c. 67.
M40 1965 c. 56.
M41 1978 c. 30.
M42 1961 c. 33.
M43 1965 c. 56.
M44 1857 c. 81.
M45 1965 c. 56.
M46 1990 c. 8.
M47 1990 c. 8.
M48 1961 c. 33.
M49 1976 c. 80.
M50 1977 c. 42.
M51 1988 c. 50.
M52 1972 c. 70.
M53 1981 c. 67.
M54 1990 c. 8.

SCHEDULE 14

Section 128.

WELSH DEVELOPMENT AGENCY: OTHER AMENDMENTS

Commencement Information

- I8** [Sch. 14](#) in force at 1.10.1998 by [S.I. 1998/2244](#), **art. 4**

Status: Point in time view as at 01/04/2018.

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PART I

AMENDMENTS OF WELSH DEVELOPMENT AGENCY ACT 1975

Introductory

- 1 The ^{M55}Welsh Development Agency Act 1975 has effect subject to the following amendments.

Marginal Citations

M55 1975 c. 70.

Schemes for performance of Agency's functions

- 2 (1) Section 1 (functions of Agency and purposes for which they may be exercised) is amended as follows.
- (2) In subsection (14) (duty of Agency to submit to Secretary of State for his approval schemes for the performance of such functions as he may direct), for “schemes” substitute “programmes”.
- (3) In subsection (15) (approval of scheme), for “scheme” (in both places) substitute “programme”.

Membership of Agency

- 3 In section 2(1) (Agency to consist of chairman, deputy chairman and not fewer than seven nor more than nine other members), at the end insert “; but the Secretary of State may by order provide that the maximum number of other members shall be such number greater than nine as is specified in the order.”

Use of agents

- 4 In section 5(1) (carrying out of certain functions by Agency through a local authority etc.)—
- (a) after “section 1(3)(a)” insert “, (da)”, and
- (b) at the end insert “ or section 21C below.”

Functions relating to industry

- 5 (1) Section 9 (provision of sites and premises for industry) is amended as follows.
- (2) In subsection (1) (exercise of powers for purpose of providing or managing industrial sites and premises and providing related facilities to be in accordance with arrangements approved by Secretary of State)—
- (a) for “industrial sites and premises” substitute “sites and premises for businesses”, and
- (b) after “related facilities” insert “, or making land available for development,”.

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- (3) In subsection (3) (power of Secretary of State to authorise Agency to provide premises for industrial undertaking free of rent), for “an industrial undertaking” substitute “ a business ”.
- 6 In section 10 (power of Secretary of State to authorise Agency to provide services etc. for development of industry), for “industry” substitute “ businesses ”.

Schemes for performance of environmental functions

- 7 (1) Section 15 (the environment) is amended as follows.
- (2) In subsection (1) (schemes relating to the environment), for “schemes” (in both places) substitute “ programmes ”.
- (3) In subsection (2) (payments for work contributing to purposes of such a scheme), for “scheme” substitute “ programme ”.

Financial duties of Agency

- 8 In section 17(1) (duty of Secretary of State to determine financial duties of Agency), for “shall” substitute “ may ”.

Service of documents

- 9 For section 25 (service of documents) substitute—

“25 Service of documents.

Sections 231 and 233 of the ^{M56}Local Government Act 1972 (service of documents on and by local authorities) shall apply as if the Agency were a local authority.”

Marginal Citations

M56 1972 c. 70.

Interpretation of the 1975 Act

- 10 (1) Section 27(1) (interpretation) is amended as follows.
- (2) After the definition of “the appropriate Minister” insert—
- ““business” includes any industrial, commercial or professional activities (whether or not with a view to profit) and the activities of any government department or any local or other public authority;
- “common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882 and any town or village green;
- “dispose” includes dispose by sale or exchange or dispose by lease (whether by grant or assignment) and related expressions shall be construed accordingly;

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“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;”.

(3) For the definition of “land” substitute—

““land” has the meaning given by Schedule 1 to the ^{M57}Interpretation Act 1978;

“open space” means any land laid out as a public garden or used for the purposes of public recreation or any land which is a disused burial ground;”.

Marginal Citations

M57 1978 c. 30.

Orders under the 1975 Act

- 11 (1) Section 28 (orders) is amended as follows.
- (2) In subsection (1)—
- (a) after “order” insert “ or regulations ”, and
 - (b) for “other than section 22,” substitute “ , other than a compulsory purchase order or an order under paragraph 11(5) or 13(6) of Schedule 4, ”.
- (3) After subsection (1) insert—
- “(1A) A statutory instrument containing—
- (a) an order under section 2(1) or 21C(2)(i); or
 - (b) regulations under paragraph 7 of Schedule 4,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) After subsection (2) insert—
- “(3) Any regulations or order under this Act—
- (a) may make different provision for different areas or other different cases; and
 - (b) may include transitional and other supplementary and incidental provisions.”
- (5) In the sidenote, after “Orders” insert “ and regulations ”.

Agency staff and transactions

- 12 (1) Schedule 1 (constitution, staff and proceedings of the Agency) is amended as follows.
- (2) In paragraph 8 (Agency staff to be appointed by Agency, but subject to Ministerial consent as to numbers), omit “with the consent” onwards.
- (3) In paragraph 9 (payment of remuneration and expenses by Agency to members and staff), omit “with the approval of the Minister for the Civil Service”.

Status: Point in time view as at 01/04/2018.

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- (4) In paragraph 10 (payment of pensions by the Agency in respect of members and past members), omit “with the approval of the said Minister”.
- (5) In paragraph 11 (payment of compensation by the Agency to past members) omit—
 - (a) “, with the approval of the said Minister,”, and
 - (b) “with the approval of the said Minister”.
- (6) In paragraph 12(1) (payment of pensions, allowances and gratuities to or in respect of employees), omit—
 - (a) “with the consent of the Minister for the Civil Service”, and
 - (b) “with the approval of the said Minister”.
- (7) After paragraph 19 (status of documents executed by the Agency) insert—
 - “19A(1) A certificate signed by the chief executive of the Agency that any document purporting to be made or issued by or on behalf of the Agency was so made or issued shall be conclusive evidence of that fact.
 - (2) A document purporting to be such a certificate shall be received in evidence and be deemed to be such a certificate unless the contrary is proved.
- 19B A person dealing with the Agency, or with a person claiming under the Agency, shall not be concerned to inquire—
 - (a) whether any directions have been given to the Agency under this Act or whether any directions so given have been complied with; or
 - (b) whether any approval, authority or consent of the Secretary of State or the Treasury required for any of the purposes of this Act has been given, or whether any condition or limitation subject to which any such approval, authority or consent was given has been complied with,and, in favour of any such person, the validity of anything done by the Agency shall not be affected by anything contained in any such direction, approval, authority or consent or by reason that any such direction, approval, authority or consent has not been given.”

PART II

AMENDMENTS OF OTHER ENACTMENTS

The Public Bodies (Admission to Meetings) Act 1960 (c.67)

- 13 In paragraph 1 of the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), after paragraph (b) insert—
 - “(ba) the Welsh Development Agency;”.

The Land Compensation Act 1961 (c.33)

F86 14

Status: Point in time view as at 01/04/2018.

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Textual Amendments

- F86** Sch. 14 para. 14 repealed (22.9.2017) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), ss. **33(4)(d)**, 46(1) (with s. 33(5)); S.I. 2017/936, reg. 3(c)

The Development of Rural Wales Act 1976 (c.75)

- 15 In section 26(2) of the ^{M58}Development of Rural Wales Act 1976 (which provides that the power of the Secretary of State to give financial assistance to persons contributing to social development of Wales does not include power to give assistance to persons carrying on an industrial undertaking), for “an industrial undertaking” substitute “a business; and in this subsection “business” has the same meaning as in the ^{M59}Welsh Development Agency Act 1975”.

Marginal Citations

- M58** 1975 c. 70.
M59 1975 c. 70.

The Acquisition of Land Act 1981 (c.67)

- 16 The Acquisition of Land Act 1981 has effect subject to the following amendments.
- 17 In section 17(3) (opposed order for compulsory purchase of land of local authority or statutory undertaker not subject to special parliamentary procedure where acquisition is by certain bodies), after “urban development corporation” insert “, the Welsh Development Agency, ”.
- 18 In section 28 (provisions about the acquisition of rights by the creation of new rights to which Schedule 3 of the Act applies), before paragraph (b) insert—
“(aa) section 21A of the ^{M60}Welsh Development Agency Act 1975.”.

Marginal Citations

- M60** 1975 c. 70.

- 19 In section 31(1) (acquisition under certain provisions of statutory undertakers’ land without a certificate), after paragraph (c) insert “or
(d) section 21A of, and Schedule 4 to, the ^{M61}Welsh Development Agency Act 1975.”.

Marginal Citations

- M61** 1975 c. 70.

- 20 In paragraph 4(3) of Schedule 3 (opposed order for compulsory purchase of rights over land of local authority or statutory undertaker not subject to special parliamentary procedure where acquisition is by certain bodies), after “urban development corporation” insert “, the Welsh Development Agency, ”.

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SCHEDULE 15

Section 129.

DEVELOPMENT BOARD FOR RURAL WALES

Commencement Information

I9 Sch. 15 in force at 1.10.1998 by S.I. 1998/2244, art. 4

The Landlord and Tenant Act 1954 (c.56)

- 1 In section 59(1) of the Landlord and Tenant Act 1954 (compensation for exercise of powers under sections 57 and 58), for “or, subject to subsections (1A) or (1B) below, sections 60A or 60B below” substitute “or, subject to subsection (1A) below, section 60A below”.

The Parliamentary Commissioner Act 1967 (c.13)

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments subject to investigation), in note 7, for “, a development corporation for a new town or the Development Board for Rural Wales” substitute “or a development corporation for a new town”.

The Local Government Act 1974 (c.7)

- 3 In paragraph 6 of Schedule 5 to the Local Government Act 1974 (matters not subject to investigation by Commissions for Local Administration), for “, (bb) or (bc)” substitute “or (bb)”.

The Welsh Development Agency Act 1975 (c.70)

- 4 In section 11(2)(b) of the ^{M62}Welsh Development Agency Act 1975 (amendment of section 59 of the Landlord and Tenant Act 1954), for “that subsection” substitute “subsection (1)”.

Marginal Citations

M62 1954 c. 56.

The Local Government (Miscellaneous Provisions) Act 1982 (c.30)

- 5 In paragraph 2(5)(c) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (relevant corporations for purposes of resolutions relating to street trading), at the end insert “and”.

The Housing Act 1985 (c.68)

- 6 The Housing Act 1985 has effect subject to the following amendments.
- 7 In section 4(a) (meaning of “housing authority”), for “, a new town corporation or the Development Board for Rural Wales” substitute “or a new town corporation”.

8

Status: Point in time view as at 01/04/2018.

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[^{F87}In section 50(2) (offences), after “authority” insert “ or ”.]

Textual Amendments

F87 Sch. 15 para. 8 repealed (E.W.) (1.12.2008) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), art. 1(2), 6, [Sch. 3](#) (with Sch. 2)

- 9 In section 51(6) (meaning of “qualified accountant”), for “, a new town corporation or the Development Board for Rural Wales” substitute “ or a new town corporation ”.
- 10 In section 114(1) and (2) (meaning of “landlord authority”), after “trust” insert “ , or ”.

The Landlord and Tenant Act 1985 (c.70)

- 11 The Landlord and Tenant Act 1985 has effect subject to the following amendments.
- 12 In section 26(1) (sections 18 to 25 not to apply to tenants of certain local authorities), after “Park authority” insert “ , or ”.
- 13 In section 28(6) (meaning of “qualified accountant”), for “, a new town corporation or the Development Board for Rural Wales” substitute “ or a new town corporation ”.
- 14 In paragraph 9(1) of the Schedule (paragraphs 2 to 8 not to apply to tenants of certain public authorities), after “Park authority” insert “ , or ”.

The Housing Act 1988 (c.50)

- 15 In section 35(4)(a) of the Housing Act 1988 (cases where a tenancy or licence can be a secure tenancy), for “, a housing action trust established under Part III of this Act or the Development Board for Rural Wales” substitute “ or a housing action trust established under Part III of this Act ”.

The Local Government and Housing Act 1989 (c.42)

- 16 ^{F88}

Textual Amendments

F88 Sch. 15 para. 16 repealed (19.7.2002) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(2)(d)(ii), 15, [Sch. 6](#)

The Water Industry Act 1991 (c.56)

- 17 In section 97(5) of the Water Industry Act 1991 (performance of sewerage undertaker’s functions by local authorities etc.)—
- (a) in the definition of “relevant area”, at the end of paragraph (c) insert “ and ”, and

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- (b) in the definition of “relevant authority”, in paragraph (b), for “, a development corporation for a new town or the Development Board for Rural Wales” substitute “ or a development corporation for a new town ”.

The Social Security Administration Act 1992 (c.5)

- 18 In section 191 of the Social Security Administration Act 1992 (interpretation), in the definition of “housing authority”, for “, Scottish Homes or the Development Board for Rural Wales” substitute “ or Scottish Homes ”.

SCHEDULE 16

Section 140.

HOUSING FOR WALES

Commencement Information

I10 Sch. 16 in force at 1.11.1998 by S.I. 1998/2244, art. 5

The Friendly and Industrial and Provident Societies Act 1968 (c.55)

- 1 In section 4A(3)(b) of the Friendly and Industrial and Provident Societies Act 1968 (societies to which power to disapply section 4 does not apply), for “Housing for Wales” substitute “ the Secretary of State ”.

The Protection from Eviction Act 1977 (c.43)

- 2 In section 3A(8) of the Protection from Eviction Act 1977 (excluded licences)—
- (a) in paragraph (g), omit “or Housing for Wales”, and
- (b) after that paragraph insert—
- “(ga) the Secretary of State under section 89 of the ^{M63}Housing Associations Act 1985;”.

Marginal Citations

M63 1985 c. 69.

The Criminal Law Act 1977 (c.45)

- 3 (1) Section 12A of the Criminal Law Act 1977 (protected intending occupiers) is amended as follows.
- (2) In subsection (7), omit “(c) Housing for Wales;”.
- (3) After that subsection insert—
- “(7A) Subsection (6) also applies to the Secretary of State if the tenancy or licence is granted by him under Part III of the ^{M64}Housing Associations Act 1985.”

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- 18 (1) Section 458 (definitions) is amended as follows.
- (2) That section is renumbered as subsection (1) of that section and in that subsection, in the definition of “housing authority”, after “includes” insert “ (subject to subsection (2)) ”.
- (3) After that subsection insert—
- “(2) In section 444 “housing authority” does not include the Secretary of State unless the interest in the house is or was acquired on a disposal by him under section 90 of the ^{M70}Housing Associations Act 1985; and in section 452 “housing authority” does not include the Secretary of State unless the disposal was under that section 90.”

Marginal Citations

M70 1985 c. 69.

- 19 In section 459 (index of defined expressions)—
- (a) omit the entry relating to “the Corporation”, and
- (b) after the entry relating to “registered social landlord” insert—
-
- “the Relevant Authority section 6A”.
-
- 20 In section 577 (index of defined expressions)—
- (a) omit the entry relating to “the Corporation”, and
- (b) after the entry relating to “reinstatement grant” insert—
-
- “the Relevant Authority section 6A”.
-
- 21 (1) Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies) is amended as follows.
- (2) In Ground 10A in Part II, for “Corporation” substitute “ Housing Corporation or Scottish Homes ”.
- (3) In paragraph 6 of Part V, for “registered social landlord, the Corporation, and not the Secretary of State,” substitute “ social landlord registered in the register maintained by the Housing Corporation under section 1 of the ^{M71}Housing Act 1996 or a housing association registered in the register maintained by Scottish Homes under section 3 of the ^{M72}Housing Associations Act 1985, the Housing Corporation, or Scottish Homes, (and not the Secretary of State) ”.

Marginal Citations

M71 1996 c. 52.

M72 1985 c. 69.

- 22 In paragraph 7(1) of Schedule 4 (landlords for the purposes of right to buy etc.), for “Corporation” substitute “ Housing Corporation or Housing for Wales ”.

Status: Point in time view as at 01/04/2018.

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The Housing Associations Act 1985 (c.69)

23 The Housing Associations Act 1985 has effect subject to the following amendments.

24 ^{F90}

Textual Amendments

F90 Sch. 16 para. 24 repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 321(1), 325, [Sch. 16](#); [S.I. 2010/862](#), art. 3 (subject to Sch.)

25 ^{F91}

Textual Amendments

F91 Sch. 16 para. 25 repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 321(1), 325, [Sch. 16](#); [S.I. 2010/862](#), art. 3 (with transitional savings in Sch.)

26 ^{F92}

Textual Amendments

F92 Sch. 16 para. 26 repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 321(1), 325, [Sch. 16](#); [S.I. 2010/862](#), art. 3 (with transitional savings in Sch.)

27 (1) Section 69 (power to vary or terminate certain agreements with housing associations) is amended as follows.

(2) [^{F93}In subsection (1)(a), after “Housing for Wales” insert “ and then to the Secretary of State ”.]

(3) In subsection (2)—

(a) for “On the application of a party to an agreement to which this section applies, the Secretary of State” substitute “ If any person (other than the Secretary of State) who is a party to an agreement to which this section applies makes an application to the Secretary of State, he ”, and

(b) at the end (but not as part of paragraph (b)) insert— “ and where the Secretary of State is a party to such an agreement, he may agree that it shall have effect with any variations or that it shall be terminated. ”

(4) [^{F93}In subsection (2A)—

(a) after “Housing for Wales”, in the first place, insert “ and then to the Secretary of State ”, and

(b) for “Housing for Wales”, in the second place, substitute “ the Secretary of State ”.]

Textual Amendments

F93 Sch. 16 para. 27(2)(4) repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), arts. 3(2), 7, [Sch. 4](#) (with art. 6 Sch. 3)

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28

[^{F94}Subject to the following provisions, in each place in Part III (including headings and sidenotes) except in Schedule 6 and the phrase “Housing Corporation”—
(a) for “Corporation” substitute “ Relevant Authority ”, and
(b) for “Corporation’s” substitute “ Relevant Authority’s ”.]

Textual Amendments
F94 Sch. 16 para. 28 repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), arts. 3(2), 7, **Sch. 4** (with art. 6 Sch. 3)

29

[^{F95}(1) Section 74 (interpretation) is amended as follows.
(2) In subsection (1), for “, and Housing for Wales, each of which” substitute
(1A) Each of them”.
(3) In subsection (4)(a), for “Housing for Wales” substitute “ the Secretary of State ”.]

Textual Amendments
F95 Sch. 16 para. 29 repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), arts. 3(2), 7, **Sch. 4** (with art. 6 Sch. 3)

^{F96}30

Textual Amendments
F96 Sch. 16 para. 30 repealed (2.4.2001) by [2000 c. 34, s. 9\(2\)](#), **Sch. 3** (with s. 10(5)); [S.I. 2001/566](#), **art. 2(1)** (subject to **art. 2(2)**)

31

[^{F97}In section 76(1), (2) and (4) (directions by the Secretary of State), for “Corporation” substitute “ Housing Corporation ”.]

Textual Amendments
F97 Sch. 16 para. 31 repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), arts. 3(2), 7, **Sch. 4** (with art. 6 Sch. 3)

32 ^{F98}

Textual Amendments
F98 Sch. 16 para. 32 repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, **Sch. 2**

33

[^{F99}In section 77(3) (joint provision of advisory service by Housing Corporation and Housing for Wales), for “Housing for Wales” substitute “ the Secretary of State ”.]

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Textual Amendments

F99 Sch. 16 para. 33 repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), arts. 3(2), 7, [Sch. 4](#) (with art. 6 Sch. 3)

34 **F100**

Textual Amendments

F100 Sch. 16 para. 34 repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, [Sch. 2](#)

35 (1) Section 79 (lending powers) is amended as follows.

(2) For subsections (1) and (2) substitute—

“(1) The Relevant Authority may lend to a registered social landlord or an unregistered self-build society, and the Housing Corporation may lend to any of its subsidiaries or to any other body in which it holds an interest, for the purpose of enabling the body to meet the whole or part of expenditure incurred or to be incurred by it in carrying out its objects.

(2) The Relevant Authority may lend to an individual for the purpose of enabling him to acquire from—

- (a) the Relevant Authority, or
- (b) any body to which the Relevant Authority may lend under subsection (1),

a legal estate or interest in a dwelling which he intends to occupy.”

(3) [^{F101}In subsection (4), after “and” insert “ (in the case of a loan by the Housing Corporation) ”.]

Textual Amendments

F101 Sch. 16 para. 35(3) repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), arts. 3(2), 7, [Sch. 4](#) (with art. 6 Sch. 3)

36 [^{F102}(1) Section 80 (security for loans to unregistered self-build societies) is amended as follows.

(2) In subsection (1), omit “, with the written consent of the Secretary of State,”.

(3) In subsection (3), omit “given with the like consent”.

(4) After that subsection insert—

“(3A) The written consent of the Secretary of State is required for the giving, varying or revoking of directions by the Housing Corporation.”

(5) In subsection (4), for the words from “consent” to “or to” substitute “ give directions under this section requiring a society to transfer its interest in land to him or any other person, and shall not consent to the Housing Corporation’s giving such directions requiring a society to transfer its interest in land to the Housing Corporation or ”.]

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Textual Amendments

F102 Sch. 16 para. 36 repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), arts. 3(2), 7, [Sch. 4](#) (with art. 6 Sch. 3)

37 ^{F103}(1) Section 83 (power to guarantee loans) is amended as follows.

(2) For subsection (1) substitute—

“(1) The Relevant Authority may guarantee the repayment of the principal of, and the payment of interest on, sums borrowed by registered social landlords or unregistered self-build societies; and the Housing Corporation may guarantee the repayment of the principal of, and the payment of interest on, sums borrowed by other bodies in which it holds an interest.”

(3) After that subsection insert—

“(1A) The consent of the Secretary of State given with the approval of the Treasury is required for the giving of a guarantee by the Housing Corporation and the approval of the Treasury is required for the giving of a guarantee by the Secretary of State.”

(4) In subsection (3A), for “Housing for Wales” (in each place) substitute “ the Secretary of State (or Housing for Wales) ”.]

Textual Amendments

F103 Sch. 16 para. 37 repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), arts. 3(2), 7, [Sch. 4](#) (with art. 6 Sch. 3)

38 (1) Section 84 (agreements to indemnify certain lenders) is amended as follows.

(2) In subsection (1), omit “, with the approval of the Secretary of State,”.

(3) ^{F104}

(4) In subsection (5), after “approval” insert “ and before himself entering into an agreement in a form about which he has not previously consulted under this subsection ”.

Textual Amendments

F104 Sch. 16 para. 38(3) repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, [Sch. 2](#)

39 In section 85(4) (meaning of “relevant advance”)—

(a) ^{F105}

(b) at the end (but not as part of the list) insert— “ or an advance made to such a person by the Secretary of State if the conveyance, assignment or grant was made under section 90. ”

Status: Point in time view as at 01/04/2018.

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Textual Amendments

F105 Sch. 16 para. 39(a) repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, [Sch. 2](#)

40 In section 87(2) (ways in which financial assistance under the section may be given), after “giving any form of financial assistance” insert “ under this section ”.

41 **F106**

Textual Amendments

F106 Sch. 16 para. 41 repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, [Sch. 2](#)

42 (1) Section 90 (disposal of land) is amended as follows.

(2) In subsection (1), for the words “(ancillary development)” onwards substitute “ (ancillary development) to a registered social landlord or an unregistered self-build society; and the Housing Corporation may dispose of such land to any of its subsidiaries or to any other body in which it holds an interest. ”

(3) In subsection (2), for the words following “new town corporation” substitute “, or
Scottish Homes;

and the Housing Corporation may dispose of any such land to any of its subsidiaries. ”

(4) **F107**

(5) **F107**

(6) **F107**

(7) **F107**

Textual Amendments

F107 Sch. 16 para. 42(4)-(7) repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, [Sch. 2](#)

43 **F108**

Textual Amendments

F108 Sch. 16 paras. 43-51 repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, [Sch. 2](#)

44 **F109**

Status: Point in time view as at 01/04/2018.

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Textual Amendments

F109 Sch. 16 paras. 43-51 repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, **Sch. 2**

45 **F110**

Textual Amendments

F110 Sch. 16 paras. 43-51 repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, **Sch. 2**

46 **F111**

Textual Amendments

F111 Sch. 16 paras. 43-51 repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, **Sch. 2**

47 **F112**

Textual Amendments

F112 Sch. 16 paras. 43-51 repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, **Sch. 2**

48 **F113**

Textual Amendments

F113 Sch. 16 paras. 43-51 repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, **Sch. 2**

49 **F114**

Textual Amendments

F114 Sch. 16 paras. 43-51 repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, **Sch. 2**

50 **F115**

Textual Amendments

F115 Sch. 16 paras. 43-51 repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, **Sch. 2**

51 **F116**

Status: Point in time view as at 01/04/2018.

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Textual Amendments

F116 Sch. 16 paras. 43-51 repealed (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), arts. 1(3), 6, **Sch. 2**

- 52 In paragraph 6(2)(b) of Part I of Schedule 5 (payments by Secretary of State where dwellings become vested in certain bodies), omit “or Housing for Wales”.
- 53 (1) Schedule 7 (powers exercisable where loan outstanding under section 2 of the ^{M73}Housing Act 1964) is amended as follows.
- (2) In paragraph 2—
- (a) in sub-paragraph (1), omit “, with the consent in writing of the Secretary of State,”,
- (b) in sub-paragraph (2), omit “given with the like consent”, and
- (c) after that sub-paragraph insert—
- “(3) The written consent of the Secretary of State is required for the giving, varying or revoking of directions by the Housing Corporation.”
- (3) [^{F117}In paragraph 3—
- (a) for “Corporation” (in both places) substitute “ Housing Corporation ”, and
- (b) at the end insert “ ; and the Secretary of State shall not give a housing association directions under paragraph 2 unless he at the same time makes, or has previously made, such a scheme. ”]
- (4) [^{F117}Paragraph 4 shall be renumbered as sub-paragraph (1) of that paragraph and—
- (a) in that sub-paragraph, for “Corporation” (in both places) substitute “ Housing Corporation ”, and
- (b) after that sub-paragraph insert—
- “(2) The Secretary of State shall not give to such an association directions under paragraph 2 requiring the association to transfer any land to the Secretary of State, or to any other person, unless he is so satisfied.”]
- (5) [^{F117}In paragraph 5—
- (a) in sub-paragraph (1), for “Corporation” (in both places) substitute “ Housing Corporation ”,
- (b) after that sub-paragraph insert—
- “(1A) If it so appears to the Secretary of State, he may make a scheme.”,
- (c) in sub-paragraphs (3), (4) and (5), for “Corporation” substitute “ Housing Corporation ”, and
- (d) after sub-paragraph (5) insert—
- “(6) Where the Secretary of State makes the scheme, he shall have power to acquire for the purposes of the scheme the association’s interest in the land and to carry through the provisions of the scheme.”]

Status: Point in time view as at 01/04/2018.

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Textual Amendments

F117 Sch. 16 para. 53(3)(4)(5) repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), arts. 3(2), 7, **Sch. 4** (with art. 6 Sch. 3)

Marginal Citations

M73 1964 c. 56.

The Income and Corporation Taxes Act 1988 (c.1)

54 The Income and Corporation Taxes Act 1988 has effect subject to the following amendments.

55 In section 376(4) (qualifying lenders), for paragraph (ka) substitute—
“(ka) the Secretary of State if the loan is made by him under section 79 of the ^{M74}Housing Associations Act 1985;”.

Marginal Citations

M74 1985 c. 69.

56 In section 488(7A) (co-operative housing associations), omit paragraph (b) and the word “and” preceding it.

57 In section 489(5A) (self-build societies), omit paragraph (b) and the word “and” preceding it.

58 ^{F118}

Textual Amendments

F118 Sch. 16 para. 58 repealed (22.7.2004) by [Finance Act 2004 \(c. 12\)](#), ss. 326, **Sch. 42 Pt. 2(7)**

The Housing Act 1988 (c.50)

59 The Housing Act 1988 has effect subject to the following amendments.

60 ^{F119}

Textual Amendments

F119 Sch. 16 para. 60 repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 7, **Sch. 4** (with art. 6 Sch. 3)

61 (1) ^{F120}

(2) Sub-paragraph (1) and paragraphs 64 to 66 extend only to England and Wales.

Status: Point in time view as at 01/04/2018.

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Textual Amendments

F120 Sch. 16 para. 61(1) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 321(1), 325, [Sch. 16](#); S.I. 2010/862, art. 3 (with transitional savings in [Sch.](#))

- 62 Omit section 46 (Housing for Wales).
- 63 Omit section 47 (transfer to Housing for Wales of regulation etc. of housing associations based in Wales).
- 64 **F121**

Textual Amendments

F121 Sch. 16 para. 64 repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 321(1), 325, [Sch. 16](#); S.I. 2010/862, art. 3 (with transitional savings in [Sch.](#))

- 65 **F122**

Textual Amendments

F122 Sch. 16 para. 65 repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 321(1), 325, [Sch. 16](#); S.I. 2010/862, art. 3 (with transitional savings in [Sch.](#))

- 66 [^{F123}In section 57 (delegation of functions by Secretary of State)—
- (a) for “Corporation” substitute “ Housing Corporation ”,
 - (b) after “functions” insert “ , so far as they relate to English registered social landlords, ”, and
 - (c) at the end insert—

“In this section “English registered social landlords” means social landlords registered in the register maintained by the Housing Corporation under section 1 of the ^{M75}Housing Act 1996.”]

Textual Amendments

F123 Sch. 16 para. 66 repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), arts. 3(2), 7, [Sch. 4](#) (with art. 6 [Sch. 3](#))

Marginal Citations

M75 1996 c. 52.

- 67 In section 59(2) (introduction of Schedule 6)—
- (a) in paragraph (b), omit “the establishment by this Part of this Act of Housing for Wales and”, and
 - (b) in paragraph (c), for “other” substitute “ the ”.
- 68 In section 81 (consent of Secretary of State to certain subsequent disposals of houses disposed of by housing action trusts)—
- (a) **F124**

Status: Point in time view as at 01/04/2018.

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- (b) in subsection (7), for “in accordance with subsection (6) above” substitute “under this section”.

Textual Amendments

F124 Sch. 16 para. 68(a) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 321(1), 325, [Sch. 16](#); S.I. 2010/862, art. 3 (with transitional savings in [Sch.](#))

69

F125

Textual Amendments

F125 Sch. 16 para. 69 repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 7, [Sch. 4](#) (with art. 6 [Sch. 3](#))

70

Omit section 92(2) (meaning of “the Corporation” in Part III).

71

In section 133 (consent of Secretary of State to certain subsequent disposals of houses disposed of by local authorities)—

- (a) in subsection (6), omit “or Housing for Wales”, and
(b) in subsection (7), for “in accordance with subsection (6) above” substitute “under this section”.

72

In section 140(1) (amendments), omit the words “and in that Schedule” onwards.

73

Omit Schedule 5 (constitution etc. of Housing for Wales).

The Local Government and Housing Act 1989 (c.42)

74

The Local Government and Housing Act 1989 has effect subject to the following amendments.

75

In section 172(2)(b) (transfer of new town housing stock), omit “or Housing for Wales”.

76

(1) Section 173 (consent required for subsequent disposals) is amended as follows.

(2) In subsection (6), omit “or Housing for Wales”.

(3) In subsection (7), for “in accordance with subsection (6) above” substitute “under this section”.

The Taxation of Chargeable Gains Act 1992 (c.12)

77

The Taxation of Chargeable Gains Act 1992 has effect subject to the following amendments.

78

In section 218(3) (disposals between Housing for Wales and certain housing associations), for ““Housing for Wales”” substitute ““the Secretary of State””.

79

In section 219(2) (disposals by Housing for Wales etc. and certain housing associations), for ““Housing for Wales”” substitute ““the Secretary of State””.

80

In the heading preceding section 218 and in the sidenotes of that section and section 219, for “Housing for Wales” substitute “the Secretary of State”.

Status: Point in time view as at 01/04/2018.

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The Housing Act 1996 (c.52)

- 81 Part I of the Housing Act 1996 has effect subject to the following amendments.
- 82 (1) Subject to the following provisions, in each place (including headings and sidenotes) except in the phrase “Housing Corporation”—
- (a) for “Corporation” substitute “ Relevant Authority ”, and
 - (b) for “Corporation’s” substitute “ Relevant Authority’s ”.
- (2) Sub-paragraph (1) does not apply to Schedule 3.
- 83 (1) Section 1 (register of social landlords) is amended as follows.
- (2) In subsection (1), omit “at the head office of the Corporation”.
 - (3) ^{F126}.....
 - (4) Omit subsection (2).

Textual Amendments

F126 Sch. 16 para. 83(3) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 321(1), 325, [Sch. 16](#); [S.I. 2010/862](#), art. 3 (with transitional savings in [Sch.](#))

- 84 (1) Section 9 (Corporation’s consent required for disposal of land by registered social landlord) is amended as follows.
- (2) In subsection (1), omit “, given by order under the seal of the Corporation,”.
 - (3) After that subsection insert—
 - “(1A) The consent—
 - (a) if given by the Housing Corporation, shall be given by order under its seal, and
 - (b) if given by the Secretary of State, shall be given by order in writing.”
- 85 (1) Section 18 (social housing grants) is amended as follows.
- (2) For subsection (5) substitute—
 - “(5) The appointment—
 - (a) if made by the Housing Corporation, shall be on such terms as the Housing Corporation may, with the approval of the Secretary of State given with the consent of the Treasury, specify, and
 - (b) if made by the Secretary of State, shall be on such terms as the Secretary of State may, with the consent of the Treasury, specify;and, in either case, the authority shall act in accordance with those terms.”
 - (3) ^{F127}.....

Textual Amendments

F127 Sch. 16 para. 85(3) repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 7, [Sch. 4](#) (with art. 6 Sch. 3)

Status: Point in time view as at 01/04/2018.

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86 For section 30(5) (notices requiring giving of information or production of documents) substitute—

“(5) A notice under this section—

- (a) if given by the Housing Corporation, shall be given under its seal, and
- (b) if given by the Secretary of State, shall be given in writing.”

87 For section 36(3) and (4) (issue of guidance about management of housing accommodation) substitute—

“(3) Before issuing any guidance under this section the Relevant Authority shall consult such bodies appearing to the Relevant Authority to be representative of registered social landlords as the Relevant Authority considers appropriate; and where the Relevant Authority issues guidance under this section it shall be issued in such manner as the Relevant Authority considers appropriate for bringing it to the notice of the landlords concerned.

(4) The Housing Corporation shall not issue guidance under this section unless—

- (a) it has been submitted in draft to the Secretary of State for his approval, and
- (b) the Secretary of State has given his approval to the draft.”

88 (1) Section 46 (appointment of manager to implement agreed proposals) is amended as follows.

(2) In subsections (1) and (6), omit “under its seal”.

(3) After subsection (6) insert—

“(7) An order under this section—

- (a) if made by the Housing Corporation, shall be made under its seal, and
- (b) if made by the Secretary of State, shall be made in writing.”

89 F128

Textual Amendments
F128 Sch. 16 para. 89 repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 7, [Sch. 4](#) (with art. 6 Sch. 3)

90 In section 51(2) (the bodies that are social landlords for the purposes of having complaints against them investigated by a housing ombudsman)—

- (a) in paragraph (a), after “registered social landlord” insert “ or a body which was at any time a registered social landlord ”, and
- (b) in paragraph (d), for “Corporation” substitute “ Housing Corporation, or with Housing for Wales, ”.

91 In section 52(1) (provisions about powers of Secretary of State to make orders), for “this Part” substitute “ section 2, 17, 39, 51 or 55 or Schedule 2 ”.

92 F129

Status: Point in time view as at 01/04/2018.

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Textual Amendments

F129 Sch. 16 para. 92 repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 7, [Sch. 4](#) (with art. 6 Sch. 3)

93 **F130**

Textual Amendments

F130 Sch. 16 para. 93 repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 7, [Sch. 4](#) (with art. 6 Sch. 3)

94 **F131**

Textual Amendments

F131 Sch. 16 para. 94 repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 321(1), 325, [Sch. 16](#); S.I. 2010/862, art. 3 (with transitional savings in Sch.)

95 **F132**

Textual Amendments

F132 Sch. 16 para. 95 repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 7, [Sch. 4](#) (with art. 6 Sch. 3)

- 96 (1) Schedule 1 (regulation of registered social landlords) is amended as follows.
- (2) In paragraphs 9 and 11—
- (a) in sub-paragraph (3), omit “given by order under the seal of the Corporation”, and
 - (b) after that sub-paragraph insert—
 - “(3A) Consent under sub-paragraph (3)—
 - (a) if given by the Housing Corporation, shall be given by order under its seal, and
 - (b) if given by the Secretary of State, shall be given by order in writing.”
- (3) In paragraphs 12(6) and 13(7), for “are to consent given by order under the seal of the Corporation” substitute “are—
- (a) if it is given by the Housing Corporation, to consent given by order under its seal, and
 - (b) if it is given by the Secretary of State, to consent given by order in writing.”
- (4) **F133**
- (5) In paragraph 20(3)—
- (a) after “appointed”, in the first place, insert “ by the Housing Corporation to conduct an inquiry ”,

Status: Point in time view as at 01/04/2018.

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- (b) for “Corporation” substitute “ Housing Corporation ”, and
 - (c) before “appointed”, in the second place, insert “ so ”.
- (6) In paragraph 27(1)—
- (a) omit “, with the consent of the Secretary of State,”, and
 - (b) ^{F133}
- (7) ^{F133}
- (8) In paragraph 28(2), in the entry relating to section 79 of the ^{M76}Housing Associations Act 1985, for “Housing Corporation” substitute “ Relevant Authority ”.

Textual Amendments
F133 Sch. 16 para. 96(4)(6)(b)(7) repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 7, [Sch. 4](#) (with art. 6 Sch. 3)

Marginal Citations
M76 1985 c. 69.

- 97 (1) Schedule 2 (social rented sector: housing complaints) is amended as follows.
- (2) In paragraph 6(2), for “Corporation” (in both places) substitute “ Housing Corporation ”.
 - (3) ^{F134}

Textual Amendments
F134 Sch. 16 para. 97(3) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 321(1), 325, [Sch. 16](#); [S.I. 2010/862](#), art. 3 (with transitional savings in Sch.)

The Audit Commission Act 1998 (c.18)

- 98 The Audit Commission Act 1998 has effect subject to the following amendments.
- 99 (1) Section 40 (power of Secretary of State to direct carrying out of programme agreed between the Corporation and the Audit Commission) is amended as follows.
- (2) In subsection (1), for “Corporation” substitute “ Relevant Authority ”.
 - (3) In subsection (2), for “Corporation” substitute “ Housing Corporation ”.
 - (4) ^{F135}
 - (5) In subsections (4) and (6), for “Corporation” (in each place) substitute “ Relevant Authority ”.

Textual Amendments
F135 Sch. 16 para. 99(4) repealed (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), ss. 72, 73, [Sch. 4](#); [S.I. 2005/558](#), art. 2 {Sch. 1} (subject to Sch. 2)

Status: Point in time view as at 01/04/2018.

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100 In section 41(1) and (4) (provisions supplementary to section 40), for “Corporation” substitute “ Relevant Authority ”.

[^{F136}101 In section 42 (functions of Audit Commission in relation to accounts of registered social landlords), for “Corporation” (in each place) substitute “ Relevant Authority ”.]

Textual Amendments

F136 Sch. 16 para. 101 repealed (E.W.) (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 241, 245, Sch. 18 Pt. 11; S.I. 2008/172, art. 2(u)(i) (as amended by S.I. 2008/337, art. 3)

[^{F137}102 In section 43 (interpretation), for “Corporation” substitute “ Relevant Authority ”.]

Textual Amendments

F137 Sch. 16 para. 102 repealed (E.W.) (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 241, 245, Sch. 18 Pt. 11; S.I. 2008/172, art. 2(u)(i) (as amended by S.I. 2008/337, art. 3)

SCHEDULE 17

Section 144.

AUDIT ETC. OF WELSH PUBLIC BODIES

Commencement Information

III Sch. 17 in force at 1.12.1998 by S.I. 1998/2789, art. 2

PART I

BODIES SUBJECT GENERALLY TO AUDIT ETC. PROVISIONS

1 A body specified in Part I or III of Schedule 4^{F138}

Textual Amendments

F138 Words in Sch. 17 para. 1 repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 65(4), 72, 73, Sch. 4; S.I. 2005/558, art. 2 {Sch. 1} (subject to Sch. 2)

2 An Agricultural Land Tribunal established for an area wholly in, or consisting of, Wales.

3 A housing action trust established for an area wholly in Wales.

4 The [^{F139}Local Democracy and Boundary Commission for Wales].

Status: Point in time view as at 01/04/2018.

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Textual Amendments

F139 Words in Sch. 17 para. 4 substituted (7.10.2016) by The Government of Wales Act 1998 (Local Democracy and Boundary Commission for Wales) (Amendment) Order 2016 (S.I. 2016/970), arts. 1(2), 2

- 5 The Mental Health Review Tribunal for Wales.
- 6 The National Library of Wales.
- 7 The National Museum of Wales.
- 8 A panel, established under Schedule 10 to the ^{M77}Rent Act 1977, of persons to act as chairmen and other members of rent assessment committees for an area or areas every part of which is in Wales.

Marginal Citations

M77 1977 c. 42.

- 9 The Royal Commission on Ancient and Historical Monuments of Wales.
- 10 An urban development corporation established for an urban development area wholly in Wales.
- 11 A valuation tribunal exercising functions in relation only to Wales or an area of Wales.

PART II

BODIES PARTIALLY SUBJECT TO AUDIT ETC. PROVISIONS

- 12 **F140**

Textual Amendments

F140 Sch. 17 para. 12 repealed (1.10.2002 for E.W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 37(2), **Sch. 2 Pt. 2 para. 66(3)**, **Sch. 9 Pt. 1**; S.I. 2002/2478, arts. 2(1), **3(1)(d)** (subject to art. 3(3) and with transitional provisions in art. 4) (S.I. 2002/2532, arts. 1(3), 2, Sch. purports to bring Sch. 2 Pt. 2 para. 66(3) of the repealing Act into force on 10.10.2002 in relation to Wales only)

- [^{F141}12A A Local Health Board.]

Textual Amendments

F141 Sch. 17 para. 12A inserted (10.10.2002 for W. and in accordance with art. 1(1) of the commencing S.I. for E.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 6(2), **Sch. 5 para. 42(3)**; S.I. 2002/2532 {art. 2}, Sch; S.I. 2006/1407, arts. 1, 2, **Sch. 1 Pt. 2 para. 12** (with art. 4)

- 13 A National Health Service trust all or most of whose hospitals, establishments and facilities are situated in Wales or any trustees appointed in pursuance of

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[^{F142}paragraph 10 of Schedule 3 to the National Health Service (Wales) Act 2006]
for such a trust.

Textual Amendments

F142 Words in Sch. 17 para. 13 substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), Sch. 1 para. 193(a) (with Sch. 3 Pt. 1)

- 14 A Special Health Authority performing functions only or mainly in respect of Wales.
- [^{F143}14A A body of trustees appointed in pursuance of section 29(1) of the National Health Service Reorganisation Act 1973 and section 95(1) of the National Health Service Act 1977 [^{F144}and section 160(1) of the National Health Service (Wales) Act 2006] for a trust all or most of whose hospitals, establishments and facilities are situated in Wales.]

Textual Amendments

F143 Sch. 17 Pt. 2 para. 14A inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 73, Sch. 2 para. 51; S.I. 2005/558, art. 2 {Sch. 1} (subject to Sch. 2)

F144 Words in Sch. 17 para. 14A inserted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), Sch. 1 para. 193(b) (with Sch. 3 Pt. 1)

PART III

BODIES SUBJECT ONLY TO PROVISIONS ABOUT ACCOUNTING OFFICERS AND EXAMINATIONS OF USE OF RESOURCES

- 15 The Arts Council of Wales.
- 16 The Sports Council for Wales.

SCHEDULE 18

Section 152.

REPEALS

PART I

WELSH ADMINISTRATION OMBUDSMAN AND HEALTH SERVICE COMMISSIONER FOR WALES

Commencement Information

I12 Sch. 18 Pt. I wholly in force at 1.7.1999; Sch. 18 Pt. I in force for certain purposes at 1.2.1999 by S.I. 1999/118, art. 2 and in force for certain purposes at 1.4.1999 by S.I. 1999/782, art. 2 and for certain purposes at 1.7.1999 by S.I. 1999/1290, art. 4

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Chapter	Short title	Extent of repeal
1967 c. 13.	The Parliamentary Commissioner Act 1967.	In Schedule 2, the entries relating to the Arts Council of Wales (Cyngor Celfyddydau Cymru), Bwrdd yr Iaith Gymraeg (Welsh Language Board), the Countryside Council for Wales, the Office of Her Majesty's Chief Inspector of Schools in Wales, the Sports Council for Wales and the Wales Tourist Board.
1974 c. 7.	The Local Government Act 1974.	In section 33(5), the words "by any of the Commissioners mentioned in this section, or by any of their officers,".
1989 c. 26.	The Finance Act 1989.	In section 182(4)(a)(i), the word "or".
1990 c. 43.	The Environmental Protection Act 1990.	In Schedule 6, paragraph 23(a).
1993 c. 38.	The Welsh Language Act 1993.	In Schedule 1, paragraph 5.
1993 c. 46.	The Health Service Commissioners Act 1993.	In section 2, in subsection (2)(b), the word "and" and, in subsection (5), the words "by Order in Council". In section 18(3), the words "by a Commissioner or his officers". In Schedule 1, in paragraphs 3(2)(a) and 3A(2)(a), the words "or for Wales" and paragraph 11(2).
1995 c. 17.	The Health Authorities Act 1995.	In Schedule 1, in paragraph 126(2)(b), the words "in paragraph (b), after "Wales," insert " and """.
S.I. 1995/1615.	The Parliamentary Commissioner Order 1995.	In article 2, the words " "Arts Council of Wales (Cyngor Celfyddydau Cymru)" ,".
1996 c. 57.	The School Inspections Act 1996.	In Schedule 6, in paragraph 1, the entry relating to the Office of Her Majesty's Chief Inspector of Schools in Wales.

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PART II

WELSH PUBLIC RECORDS

Commencement Information

I13 Sch. 18 Pt. II partly in force; Sch. 18 Pt. II in force for certain purposes at 1.4.1999 by S.I. 1999/782, art. 2

Chapter	Short title	Extent of repeal
6 & 7 Eliz.2 c. 51.	The Public Records Act 1958.	<p>In the First Schedule, in the Table at the end of paragraph 3—</p> <p>in Part I, the entry relating to the Welsh Board of Health, and</p> <p>in Part II, the entries relating to the Countryside Council for Wales, the Curriculum and Assessment Authority for Wales, the Further Education Funding Council for Wales, the General Teaching Council for Wales, the Higher Education Funding Council for Wales and the Qualifications, Curriculum and Assessment Authority for Wales and, in the entry relating to any body established for the purpose of determining the boundaries of local authorities in England or Wales, the words “or Wales”.</p>

PART III

WELSH DEVELOPMENT AGENCY

Chapter	Short title	Extent of repeal
1975 c. 70.	The Welsh Development Agency Act 1975.	<p>In section 16(3)(b), the words “compulsorily or by agreement”.</p> <p>Sections 22 and 23.</p> <p>Section 24(1) to (5).</p> <p>Section 26.</p>

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		In section 27(1), the definitions of “industry” and “industrial”.
		In Schedule 1—
		in paragraph 8, the words “with the consent” onwards,
		in paragraph 9, the words “with the approval of the Minister for the Civil Service”,
		in paragraph 10, the words “with the approval of the said Minister”,
		in paragraph 11, the words “, with the approval of the said Minister,” and the words “with the approval of the said Minister”, and
		in paragraph 12(1), the words “with the consent of the Minister for the Civil Service” and the words “with the approval of the said Minister”.
1981 c. 67.	The Acquisition of Land Act 1981.	In Schedule 4, in paragraph 1, in the Table, the entry relating to the Welsh Development Agency Act 1975.
1982 c. 42.	The Derelict Land Act 1982.	Section 1(12). Section 2(3) and (4).
1990 c. 11.	The Planning (Consequential Provisions) Act 1990.	In Schedule 2, paragraph 34(2).

PART IV

DEVELOPMENT BOARD FOR RURAL WALES

Chapter	Short title	Extent of repeal
2 & 3 Eliz.2 c. 56.	The Landlord and Tenant Act 1954.	Section 59(1B).
		Section 60B.
1964 c. 26.	The Licensing Act 1964.	Section 115(3).
		In Schedule 10, paragraph 1(1A).

Status: Point in time view as at 01/04/2018.

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1967 c. 13.	The Parliamentary Commissioner Act 1967.	In Schedule 2, the entry relating to the Development Board for Rural Wales.
1967 c. 88.	The Leasehold Reform Act 1967.	Section 28(5)(bb). In section 29, subsection (6A) and, in subsection (7), the words “the Development Board for Rural Wales”. In section 30(7), the words “to the Development Board for Rural Wales”. In Schedule 4, in Part II, paragraph 6. In Schedule 4A, paragraph 2(2)(e).
1968 c. 34.	The Agriculture (Miscellaneous Provisions) Act 1968.	In section 13(2), the words “or section 4(1) of the Development of Rural Wales Act 1976”.
1969 c. 32.	The Finance Act 1969.	In section 58(4), in the Table, the entry relating to the Development Board for Rural Wales.
1973 c. 26.	The Land Compensation Act 1973.	Section 39(4)(f) and (8)(d).
1973 c. 50.	The Employment and Training Act 1973.	In section 4, in subsection (3)(e)(ii), the words “the Development Board for Rural Wales” and subsection (5)(f).
1974 c. 7.	The Local Government Act 1974.	Section 25(1)(bc). In section 26, subsection (7)(b) and, in subsection (13), “(bc)”.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the Development Board for Rural Wales.
1975 c. 70.	The Welsh Development Agency Act 1975.	In section 2, subsection (1A) and, in subsection (2), the words “(other than the chairman of the Development Board for Rural Wales)”. Section 5(1A).

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		Section 11(2)(a).
1976 c. 75.	The Development of Rural Wales Act 1976.	Sections 1 to 22. Section 23(3) and (4). Sections 24 and 25. In section 26(1), the words “(other than the Board)”. Sections 27 to 34. In section 35, subsection (2) and, in subsection (3), the words “With the exception of paragraph 8 of Schedule 1,”. Schedules 1 to 7.
1977 c. 42.	The Rent Act 1977.	Section 14(f).
1977 c. 43.	The Protection from Eviction Act 1977.	Section 3A(8)(f).
1977 c. 49.	The National Health Service Act 1977.	Section 28A(2)(e)(vi) and the word “and” preceding it. Section 28B(1)(b)(vi) and the word “and” preceding it.
1980 c. 48.	The Finance Act 1980.	Section 97(3)(e).
1980 c. 63.	The Overseas Development and Co-operation Act 1980.	In Schedule 1, in Part III, the entry relating to the Development Board for Rural Wales.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	Section 131(5). In Schedule 19, paragraph 1(f).
1980 c. 66.	The Highways Act 1980.	In Schedule 24, paragraph 28.
1981 c. 6.	The Industry Act 1981.	In section 2(4), the words “Section 12(3) of the Development of Rural Wales Act 1976 and”. In section 7(5), the words “or the Development Board for Rural Wales”.
1981 c. 35.	The Finance Act 1981.	Section 107(3)(i).
1981 c. 64.	The New Towns Act 1981.	Section 1(2). Section 2(5). In section 3(1), the words “, subject to section 3(2) of the

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		Development of Rural Wales Act 1976”.
		In Schedule 12, paragraphs 20 to 22.
1981 c. 67.	The Acquisition of Land Act 1981.	Section 28(c).
		In Schedule 4, in paragraph 1, in the Table, the entry relating to the Development of Rural Wales Act 1976, in paragraph 16(3), the words “, and for the paragraph 6(2) inserted by the Development of Rural Wales Act 1976,” and paragraph 27.
1982 c. 30.	The Local Government (Miscellaneous Provisions) Act 1982.	In Schedule 4, paragraph 2(5)(e) and the word “and” preceding it.
1983 c. 28.	The Finance Act 1983.	In section 45(3), paragraph (b) and the word “or” preceding it.
1983 c. 29.	The Miscellaneous Financial Provisions Act 1983.	In Schedule 2, the entry relating to the Development of Rural Wales Act 1976.
1984 c. 12.	The Telecommunications Act 1984.	In Schedule 4, paragraphs 3(1)(e) and 67.
1985 c. 5.	The New Towns and Urban Development Corporations Act 1985.	Section 11.
		In Schedule 2, paragraph 1.
1985 c. 68.	The Housing Act 1985.	In section 27B(3), the words “or the Development Board for Rural Wales”.
		In section 45(2), the words “the Development Board for Rural Wales,”.
		In section 50(2), the words “or the Development Board for Rural Wales”.
		In section 80(1), the words “the Development Board for Rural Wales,”.
		In section 114(1) and (2), the words “or the Development Board for Rural Wales,”.

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In section 157(1), the words “, the Development Board for Rural Wales”.

In section 171(2), the words “the Development Board for Rural Wales,”.

In section 421(1), the words “and the Development Board for Rural Wales”.

Section 426.

In section 427(1), the words “or the Development Board for Rural Wales”.

In section 427A, the words “or the Development Board for Rural Wales”.

In section 447(1), the words “the Development Board for Rural Wales,”.

In section 548(1), in the Table, paragraph 3.

In section 573(1), the words “the Development Board for Rural Wales,”.

In Schedule 1, in paragraph 2(1), the words “the Development Board for Rural Wales,”.

In Schedule 2, in Part I, in Ground 7, and in Part III, in Ground 12, the words “the Development Board for Rural Wales,”.

In Schedule 3, in Ground 5, the words “the Development Board for Rural Wales,”.

In Schedule 5, in paragraph 5(1)(b), the words “the Development Board for Rural Wales,”.

1985 c. 69.

The Housing Associations Act 1985.

In section 85(4), the words “the Development Board for Rural Wales,”.

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1985 c. 70.	The Landlord and Tenant Act 1985.	In section 26(1), the words “or the Development Board for Rural Wales,”. In the Schedule, in paragraph 9(1), the words “or the Development Board for Rural Wales,”.
1986 c. 31.	The Airports Act 1986.	In Schedule 2, in paragraph 1(1), the entry relating to the Development of Rural Wales Act 1976.
1987 c. 26.	The Housing (Scotland) Act 1987.	Section 61(11)(h).
1987 c. 31.	The Landlord and Tenant Act 1987.	Section 58(1)(d).
1987 c. xxviii.	The British Waterways Act 1987.	In section 44(6)(b), the words “, section 34 of the Development of Rural Wales Act 1976”.
1988 c. 1.	The Income and Corporation Taxes Act 1988.	Section 376(4)(n).
1988 c. 50.	The Housing Act 1988.	Section 38(5)(c). In Schedule 1, in Part I, paragraph 12(1)(c). In Schedule 17, in Part II, paragraph 97.
1989 c. 15.	The Water Act 1989.	In Schedule 25, paragraphs 1(2)(xxii) and (10)(vi) and 54.
1989 c. 29.	The Electricity Act 1989.	In Schedule 16, paragraphs 1(1)(i) and 3(1)(f).
1989 c. 38.	The Employment Act 1989.	In Schedule 6, paragraph 17.
1989 c. 42.	The Local Government and Housing Act 1989.	Section 90(2)(e) and the word “or” preceding it. In section 172(8), in the definition of “new town corporation”, the words “, the Development Board for Rural Wales”.
1990 c. 11.	The Planning (Consequential Provisions) Act 1990.	In Schedule 11, paragraph 82. In Schedule 2, paragraph 37.

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1991 c. 1.	The Development Board for Rural Wales Act 1991.	The whole Act.
1991 c. 22.	The New Roads and Street Works Act 1991.	In Schedule 8, in Part IV, paragraph 107.
1991 c. 56.	The Water Industry Act 1991.	In section 41(2)(d)(ii), the words “the Development Board for Rural Wales or” and the words from “, according to” to “being responsible”. In section 97(5), in the definition of “relevant area”, paragraph (d). In section 98(2)(d)(ii), the words “the Development Board for Rural Wales or” and the words from “, according to” to “being responsible”.
1992 c. 5.	The Social Security Administration Act 1992.	In section 140D(1)(c), the words “or the Development Board for Rural Wales”.
1994 c. 19.	The Local Government (Wales) Act 1994.	In Schedule 16, paragraph 53.
1994 c. 21.	The Coal Industry Act 1994.	In Schedule 9, paragraph 19.
1995 c. 25.	The Environment Act 1995.	In Schedule 10, paragraph 16.
1995 c. 45.	The Gas Act 1995.	In Schedule 4, paragraph 2(1) (xxv) and (10)(f).
1996 c. 18.	The Employment Rights Act 1996.	In Schedule 1, paragraph 11.
1996 c. 53.	The Housing Grants, Construction and Regeneration Act 1996.	Section 3(2)(e). Section 64(7)(c).
S.I. 1996/2325.	The Housing Act 1996 (Consequential Provisions) Order 1996.	In Schedule 2, paragraph 4.

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PART V

LAND AUTHORITY FOR WALES

Chapter	Short title	Extent of repeal
8 & 9 Eliz.2 c. 67.	The Public Bodies (Admission to Meetings) Act 1960.	In the Schedule, paragraph 1(bb).
9 & 10 Eliz.2 c. 33.	The Land Compensation Act 1961.	Section 23(3)(aa).
1974 c. 7.	The Local Government Act 1974.	Section 25(1)(aa).
1975 c. 24.	The House of Commons Disqualification Act 1975.	Section 30(2A). In Schedule 1, in Part II, the entry relating to the Land Authority for Wales.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	Sections 102 to 104. Sections 106 to 111. In Schedule 17, in Part III, paragraph 4 and, in Part IV, paragraph 9. Schedules 18 to 22.
1981 c. 67.	The Acquisition of Land Act 1981.	In section 17(3), the words “the Land Authority for Wales,”. Section 31(1)(b). In Schedule 3, in paragraph 4(3), the words “the Land Authority for Wales,”. In Schedule 4, paragraph 30(2), (3), (10) and (11).
1983 c. 29.	The Miscellaneous Financial Provisions Act 1983.	In Schedule 2, the entry relating to Schedule 21 to the Local Government, Planning and Land Act 1980.
1989 c. 15.	The Water Act 1989.	In Schedule 25, paragraph 61(3) and (7).
1990 c. 11.	The Planning (Consequential Provisions) Act 1990.	In Schedule 2, paragraph 44(3), (4), (9) and (10).

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1993 c. 28.	The Leasehold Reform, Housing and Urban Development Act 1993.	Section 181(2) and (4).
1994 c. 19.	The Local Government (Wales) Act 1994.	In Schedule 16, paragraphs 58 and 59(6) to (8).
1994 c. 21.	The Coal Industry Act 1994.	In Schedule 9, in paragraph 25(1), “108(1)”.
1995 c. 25.	The Environment Act 1995.	In Schedule 10, paragraph 20.

PART VI

HOUSING FOR WALES

Chapter	Short title	Extent of repeal
1967 c. 13.	The Parliamentary Commissioner Act 1967.	In Schedule 2, the entry relating to Housing for Wales.
1973 c. 26.	The Land Compensation Act 1973.	In section 32(7B)(b), the words “or Housing for Wales”.
1974 c. 39.	The Consumer Credit Act 1974.	In section 16(6B)(a), the words “, Housing for Wales”.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to Housing for Wales.
1975 c. 55.	The Statutory Corporations (Financial Provisions) Act 1975.	In Schedule 2, the entry relating to Housing for Wales.
1976 c. 80.	The Rent (Agriculture) Act 1976.	Section 5(3)(da).
1977 c. 42.	The Rent Act 1977.	In section 15(2), the words “(aa) Housing for Wales”. In section 86(2), the words “or Housing for Wales”. In section 93(1), the words “or Housing for Wales”.
1977 c. 43.	The Protection from Eviction Act 1977.	In section 3A(8)(g), the words “or Housing for Wales”.
1977 c. 45.	The Criminal Law Act 1977.	In section 12A(7), the words “(c) Housing for Wales;”.

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1977 c. 49.	The National Health Service Act 1977.	Section 28A(2)(e)(vii) and the word “and” preceding it. In section 28B(1)(b), the words “(v) Housing for Wales;”.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	In Schedule 16, paragraph 9A.
1981 c. 35.	The Finance Act 1981.	Section 107(3)(ca).
1985 c. 68.	The Housing Act 1985.	In section 57, the entry relating to “the Corporation”. In section 92(2A)(a), the words “Housing for Wales;”. In section 117, the entry relating to “the Corporation”. In section 188, the entry relating to “the Corporation”. Section 429A(2A)(b). In section 459, the entry relating to “the Corporation”. In section 577, the entry relating to “the Corporation”.
1985 c. 69.	The Housing Associations Act 1985.	In section 9(6), the words “or Housing for Wales”. In section 35(2)(b), the words “of Corporation”. In section 80, in subsection (1), the words “, with the written consent of the Secretary of State,” and, in subsection (3), the words “given with the like consent”. In section 84(1), the words “, with the approval of the Secretary of State;”. In section 93(2A), the words “in the case of the Housing Corporation,” and paragraph (b) and the word “and” preceding it. In Schedule 1, in paragraph 1, the words “by Corporation”.

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		In Schedule 5, in Part I, in paragraph 6(2)(b), the words “or Housing for Wales”.
		In Schedule 7, in paragraph 2, in sub-paragraph (1), the words “, with the consent in writing of the Secretary of State,” and, in sub-paragraph (2), the words “given with the like consent”.
1987 c. 31.	The Landlord and Tenant Act 1987.	Section 58(1)(ea).
1988 c. 1.	The Income and Corporation Taxes Act 1988.	In section 488(7A), paragraph (b) and the word “and” preceding it. In section 489(5A), paragraph (b) and the word “and” preceding it. In section 560(2)(e), the words “Housing for Wales”.
1988 c. 50.	The Housing Act 1988.	Section 46. Section 47. In section 59(2)(b), the words “the establishment by this Part of this Act of Housing for Wales and”. Section 92(2). In section 133(6), the words “or Housing for Wales”. In section 140(1), the words “and in that Schedule” onwards. Schedule 5. In Schedule 6, in Part I, paragraph 2 and, in Part II, paragraph 30(1)(b) and the word “and” preceding it and paragraph 31(1). In Schedule 17,

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1989 c. 42.	The Local Government and Housing Act 1989.	in Part II, paragraphs 92, 94 to 106 and 108 to 116. In section 172(2)(b), the words “or Housing for Wales”. In section 173(6), the words “or Housing for Wales”. In Schedule 11, paragraph 110.
1996 c. 18.	The Employment Rights Act 1996.	In Schedule 1, paragraph 41.
1996 c. 52.	The Housing Act 1996.	In section 1, in subsection (1), the words “at the head office of the Corporation” and subsection (2). In section 9(1), the words “, given by order under the seal of the Corporation,”. In section 46(1) and (6), the words “under its seal”. In section 64, the entry relating to “the Corporation”. In Schedule 1, in paragraphs 9(3) and 11(3), the words “given by order under the seal of the Corporation” and, in paragraph 27(1), the words “, with the consent of the Secretary of State,”.

PART VII

RESIDUARY BODY FOR WALES

Chapter	Short title	Extent of repeal
1994 c. 19.	The Local Government (Wales) Act 1994.	In Schedule 13, in paragraph 18, in sub-paragraph (3), the words “Subject to sub-

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paragraph (4),” and sub-
paragraph (4).

Status:

Point in time view as at 01/04/2018.

Changes to legislation:

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