

Changes to legislation: There are currently no known outstanding effects for the Cardiff Bay Barrage Act 1993, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 6.

TEMPORARY OCCUPATION AND USE OF LAND

- 1 (1) The Development Corporation may, for the purposes of this Act, enter on and take temporary possession of the land shown on the deposited plans—
- (a) numbered 60 to 67 and 71 in the City of Cardiff, and
 - (b) numbered 123 and 124 in the Borough of the Vale of Glamorgan.
- (2) Where the Development Corporation have taken possession of any land under this paragraph they may—
- (a) remove any structures on it, and
 - (b) execute temporary works and erect temporary structures on it, for the purposes of this Act.
- (3) The Development Corporation shall not remain in possession of any land under this paragraph after the end of the period of ten years beginning with the date of entry on the land without the agreement of the owners and occupiers of the land.
- (4) Before giving up possession of any land of which temporary possession has been taken under this paragraph, the Development Corporation shall, subject to any agreement to the contrary with the owners and occupiers of the land—
- (a) remove any temporary works executed and any temporary structures erected on the land, and
 - (b) so far as reasonably practicable restore the land to its condition immediately before their entry on it.
- 2 The Development Corporation may use the land shown on the deposited plans—
- (a) numbered 73 to 77 in the City of Cardiff, and
 - (b) numbered 125 and 126 in the Borough of the Vale of Glamorgan,
- for the purpose of obtaining access to and from the barrage and the promenade during their construction.
- 3 Section 167 of the ^{M1}Local Government, Planning and Land Act 1980 shall apply in relation to any land which the Development Corporation are considering taking possession of or using under this Schedule as if they were proposing to acquire it compulsorily under that Act.

Marginal Citations

M1 1980 c. 65.

- 4 The Development Corporation shall not exercise any of the powers conferred by paragraphs 1 and 2 above in relation to any land without having first given to the owners and occupiers of the land not less than twenty-eight days' notice in writing of their intention to do so.

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- 5 The Development Corporation shall not be empowered to purchase compulsorily any land in relation to which any of the powers conferred by paragraphs 1 and 2 above has been exercised; but this paragraph shall not prevent the compulsory acquisition of new rights by virtue of paragraph 1 of Schedule 4 to this Act.
- 6 (1) The Development Corporation shall pay compensation to the owners and occupiers of any land for any loss or damage resulting to them by reason of the exercise in relation to the land of any of the powers conferred by paragraphs 1 and 2 above.
- (2) Nothing in this paragraph shall affect any liability to pay compensation under section 10(2) of the ^{M2}Compulsory Purchase Act 1965, as applied by section 4 of this Act, or under any other enactment, in respect of loss or damage arising from the execution of any of the works authorised by this Act other than loss or damage for which compensation is payable under sub-paragraph (1) above.
- (3) Any dispute as to a person's entitlement to compensation under sub-paragraph (1) above, or as to the amount of any such compensation, shall be determined by the [^{F1}Upper Tribunal].

Textual Amendments

- F1** Words in [Sch. 5 para. 6\(3\)](#) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 253](#) (with [Sch. 5](#))
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Marginal Citations

- M2** 1965 c. 56.

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