

Status: Point in time view as at 01/10/1998.

Changes to legislation: Government of Wales Act 1998, SCHEDULE 14 is up to date with all changes known to be in force on or before 11 April 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)

SCHEDULES

SCHEDULE 14

Section 128.

WELSH DEVELOPMENT AGENCY: OTHER AMENDMENTS

Commencement Information

II Sch. 14 in force at 1.10.1998 by S.I. 1998/2244, art. 4

PART I

AMENDMENTS OF WELSH DEVELOPMENT AGENCY ACT 1975

Introductory

- 1 The ^{M1}Welsh Development Agency Act 1975 has effect subject to the following amendments.

Marginal Citations

M1 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.)—

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- (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, ”.
- (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 ^{M2}Local Government Act 1972 (service of documents on and by local authorities) shall apply as if the Agency were a local authority.”

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M2 1972 c. 70.

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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;

“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 ^{M3}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

M3 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

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(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”.

(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.”

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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)

- 14 In section 23(3) of the Land Compensation Act 1961 (cases in which there is no compensation where a planning decision is made after compulsory acquisition etc.), before paragraph (a) insert—
“(za) under section 21A of the ^{M4}Welsh Development Agency Act 1975 (acquisitions by Welsh Development Agency);”.

Marginal Citations

M4 1975 c. 70.

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

- 15 In section 26(2) of the ^{M5}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 ^{M6}Welsh Development Agency Act 1975”.

Marginal Citations

M5 1975 c. 70.

M6 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 ^{M7}Welsh Development Agency Act 1975;”.

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Marginal Citations

M7 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 ^{M8}Welsh Development Agency Act 1975,”.

Marginal Citations

M8 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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