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SCHEDULES

^{F1}SCHEDULE 4

ACQUISITION OF LAND

Textual Amendments

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

^{F1} PART IV

OTHER 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**.

^{F2}Rights of entry

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**.

^{F3}14 ^{F4}(1)

- (2) Any person duly authorised in writing by the [^{F5}Assembly]^{F5} may at any reasonable time enter any land for the purpose of surveying it in order to enable the [^{F5}Assembly]^{F5} 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.

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**.

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- F4** Sch. 4 para. 14(1) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\), s. 216\(3\), Sch. 14 para. 8; S.I. 2016/733, reg. 3\(h\)](#) (with reg. 6)
- F5** Sch. 4 para. 14: words in Act substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\), arts. 1\(1\)\(2\), 7\(1\), {Sch. 1 para. 1, 2}](#) (with art. 3(1))

- ^{F6}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 [^{F7}Assembly^{F7}]^{F8}....
- (4) Except in so far as may be otherwise provided by regulations made by the [^{F9}Assembly]^{F9} under this sub-paragraph, any question of disputed compensation under sub-paragraph (3) above shall be referred to and determined by the [^{F10}Upper Tribunal]^{F10}; and the provisions of [^{F11}section]^{F11} 4 of the ^{M1}Land Compensation Act 1961 apply to the determination of any question under this sub-paragraph, subject to any necessary modifications and to the provisions of any regulations under this sub-paragraph.
- (5) Where under paragraph 14 above a person proposes to carry out any works authorised by sub-paragraph (3) of that paragraph—
- (a) he shall not carry out those works unless notice of his intention to do so was included in the notice required by sub-paragraph (1)(b) above; and
 - (b) if the land in question is held by statutory undertakers and those undertakers object to the proposed works on the grounds that the carrying out of the works would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out without the authority of the appropriate Minister.
- (6) A person who enters land in the exercise of a power of entry conferred by paragraph 14 above—
- (a) shall take reasonable care to avoid damage or injury to plant, machinery, equipment, livestock, crops or enclosures; and
 - (b) on leaving the land, shall secure it as effectively against unauthorised entry as he found it.
- (7) If any person who is admitted into a factory, workshop or workplace in the exercise of a power of entry conferred by paragraph 14 above discloses to any person any information obtained by him there as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection 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—

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- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or to both.

Textual Amendments

- 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**.
- F7** Sch. 4 para. 15: words in Act substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F8** Words in Sch. 4 para. 15(3) omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(8)(a)** (with art. 3(1))
- F9** Words in Sch. 4 para. 15(4) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(8)(b)** (with art. 3(1))
- F10** Words in Sch. 4 para. 15(4) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 117(a)** (with Sch. 5)
- F11** Words in Sch. 4 para. 15(4) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 117(b)** (with Sch. 5)

Marginal Citations

- M1** 1961 c. 33.

^{F12}Displacement of legislation preventing possession

Textual Amendments

- F12** 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**.

- ^{F13}16 If the [^{F14}Assembly, in relation to a house in Wales, or the Secretary of State in relation to a house in England,]^{F14} certifies that possession of a house which—
- (a) has been acquired by the [^{F15}Assembly]^{F15} under section 21A above; and
 - (b) is for the time being held by the [^{F15}Assembly]^{F15} for the purposes for which it was acquired,
- is immediately required for those purposes, nothing in the ^{M2}Rent (Agriculture) Act 1976, the ^{M3}Rent Act 1977 or the ^{M4}Housing Act 1988 shall prevent the [^{F15}Assembly]^{F15} from obtaining possession of the house.

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**.

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- F14** Words in Sch. 4 para. 16 substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(9)** (with art. 3(1))
- F15** Sch. 4 para. 16: words in Act substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1), {Sch. 1 para. 1, 2}** (with art. 3(1))

Marginal Citations

- M2** 1976 c. 80.
M3 1977 c. 42.
M4 1988 c. 50.

^{F16}Register of land holdings

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.**

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^{F17}

Textual Amendments

- F17** Sch. 4 para. 17 omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(10)** (with art. 3(1))

^{F18}Information

Textual Amendments

- F18** 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.**

- ^{F19}18 (1) Where, with a view to performing any function of the [^{F20}Assembly^{F20}][^{F21}under this Act]^{F21} relating to land, the [^{F20}Assembly]^{F20} considers that [^{F22}it]^{F22} ought to have information connected with that or any other land, the [^{F20}Assembly]^{F20} 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.

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- (2) The notice shall require the recipient to furnish to the [F20 Assembly]^{F20}, within a period specified in it (which shall not be less than 14 days beginning with the day on which the notice is served)—
- (a) the nature of his interest in the land; and
 - (b) the name and address of each person whom the recipient of the notice believes to be the occupier of the land and of each person whom he believes to be, as respects the land, a person mentioned in sub-paragraph (1)(b) or (c) above.
- (3) A person who—
- (a) refuses, or fails without reasonable excuse, to comply with the requirements of a notice served on him under sub-paragraph (1) above; or
 - (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Textual Amendments

- 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**.
- F20** Sch. 4 para. 18: words in Act substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F21** Words in Sch. 4 para. 18(1) inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1), Sch. 1 para. 33(11)** (with art. 3(1))
- F22** Word in Sch. 4 para. 18(1) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), **arts. 1(1)(2), 7(1), Sch. 1 para. 33(11)** (with art. 3(1))

- ^{F23}19 (1) The council of every county and county borough in Wales, every joint planning board for a district in Wales [F24], every National Park authority for a National Park in Wales and every [F25 corporate joint committee] shall supply the [F26 Assembly]—
- (a) with such information as the [F27 Assembly] may by regulations prescribe for the purposes of this paragraph (being information which the [F26 Assembly] may need for the purpose of performing [F28 its functions under this Act]); and
 - (b) with such certificates supporting the information as the [F27 Assembly] may in the regulations specify.
- (2) If a local planning authority in Wales receives an application for planning permission, the authority shall as soon as practicable after receipt send a copy of the application to the [F26 Assembly].
- (3) On any grant of planning permission relating to land in Wales, the local planning authority, ^{F29}... shall, as soon as is practicable, send a copy of the notification of the planning permission to the [F26 Assembly].

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(4) Sub-paragraphs (2) and (3) above shall not apply if and so far as the [^{F26}Assembly] directs.

Textual Amendments

- F23** 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**.
- F24** Words in Sch. 4 para. 19(1) substituted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by **Planning (Wales) Act 2015** (anaw 4), s. 58(2)(b)(4)(b), **Sch. 2 para. 4(3)**; S.I. 2021/7, reg. 2(c)
- F25** Words in Sch. 4 para. 19(1) substituted (E.W.) (21.1.2021) by **Local Government and Elections (Wales) Act 2021** (asc 1), s. 175(1)(e), **Sch. 9 para. 19(b)**
- F26** Sch. 4 para. 19: words in Act substituted (1.4.2006) by **The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005** (S.I. 2005/3226), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))
- F27** Words in Sch. 4 para. 19(1)(a)(b) substituted (1.4.2006) by **The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005** (S.I. 2005/3226), **arts. 1(1)(2), 7(1), Sch. 1 para. 33(12)(a)** (with art. 3(1))
- F28** Words in Sch. 4 para. 19(1)(a) substituted (1.4.2006) by **The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005** (S.I. 2005/3226), **arts. 1(1)(2), 7(1), Sch. 1 para. 33(12)(b)** (with art. 3(1))
- F29** Words in Sch. 4 para. 19(3) omitted (1.4.2006) by virtue of **The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005** (S.I. 2005/3226), **arts. 1(1)(2), 7(1), Sch. 1 para. 33(12)(c)** (with art. 3(1))

^{F30}Regulations as to form of documents

Textual Amendments

- F30** 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**.

[^{F31F32}20

- (1) The Assembly may make regulations for prescribing the form of any document required or authorised by or under this Schedule which relates to land in Wales.
- (2) The Secretary of State may make regulations for prescribing the form of any document required or authorised by or under this Schedule which relates to land in England.^{F31}]

Textual Amendments

- F31** Sch. 4 para. 20 substituted (1.4.2006) by **The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005** (S.I. 2005/3226), **arts. 1(1)(2), 7(1), Sch. 1 para. 33(13)** (with art. 3(1))
- F32** Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

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^{F33}Local inquiries

Textual Amendments

F33 Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

^{F34}21 Section 250 of the ^{M5}Local Government Act 1972 (costs of inquiries and expenses of witnesses) shall extend to any public local inquiry held under [^{F35}part 2 of]^{F35} the ^{M6}Acquisition of Land Act 1981, by virtue of paragraph 1 above, as if the [^{F36}Assembly]^{F36} were a local authority.

Textual Amendments

F34 Sch. 4 inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**.

F35 Words in Sch. 4 para. 21 inserted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(14)** (with art. 3(1))

F36 Sch. 4 para. 21: words in Act substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), **arts. 1(1)(2), 7(1)**, {Sch. 1 para. 1, 2} (with art. 3(1))

Marginal Citations

M5 1972 c. 70.

M6 1981 c. 67.

^{F37}Crown land

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}22 (1) A private interest in land may be acquired compulsorily under section 21A above even though the land is Crown land [^{F39}if the appropriate authority is the Assembly or, otherwise,]^{F39} 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

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- (e) “appropriate authority” in relation to Crown land shall be determined in accordance with section 293(2) of the ^{M7}Town and Country Planning Act 1990.

Textual Amendments

- F38** 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**.
- F39** Words in Sch. 4 para. 22(1) inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(1)(2), 7(1), **Sch. 1 para. 33(15)** (with art. 3(1))

Marginal Citations

- M7** 1990 c. 8.

^{F40}*Offences by corporations*

Textual Amendments

- F40** 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**.

- ^{F41}23 (1) Where an offence under this Schedule which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person who was purporting to act in any such capacity,
- he, as well as the body corporate, shall be guilty of that offence and liable to be proceeded against accordingly.
- (2) Where the affairs of a body corporate are managed by its members, this paragraph shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of a body corporate.

Textual Amendments

- F41** 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**.

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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\(4\)](#)