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## SCHEDULES

### <sup>F1</sup>SCHEDULE 4

#### ACQUISITION OF LAND

##### Textual Amendments

- F1** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**

### <sup>F1</sup> PART III

#### “CLEANSING” PROVISIONS

##### Textual Amendments

- F1** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

#### <sup>F2</sup>*Extinguishment of rights over land compulsorily acquired*

##### Textual Amendments

- F2** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

- <sup>F35</sup> (1) On the completion by the [<sup>F4</sup>Assembly]<sup>F4</sup> 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 [<sup>F4</sup>Assembly]<sup>F4</sup>.
- (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 [<sup>F4</sup>Assembly]<sup>F4</sup> before the completion of the acquisition that sub-paragraph (1) above shall not apply to any right or apparatus specified in the direction; and

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- (b) to any agreement which may be made (whether before or after the completion of the acquisition) between the [<sup>F4</sup>Assembly]<sup>F4</sup> 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 [<sup>F4</sup>Assembly]<sup>F4</sup>.
- (5) Any compensation payable under this paragraph shall be determined in accordance with the <sup>M1</sup>Land Compensation Act 1961.

**Textual Amendments**

**F3** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

**F4** Sch. 4 para. 5: words in Act substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))

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**Marginal Citations**

**M1** 1961 c. 33.

<sup>F5</sup> ...

**Textual Amendments**

**F5** Sch. 4 para. 6 and crossheading omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 19 para. 1(2)**; S.I. 2016/733, reg. 3(m)

<sup>F5</sup><sub>6</sub> .....

<sup>F6</sup>*Use and development of consecrated land and burial grounds*

**Textual Amendments**

**F6** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

- <sup>F7</sup>
- (1) Any consecrated land (whether or not including a building) which has been acquired by the [<sup>F8</sup>Assembly]<sup>F8</sup> under section 21A above may be used by any person in any manner in accordance with planning permission in spite of any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land.
  - (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 [<sup>F8</sup>Assembly]<sup>F8</sup> under section 21A above; and

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- (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 <sup>F9</sup>... 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.

[<sup>F10</sup>(3A) Regulations for the purposes of this paragraph are to be made by—

- (a) the Assembly, in relation to land in Wales; and  
(b) the Secretary of State, in relation to land in England.]

<sup>F10</sup>(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 [<sup>F11</sup>the Assembly or]<sup>F11</sup> 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 [<sup>F11</sup>the Assembly or]<sup>F11</sup> 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 [<sup>F11</sup>the Assembly or]<sup>F11</sup> Secretary of State to be appropriate for the purposes of the regulations.

(6) Any land consisting of a burial ground, or part of a burial ground, which has been acquired as mentioned in sub-paragraph (1) above may be used by any person in any manner in accordance with planning permission in spite of—

- (a) anything in any enactment relating to burial grounds; or  
(b) any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds.

(7) Sub-paragraph (6) above shall not have effect in relation to any land which has been used for the burial of the dead until the requirements prescribed by regulations made under this paragraph with respect to the removal and re-interment of human remains, and the disposal of monuments, in or on the land have been complied with.

(8) Provision shall be made by any regulations made for the purposes of this paragraph—

- (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,

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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 [<sup>F12</sup>the Assembly, in relation to land in Wales, or by the Secretary of State, in relation to land in England,]<sup>F12</sup> 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 <sup>M2</sup>Burial Act 1857 (prohibition of removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.

- (10) Nothing in this paragraph authorises any act or omission on the part of any person which is actionable at the suit of any person on any ground other than contravention of any such obligation, restriction or enactment as is mentioned in sub-paragraph (1) or (6) above.

- (11) In this paragraph—

“burial ground” includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment; and

“monument” includes a tombstone or other memorial.

#### Textual Amendments

- F7** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.
- F8** Sch. 4 para. 7: words in Act substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F9** Words in Sch. 4 para. 7(3) omitted (1.4.2006) by virtue of [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(4)(a)** (with art. 3(1))
- F10** Sch. 4 para. 7(3A) added (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(4)(b)** (with art. 3(1))
- F11** Words in Sch. 4 para. 7(5) inserted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(4)(c)** (with art. 3(1))
- F12** Words in Sch. 4 para. 7(8)(c) substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(4)(d)** (with art. 3(1))

#### Marginal Citations

- M2** 1857 c. 81.

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*<sup>F13</sup>Use and development of land for open spaces*

**Textual Amendments**

**F13** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

- <sup>F14</sup>g (1) Any land which—
- (a) is, or forms part of, a common, an open space or a fuel or field garden allotment; and
  - (b) has been acquired by the [<sup>F15</sup>Assembly]<sup>F15</sup> under section 21A above, may be used by any person in any manner in accordance with planning permission in spite of anything in any enactment relating to land of that kind or in any enactment by which the land is specially regulated.
- (2) Sub-paragraph (1) does not authorise any act or omission on the part of any person which is actionable at the suit of any person on any ground other than contravention of any such enactment as is mentioned in that sub-paragraph.

**Textual Amendments**

**F14** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

**F15** Sch. 4 para. 8: words in Act substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), **arts. 1(1) (2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))

*<sup>F16</sup>Paragraphs 6 to 8: supplementary*

**Textual Amendments**

**F16** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

- <sup>F17</sup>g In construing the <sup>M3</sup>Compulsory Purchase Act 1965 in relation to section 21A above—
- <sup>F18</sup>(a) .....
  - (b) in relation to any erection, construction or carrying out of building or work so authorised, references in section 10 of that Act to the acquiring authority shall be construed as references to the persons by whom the building or work in question is erected, constructed or carried out.

**Textual Amendments**

**F17** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

**F18** Sch. 4 para. 9(a) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 19 para. 1(3)**; S.I. 2016/733, reg. 3(m)

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### Marginal Citations

**M3** 1965 c. 56.

- <sup>F19</sup>10 (1) Nothing in paragraph 7 or 8 above authorises any act or omission on the part of any authority or body corporate in contravention of any limitation imposed by law on their capacity by virtue of their constitution.
- (2) Any power conferred by paragraph 7 or 8 above to use land in a manner mentioned in that paragraph shall be construed as a power to use the land, whether or not it involves the erection, construction or carrying out of any building or work or the maintenance of any building or work.

### Textual Amendments

**F19** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

<sup>F20</sup>*Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers*

### Textual Amendments

**F20** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

- <sup>F21</sup>11 (1) This paragraph applies where any land has been acquired by the [<sup>F22</sup>Assembly]<sup>F22</sup> 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 [<sup>F23</sup>Assembly]<sup>F23</sup>, 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 [<sup>F23</sup>Assembly]<sup>F23</sup>—
- (a) stating that they object to all or any provisions of the notice; and
  - (b) specifying the grounds of their objection.
- (4) Where no counter-notice is served under sub-paragraph (3) above—
- (a) any right to which the notice relates shall be extinguished at the end of the period specified in the notice; and

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- (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 [<sup>F23</sup>Assembly]<sup>F23</sup> may remove the apparatus and dispose of it in any way they think appropriate.

[<sup>F24</sup>(4A) If a counter-notice is served under sub-paragraph (3) above in relation to rights over, or apparatus on, land in Wales, the Assembly may either—

- (a) withdraw the notice (but without prejudice to the service of a further notice);  
or
- (b) invite the appropriate Minister to make an order jointly with the Assembly under this sub-paragraph embodying the provisions of the notice with or without modification.]

<sup>F24</sup>(5) If a counter-notice is served under sub-paragraph (3) above [<sup>F25</sup>in relation to rights over, or apparatus on, land in England]<sup>F25</sup>, the [<sup>F23</sup>Assembly]<sup>F23</sup> 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 [<sup>F23</sup>Assembly]<sup>F23</sup>.

(7) Sections 280 and 282 of the <sup>M4</sup>Town and Country Planning Act 1990 (measure of compensation for statutory undertakers) apply to compensation under sub-paragraph (6) above as they apply to compensation under section 279(2) of that Act.

#### Textual Amendments

- F21** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.
- F22** Sch. 4 para. 11: words in Act substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F23** Sch. 4 para. 11: words in Act substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F24** Sch. 4 para. 11(4A) inserted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, **Sch. 1 para. 33(5)(a)** (with art. 3(1))
- F25** Words in Sch. 4 para. 11(5) inserted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, **Sch. 1 para. 33(5)(b)** (with art. 3(1))

#### Marginal Citations

- M4** 1990 c. 8.

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### <sup>F26</sup>Orders under paragraph 11

#### Textual Amendments

**F26** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

- <sup>F27</sup>12 (1) Before making an order under sub-paragraph [<sup>F28</sup>(4A) or ]<sup>F28</sup>(5) of paragraph 11 above, the [<sup>F29</sup>appropriate Minister and the Assembly, or the Ministers proposing to make the order, as the case may be]<sup>F29</sup> 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
  - [<sup>F30</sup>(b) if any objection is made, shall consider the objection and afford to—
    - (i) the statutory undertakers and the Assembly, in the case of an order under sub-paragraph (4A) of paragraph 11 above, or
    - (ii) the statutory undertakers, in the case of an order under sub-paragraph (5) of paragraph 11 above,
 an opportunity of appearing before, and being heard by, a person appointed for the purpose by the Assembly and the appropriate Minister, or the Secretary of State and the appropriate Minister, as the case may be.]
- <sup>F30</sup>(2) The [<sup>F31</sup>appropriate Minister and the Assembly, or the Ministers proposing to make the order, as the case may be,]<sup>F31</sup> 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 [<sup>F32</sup>11(4A) or]<sup>F32</sup> 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 [<sup>F33</sup>Assembly]<sup>F33</sup> may remove the apparatus and dispose of it in any way [<sup>F34</sup>it thinks]<sup>F34</sup> appropriate.

#### Textual Amendments

**F27** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

**F28** Words in Sch. 4 para. 12(1) inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(6)(a)(i)** (with art. 3(1))

**F29** Words in Sch. 4 para. 12(1) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(6)(a)(ii)** (with art. 3(1))

**F30** Sch. 4 para. 12(1)(b) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(6)(b)** (with art. 3(1))

**F31** Words in Sch. 4 para. 12(2) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(6)(c)** (with art. 3(1))



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- F32** Words in Sch. 4 para. 12(3) inserted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(6)(d)** (with art. 3(1))
- F33** Sch. 4 para. 12: words in Act substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F34** Words in Sch. 4 para. 12(3)(b) substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(6)(e)** (with art. 3(1))

*F35 Notice for same purposes as paragraph 11 but given by statutory undertakers to [F36 Assembly]<sup>F36</sup>*

#### Textual Amendments

- F35** Sch. 4 inserted (1.10.1998) by [1998 c. 38, s. 127](#), **Sch. 13 para. 3** (with ss. 139(2), 143(2)); [S.I. 1998/2244](#), **art. 4**.
- F36** Sch. 4 para. 13 cross-heading: words in Act substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))

- <sup>F37</sup>13 (1) This paragraph applies where any land has been acquired by the [<sup>F38</sup>Assembly]<sup>F38</sup> 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 [<sup>F38</sup>Assembly]<sup>F38</sup> 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 [<sup>F38</sup>Assembly]<sup>F38</sup> 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

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[<sup>F39</sup>(b) in relation to apparatus—

- (i) in, on, over or under land in Wales requiring removal or re-siting, apply to the Assembly and the appropriate Minister for an order under this sub-paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Assembly and the appropriate Minister think it appropriate to confer on them; and
- (ii) in, on, over or under land in England requiring removal or re-siting, apply to the Secretary of State and the appropriate Minister for an order under this sub-paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it appropriate to confer on them.]

<sup>F39</sup>(7) Where, by virtue of this paragraph or [<sup>F40</sup>an order made under it by the Assembly and the appropriate Minister, or by the Ministers, as the case may be,]<sup>F40</sup> statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the [<sup>F38</sup>Assembly]<sup>F38</sup> for the works to be carried out by the [<sup>F38</sup>Assembly]<sup>F38</sup>, 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 [<sup>F41</sup>an order made under it by the Assembly and the appropriate Minister, or by the Ministers, as the case may be,]<sup>F41</sup> the undertakers shall be entitled to compensation from the [<sup>F38</sup>Assembly]<sup>F38</sup>.

[<sup>F42</sup>(8A) References in this paragraph to the Assembly and the appropriate Minister are, if the appropriate Minister is the Assembly, to be construed as references to the Assembly alone.]

<sup>F42</sup>(9) Sections 280 and 282 of the <sup>M5</sup>Town and Country Planning Act 1990 (measure of compensation for statutory undertakers) apply to compensation under sub-paragraph (8) above as they apply to compensation under section 279(4) of that Act.

#### Textual Amendments

- F37** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.
- F38** Sch. 4 para. 13: words in Act substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F39** Sch. 4 para. 13(6)(b) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1), Sch. 1 para. 33(7)(a)** (with art. 3(1))
- F40** Words in Sch. 4 para. 13(7) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1), Sch. 1 para. 33(7)(b)** (with art. 3(1))
- F41** Words in Sch. 4 para. 13(8) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1), Sch. 1 para. 33(7)(b)** (with art. 3(1))

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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Welsh Development Agency Act 1975. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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**F42** Sch. 4 para. 13(8A) inserted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(7)(c)** (with art. 3(1))

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**Marginal Citations**

**M5** 1990 c. 8.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 4 para. 3B inserted by [2023 c. 55 s. 190\(4\)](#)