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WELSH STATUTORY INSTRUMENTS

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**2005 No. 3226**

**The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005**

**Transitional provisions**

**3.—**(1) Nothing in article 2 or Schedules 1 or 2 affects the validity of anything done by or in relation to the Agency before its functions are transferred.

(2) There may be continued by or in relation to the Assembly anything (including legal proceedings) which—

- (a) relates to any of the functions of the Agency or to any property, rights or liabilities transferred by article 2(2), and
- (b) is in the process of being done by or in relation to the Agency when the said functions are transferred.

(3) Anything which—

- (a) was done by the Agency for the purpose of or in connection with any of its functions or by the Agency for the purpose of or in connection with any property, rights or liabilities transferred by article 2(2), and
- (b) is in effect immediately before its functions are transferred,

is to have effect as if done by the Assembly, and for the avoidance of doubt any compulsory purchase orders made by the Agency in relation to land in Wales under section 2(2) of the Acquisition of Land Act 1981(1) and not confirmed prior to the transfer date will be deemed to be compulsory purchase orders made in draft by the Assembly under the procedure set out in Schedule 1 to that Act.

(4) The Assembly is substituted for the Agency in any instruments, contracts or legal proceedings which relate to—

- (a) any of the functions of the Agency, and
- (b) any property, rights or liabilities transferred by article 2(2),

and which are either made or commenced before its functions are transferred.

(5) The Assembly may—

- (a) continue to hold property held by the Agency, and
- (b) continue to carry on activities in which the Agency was engaged,

in reliance upon section 21(2) of the Industry Act 1980(2).

(6) On the transfer date the obligations of the Agency, the Assembly and the Auditor General for Wales referred to below contained in paragraph 8 of Schedule 3 (Financial and administrative provisions relating to Agency) to the 1975 Act will have effect in respect of the financial year 2005 to 2006 only but are otherwise abolished—

- (a) the Agency's obligation under sub-paragraph (1) to prepare a statement of account, save that the obligation is transferred to the Assembly;

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(1) 1981 c. 67.

(2) 1980 c. 33.

- (b) the Assembly's obligation under sub-paragraph (3) to transmit the statement of account to the Auditor General for Wales; and
- (c) the Auditor General for Wales' obligation under sub-paragraph (4) to examine and certify the statement of account and lay before the Assembly copies of the statement of account together with a report thereon.