



# Regional Development Agencies Act 1998

## 1998 CHAPTER 45

### PART I

#### REGIONAL DEVELOPMENT AGENCIES

##### *Miscellaneous and supplementary*

#### **24 Connection of private streets to highway.**

- (1) For its purposes, or for purposes incidental thereto, a regional development agency may serve a notice (a “connection notice”) on the local highway authority requiring the authority to connect a private street to an existing highway (whether or not it is a highway which for the purposes of the <sup>M1</sup>Highways Act 1980 is a highway maintainable at the public expense).
- (2) A connection notice must specify—
  - (a) the private street and the existing highway;
  - (b) the works which appear to the agency to be necessary to make the connection; and
  - (c) the period within which those works should be carried out.
- (3) Before serving a connection notice a regional development agency shall consult the local highway authority about the proposed contents of the notice.
- (4) Within the period of 2 months beginning with the date on which the connection notice was served, the local highway authority may appeal against the notice to the Secretary of State.
- (5) After considering any representations made to him by the regional development agency concerned and the local highway authority, the Secretary of State shall determine an appeal under subsection (4) by setting aside or confirming the connection notice (with or without modifications).
- (6) A connection notice becomes effective—

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- (a) where no appeal is made within the period of 2 months referred to in subsection (4), upon the expiry of that period;
  - (b) where an appeal is made within that period but is withdrawn before it has been determined by the Secretary of State, on the date following the expiry of the period of 21 days beginning with the date on which the Secretary of State is notified of the withdrawal;
  - (c) where an appeal is made and the connection notice is confirmed by a determination under subsection (5), on such date as the Secretary of State may specify in the determination.
- (7) Where a connection notice becomes effective, the local highway authority shall carry out the works specified in the notice within such period as may be so specified and may recover the expenses reasonably incurred by them in doing so from the regional development agency which served the notice.
- (8) If the local highway authority do not carry out the works specified in the notice within such period as may be so specified, the regional development agency which served the notice may itself carry out or complete those works or arrange for another person to do so.
- (9) In this section—
- “highway” and “local highway authority” have the same meanings as in the <sup>M2</sup>Highways Act 1980;
  - “private street” has the same meaning as in Part XI of that Act.

#### Commencement Information

- II** S. 24 wholly in force at 3.7.2000; s. 24 not in force at Royal Assent see s. 43; s. 24 in force for certain purposes at 25.11.1998 by S.I. 1998/2952, art. 2(2); s. 24 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1173, art. 2(2)(c)

#### Marginal Citations

- M1** 1980 c. 66.  
**M2** 1980 c. 66.

## 25 Power to alter regions.

- (1) The Secretary of State may by order make alterations in the extent of the regions in Schedule 1.
- (2) The alterations that may be made by an order under this section do not include alterations that result in a reduction or increase in the number of regions in that Schedule.
- (3) Where the Secretary of State proposes to make an order under this section, he shall take such steps as he considers sufficient to secure that members of the public who may be interested in the proposed order are informed of it and of the period within which they may make representations to him about it.
- (4) Before making an order under this section, the Secretary of State shall consult—
  - (a) every regional development agency affected by the proposed order,
  - (b) every local authority whose area includes the whole or any part of an area to which the proposed order relates, and

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- (c) such other persons as he thinks fit,  
and have regard to any representations made to him within the period for making representations about the proposed order.
- (5) The Secretary of State may cause a local inquiry to be held in connection with the making of an order under this section; and subsections (2) to (5) of section 250 of the <sup>M3</sup>Local Government Act 1972 (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall apply in relation to any inquiry held under this subsection as they apply in relation to an inquiry which a Minister causes to be held under subsection (1) of that section.
- (6) An order under this section may make such supplementary or transitional provision as the Secretary of State thinks fit including—
- (a) provision as to the membership of a regional development agency,
  - (b) provision for the transfer of property, rights and liabilities,
  - (c) provision for the transfer of staff, and
  - (d) provision as to pending legal proceedings.
- (7) The power to make an order under this section shall be exercisable by statutory instrument.
- [<sup>F1</sup>(7A) No order may be made under this section altering the extent of the London region.]
- (8) No order shall be made under this section unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- (9) An order under this section which would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument shall proceed in that House as if it were not such an instrument.

#### Textual Amendments

**F1** S. 25(7A) inserted (3.7.2000) by 1999 c. 29 s. 309, Sch. 25 para. 14 (with sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

#### Commencement Information

**I2** S. 25 wholly in force at 3.7.2000; s. 25 not in force at Royal Assent see s. 43; s. 25 in force for certain purposes at 25.11.1998 by S.I. 1998/2952, art. 2(2); s. 25 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1173, art. 2(2)(c)

#### Marginal Citations

**M3** 1972 c. 70.

## 26 Change of name of agency.

- (1) A regional development agency may, by a resolution in relation to which the requirements mentioned in subsection (2) are met, change the name by which it is to be known.
- (2) The requirements referred to are—
- (a) that the resolution is considered at a meeting of the agency which is specially convened for the purpose,

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- (b) that particulars of the resolution were included in the notice of the meeting, and
- (c) that the resolution is passed at the meeting by not less than two-thirds of the members of the agency who vote on it.

[<sup>F2</sup>(2A) The London Development Agency shall not change the name by which it is to be known without the consent of the Mayor of London.]

- (3) A regional development agency which changes its name under this section shall—
  - (a) send notice of the change to the Secretary of State, and
  - (b) publish the notice in such manner as the Secretary of State may direct.

[<sup>F3</sup>(3A) Subsection (3) has effect in relation to the London Development Agency as if the references to the Secretary of State were references to the Mayor of London.]

- (4) A change of name under this section shall not affect the rights or obligations of the regional development agency concerned or any other person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.

#### Textual Amendments

- F2** S. 26(2A) inserted (3.7.2000) by 1999 c. 29, s. 309, **Sch. 25 para. 15** (with Sch. 12 para. 9(2)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- F3** S. 26(3A) inserted (3.7.2000) by 1999 c. 29, s. 309, **Sch. 25 para. 15** (with Sch. 12 para. 9(3)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

#### Commencement Information

- I3** S. 26 wholly in force at 3.7.2000; s. 26 not in force at Royal Assent see s. 43; s. 26 in force for certain purposes at 25.11.1998 by S.I. 1998/2952, **art. 2(2)**; s. 26 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1173, **art. 2(2)(c)**

#### [26A] <sup>F4</sup>Power to promote or oppose Bills in Parliament.

- (1) The London Development Agency—
  - (a) may promote Bills in Parliament; and
  - (b) may oppose any Bill in Parliament.
- (2) Subsection (1)(a) applies only if the Mayor of London—
  - (a) gives his written consent to the Bill; and
  - (b) confirms that consent in writing as soon as practicable after the expiration of 14 days after the Bill has been deposited in Parliament.
- (3) If the Mayor of London does not confirm the consent as required by subsection (2) (b), he shall give notice of that fact to the London Development Agency, which shall take all necessary steps for the withdrawal of the Bill.
- (4) If the Mayor of London, in giving notice under subsection (3), states that he confirms his consent to the Bill if provisions specified in the notice are omitted or are amended as so specified, the London Development Agency may, instead of withdrawing the Bill pursuant to subsection (3), take all necessary steps for the omission or, as the case may be, the amendment of the provisions in question in accordance with the notice.

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- (5) Without prejudice to subsections (2) to (4), the functions conferred on the London Development Agency by subsection (1)(a) are exercisable subject to, and in accordance with, the provisions of Schedule 6A.
- (6) Subsection (1)(b) applies only if the Mayor of London gives his written consent to the London Development Agency to oppose the Bill.
- (7) If—
- (a) the London Development Agency deposits a petition against a Bill in Parliament, but
  - (b) the consent required by subsection (6) has not been given before the end of the period of 30 days following the day on which the petition is deposited,
- the London Development Agency shall take all necessary steps for the withdrawal of the petition.
- (8) Before exercising the functions conferred by subsection (2)(a) or (b), (4) or (6), the Mayor of London shall consult the London Assembly.
- (9) This section is without prejudice to any power to promote or oppose Bills in Parliament which a regional development agency other than the London Development Agency may have apart from this section.]

#### Textual Amendments

- F4** S. 26A inserted (3.7.2000) by 1999 c. 29, s. 309, **Sch. 25 para. 16** (with 12para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

## 27 General power to give guidance and directions.

- (1) The Secretary of State may give a regional development agency—
- (a) guidance, or
  - (b) directions,
- in relation to the exercise of its functions.

[<sup>F5</sup>(1A) Subsection (1) has effect in relation to the London Development Agency as if the reference to the Secretary of State were a reference to the Mayor of London.]

- (2) Directions under this section may—
- (a) restrict the agency in relation to the exercise of its functions, or
  - (b) require it to exercise its functions in any manner specified in the directions.
- (3) Directions under this section may be of a general or particular nature.
- (4) The generality of the power conferred by this section shall not be prejudiced by any other power conferred by this Part.

#### Textual Amendments

- F5** S. 27(1A) inserted (3.7.2000) by 1999 c. 29, s. 309, **Sch. 25 para. 17** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

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#### **Modifications etc. (not altering text)**

- C1** S. 27 applied (with modifications) (E.) (31.1.2008) by [The European Regional Development Fund \(South East Operational Programme\) \(Implementation\) Regulations 2007 \(S.I. 2007/3620\)](#), regs. 1(1), 5
- C2** S. 27 applied (with modifications) (E.) (31.1.2008) by [The European Regional Development Fund \(South West Operational Programmes\) \(Implementation\) Regulations 2007 \(S.I. 2007/3623\)](#), regs. 1(1), 5
- C3** S. 27 applied (with modifications) (E.) (31.1.2008) by [The European Regional Development Fund \(East Midlands Operational Programme\) \(Implementation\) Regulations 2007 \(S.I. 2007/3625\)](#), regs. 1(1), 5
- C4** S. 27 applied (with modifications) (E.) (31.1.2008) by [The European Regional Development Fund \(North West Operational Programme\) \(Implementation\) Regulations 2007 \(S.I. 2007/3622\)](#), regs. 1(1), 5
- C5** S. 27 applied (with modifications) (E.) (31.1.2008) by [The European Regional Development Fund \(North East Operational Programme\) \(Implementation\) Regulations 2007 \(S.I. 2007/3621\)](#), regs. 1(1), 5
- C6** S. 27 applied (with modifications) (E.) (31.1.2008) by [The European Regional Development Fund \(East of England Operational Programme\) \(Implementation\) Regulations 2007 \(S.I. 2007/3624\)](#), regs. 1(1), 5
- C7** S. 27 applied (with modifications) (E.) (31.1.2008) by [The European Regional Development Fund \(Yorkshire and the Humber Operational Programme\) \(Implementation\) Regulations 2007 \(S.I. 2007/3619\)](#), regs. 1(1), 5
- C8** S. 27 applied (with modifications) (E.) (31.1.2008) by [The European Regional Development Fund \(West Midlands Operational Programme\) \(Implementation\) Regulations 2007 \(S.I. 2007/3618\)](#), regs. 1(1), 5
- C9** S. 27 applied (with modifications) (E.) (19.6.2008) by [The European Regional Development Fund \(London Operational Programme\) \(Implementation\) Regulations 2008 \(S.I. 2008/1342\)](#), regs. 1(1), 6(1)

#### **Commencement Information**

- I4** S. 27 wholly in force at 3.7.2000; s. 27 not in force at Royal Assent see s. 43; s. 27 in force for certain purposes at 25.11.1998 by [S.I. 1998/2952](#), [art. 2\(2\)](#); s. 4 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/1173](#), [art. 2\(2\)\(c\)](#)

## **28 Guidance: supplementary.**

- (1) Any power to give guidance under this Part shall be exercisable only after consultation with the regional development agency concerned.
- (2) In exercising its functions, a regional development agency shall have regard to any guidance given under this Part.
- (3) Any power to give guidance under this Part includes power to vary or revoke the guidance.
- (4) The Secretary of State shall arrange for any guidance given under this Part to be published in such manner as he considers appropriate.

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#### Commencement Information

- I5** S. 28 wholly in force at 3.7.2000; s. 28 not in force at Royal Assent see s. 43; s. 28 in force for certain purposes at 25.11.1998 by S.I. 1998/2952, art. 2(2); s. 28 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1173, art. 2(2)(c)

### 29 Consents of Secretary of State.

A consent given under this Part by the Secretary of State to a regional development agency—

- (a) may be given unconditionally or subject to conditions,
- (b) may be given in relation to a particular case or in relation to such descriptions of case as may be specified in the consent, and
- (c) except in relation to anything already done or agreed to be done on the authority of the consent, may be varied or revoked by a notice given by the Secretary of State to the agency.

#### Commencement Information

- I6** S. 29 wholly in force at 3.7.2000; s. 29 not in force at Royal Assent see s. 43; s. 29 in force for certain purposes at 25.11.1998 by S.I. 1998/2952, art. 2(2); s. 29 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1173, art. 2(2)(c)

### 30 Validity of transactions.

- (1) A person who enters into a transaction with a regional development agency shall not be concerned to see or enquire—
  - (a) whether there has been any failure by the agency to observe its purposes, or
  - (b) whether the transaction would contravene any direction given by the Secretary of State.
- (2) A transaction entered into by a regional development agency shall not be invalidated merely because the agency—
  - (a) failed to observe its purposes, or
  - (b) carried out the transaction in contravention of any direction given by the Secretary of State.

#### Commencement Information

- I7** S. 30 wholly in force at 3.7.2000; s. 30 not in force at Royal Assent see s. 43; s. 30 in force for certain purposes at 25.11.1998 by S.I. 1998/2952, art. 2(2); s. 30 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1173, art. 2(2)(c)

### [30A] <sup>F6</sup>Application of guidance, consent etc. provisions to the Mayor of London.

Sections 28 to 30 have effect in relation to the Mayor of London as they have effect in relation to the Secretary of State.]

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### Textual Amendments

- F6** S. 30A inserted (3.7.2000) by 1999 c. 29, s. 309, **Sch. 25 para. 18** (with **Sch. 12 para. 9(1)**); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

## 31 Notices.

- (1) This section has effect in relation to any notice required or authorised by this Part to be given to or served on any person.
- (2) Any such notice may be given to or served on the person in question either by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.
- (3) Any such notice may—
  - (a) in the case of a body corporate, be given to or served on the secretary or clerk of that body, and
  - (b) in the case of a partnership, be given to or served on a partner or a person having the control or management of the partnership business.
- (4) For the purposes of this section and of section 7 of the <sup>M4</sup>Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person to or on whom a notice is to be given or served shall be his last known address, except that—
  - (a) in the case of a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of that body, and
  - (b) in the case of a partnership, a partner or a person having the control or management of the partnership business, it shall be that of the principal office of the partnership;

and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be its principal office within the United Kingdom.
- (5) If the person to be given or served with any notice mentioned in subsection (1) has specified an address within the United Kingdom other than his proper address within the meaning of subsection (4) as the one at which he or someone on his behalf will accept documents of the same description as that notice, that address shall also be treated for the purposes of this section and section 7 of the <sup>M5</sup>Interpretation Act 1978 as his proper address.
- (6) If the name or address of any owner, lessee or occupier of land to or on whom any notice mentioned in subsection (1) is to be served cannot after reasonable inquiry be ascertained, the document may be served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land.

### Commencement Information

- I8** S. 31 wholly in force at 3.7.2000; s. 31 not in force at Royal Assent see s. 43; s. 31 in force for certain purposes at 25.11.1998 by S.I. 1998/2952, **art. 2(2)**; s. 31 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1173, **art. 2(2)(c)**



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#### Marginal Citations

**M4** 1978 c. 30.

**M5** 1978 c. 30.

### 32 Minor amendments.

Schedule 7 (which makes minor amendments relating to regional development agencies) shall have effect.

#### Commencement Information

**I9** S. 32 wholly in force at 3.7.2000; s. 32 not in force at Royal Assent, see s. 43; s. 32 in force for certain purposes at 25.11.1998 by S.I. 1998/2952, art. 2(2); s. 32 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1173, art. 2(2)(c)

### 33 Interpretation of Part I.

In this Part, “local authority” means a county council, a district council, a London borough council, the Common Council of the City of London and the Council of the Isles of Scilly.

#### Commencement Information

**I10** S. 33 wholly in force at 3.7.2000; s. 33 not in force at Royal Assent see s. 43; s. 33 in force for certain purposes at 25.11.1998 by S.I. 1998/2952, art. 2(2); s. 33 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1173, art. 2(2)(c)

**Status:**

Point in time view as at 01/04/2010.

**Changes to legislation:**

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