

SCHEDULE 1

Article 7(1)

**The Welsh Development Agency Act 1975**

1. The Welsh Development Agency Act 1975 has effect subject to the following amendments.
2. Unless otherwise provided for in the following provisions, in each place where it occurs (including in headings to sections and schedules)—
  - (a) for “Agency” substitute “Assembly”; and
  - (b) for “Agency’s” substitute “Assembly’s”.
3. In section 1 (The Welsh Development Agency)—
  - (1) for subsection (1), substitute—

“(1) The functions specified in the following provisions of this Act are conferred upon the National Assembly for Wales (in this Act referred to as the “Assembly”).”;
  - (2) in subsections (2), (3)(j), (4), (6) (in the first place it occurs) and (7)(l), for “their” substitute “its”;
  - (3) in subsections (2) and (4) after “functions” insert “under this Act”;
  - (4) in subsection (3) immediately before “shall be” insert “under this Act”;
  - (5) in subsection (7) after “have power” insert “in connection with its functions under this Act”;
  - (6) at the end of subsection (7)(m) insert “under this Act”;
  - (7) omit subsections (8) to (13) and (15);
  - (8) for subsection (14) substitute—

“(14) The Assembly shall, after consultation with such local authorities, National Park authorities and other bodies as appear to the Assembly to have an interest, from time to time prepare and publish programmes for the performance of such of its functions under this Act as it considers appropriate.”; and
  - (9) for the heading to section 1 substitute “Welsh development”.
4. Omit section 2 (Constitution and status).
5. In section 4 (Ancillary powers)—
  - (1) after “power”, insert “in connection with its functions under this Act”;
  - (2) in paragraph (a), for “their services as they think” substitute “its services as it thinks”;
  - (3) in paragraph (b), for “them” substitute “it” and for “of their” substitute “such”; and
  - (4) in paragraph (c), for “their” substitute “such”.
6. In subsection (1) of section 5 (Assistance to Agency from public authorities and other persons), for “their” substitute “its”.
7. For section 6 (Power to form committees) substitute—

“6.—(1) The Assembly may establish such committees for giving advice to the Assembly about the discharge of any of its functions under this Act as it considers appropriate.

(2) The members of any such committee are to be appointed by the Assembly and may be either members of the Assembly or persons who are not members.”.
8. Omit section 7 (Dissolution of Welsh Industrial Estates Corporation).
9. Omit section 8 (Transfer to Agency of land held under the Local Employment Act 1972).

*Status: This is the original version (as it was originally made).*

- 10.** In section 9 (Provision of sites and premises for industry)—
- (1) omit subsection (1);
  - (2) in subsection (2), for “For that purpose” substitute “For the purpose of providing or managing sites and premises for businesses and providing related facilities, or making land available for development”; and
  - (3) for subsection (3), substitute—

“(3) The Assembly may, if it considers there are circumstances which justify the giving of special assistance, provide premises for the occupation of a business free of rent for such time as it thinks appropriate”.
- 11.** In section 10 (Services, etc for development of industry), for “Secretary of State may authorise the Agency to” substitute “Assembly may” and for “him” substitute “it”.
- 12.** Omit section 10A (Financial assistance for regeneration and development).
- 13.** In section 13 (Welsh Industrial Development Advisory Board)—
- (1) in subsection (1)—
    - (a) for “Secretary of State” substitute “Assembly”,
    - (b) for “him” substitute “it”, and
    - (c) for “his” substitute “its”;
  - (2) in subsection (3), for “Secretary of State” substitute “Assembly”; and
  - (3) for subsection (4) substitute—

“(4) If the Board make a recommendation with respect to any matter at the request of the Assembly and the Assembly exercises its functions under section 7 of the Industrial Development Act 1982 contrary to their recommendation, it shall, if the Board so request, publish a statement as to the matter.”.
- 14.** Omit section 14 (Transfer of publicly-owned property to Agency).
- 15.** For section 15 (The environment) substitute—

**“15.—**(1) The Assembly’s duty under section 1(14) above to prepare and publish, after consultation with such local authorities, National Park authorities and other bodies as appear to the Assembly to have an interest, programmes for the performance of the Assembly’s functions under this Act, includes in particular a duty to prepare and publish programmes, to be implemented either by the Assembly itself, or by the Assembly acting jointly with any other authority or person, or through persons or authorities acting on behalf of the Assembly, for the improvement, development or redevelopment of the environment in Wales.

(2) The Assembly may make payments to any authority or person of such amount and in such manner as it may determine for carrying out work which the Assembly considers will contribute to the purposes of such a programme.”.
- 16.** In section 16 (Derelict land)—
- (1) in subsection (1), in the closing words, for “they may, with the consent of the Secretary of State,” substitute “it may”;
  - (2) in subsection (3), in paragraph (a) for “they” substitute “it” and in the closing words of the subsection for “on them” substitute “on it”;
  - (3) in subsection (6), for “Secretary of State with the consent of the Treasury” substitute “Assembly”; and
  - (4) for subsection (8) substitute—

“(8) A statutory instrument containing an order under subsection (6) above may make such transitional provision as appears to the Assembly to be necessary or expedient.”.

17. Omit section 17 (Financial duties of the Agency).

18. In section 18 (Finances of the Agency)—

(1) omit subsections (2) to (5), and

(2) for the heading substitute “Borrowing and guarantees”.

19. Omit section 19 (The Agency and the media).

20. Omit section 20 (Other limits on the Agency’s powers).

21. Omit section 21 (Expenses).

22. For section 21A (Powers of land acquisition) substitute—

“**21A.**—(1) The powers to acquire land mentioned in sections 1(7)(h) and 16(3)(b) above are powers—

(a) to acquire land by agreement;

(b) in relation to land in Wales, to acquire land compulsorily; and

(c) in relation to land in England, to acquire land compulsorily if authorised to do so by the Secretary of State.

(2) Where the Assembly acquires or has acquired land under subsection (1) above, it has power—

(a) to acquire by agreement,

(b) in relation to land in Wales, to acquire compulsorily, and

(c) in relation to land in England, if authorised to do so by the Secretary of State, to acquire compulsorily,

the land described in subsection (2A) below.

(2A) The land is—

(a) any land which adjoins the land which the Assembly acquires or has acquired under subsection (1) and which is required for the purpose of executing works for facilitating its development or use; and

(b) where the land which the Assembly acquires or has acquired under subsection (1) forms part of a common, an open space or a fuel or field garden allotment, any land required for the purpose of being given in exchange for it.

(3) The Assembly may under subsection (1) above acquire rights over land by the creation of new rights (as well as by acquiring rights already in existence).

(4) Before the Assembly acquires land under subsection (1) for the purpose of its function under section 1(3)(da) above, it shall—

(a) consider whether the land would or would not in its opinion be made available for development if it did not act;

(b) consider the fact that planning permission has or has not been granted in respect of the land or is likely or unlikely to be granted;

(c) (in the case where no planning permission has been granted in respect of the land) consult every relevant local authority; and

(d) consider the needs of those engaged in building, agriculture and forestry and of the community in general.

*Status: This is the original version (as it was originally made).*

(5) For the purposes of subsection (4)(c) above, each of the following is a relevant local authority—

- (a) the council of any county, county borough or district in whose area the land, or any part of the land, is situated;
- (b) any joint planning board in whose district the land, or any part of the land, is situated; and
- (c) any National Park authority which is the local planning authority for a National Park in which the land, or any part of the land, is situated.

(6) Where the Assembly has acquired land under subsection (1) above for the purpose of any of its functions under this Act it may appropriate it to the purpose of any of its other functions under this Act.

(7) Where the Assembly has—

- (a) acquired land under subsection (1) above for the purposes of its function under section 1(3)(da) above; or
- (b) under subsection (6) above has appropriated land to that purpose,

it shall, until it either disposes of the land or appropriates the land under subsection (6) above to the purpose of any of its other functions under this Act, manage the land and turn it to account.

(8) Schedule 4 to this Act shall have effect.”

**23.** In paragraph (b) of section 21B (Disposal of land), for “with the consent of the Secretary of State” substitute “otherwise as it considers appropriate”.

**24.** In section 21C (Powers to advise on land matters), in subsection (2)—

- (a) omit paragraph (b); and
- (b) in paragraph (i), for “Secretary of State” substitute “Assembly”.

**25.** Omit section 24 (Power to obtain information).

**26.** Omit section 25 (Service of documents).

**27.** In section 27 (Interpretation)—

- (1) in subsection (1), omit the definition of “accounting year”; and
- (2) omit subsection (2).

**28.** In section 28 (Orders and regulations), omit subsection (1A).

**29.** In section 29 (Citation etc), in subsection (3), omit “and paragraphs 13 and 21 of Schedule 1 below” and for “extend” substitute “extends”.

**30.** Omit Schedule 1 (The Welsh Development Agency).

**31.** Omit Schedule 2 (Members and staff of the Welsh Industrial Estates Corporation).

**32.** In Schedule 3 (Financial and administrative provisions relating to the Agency)—

- (1) omit paragraphs 1, 2, 4, 7, 8 and 9 and the headings to paragraphs 1, 4, 7, 8 and 9;
- (2) for paragraph 3 substitute—

“(3) For the purpose of exercising its functions under this Act, the Assembly may borrow money from any person (including its wholly owned subsidiaries), but any borrowing in a currency other than sterling requires the approval of the Treasury.”;

- (3) for paragraph 5 substitute—

“(5) It is the duty of the Assembly to secure that none of its wholly owned subsidiaries formed in pursuance of the exercise of the Assembly’s functions under this Act borrows money otherwise than from the Assembly or from another wholly owned subsidiary of the Assembly, except with the Assembly’s consent.”;

(4) in paragraph 6(1), for “borrow from a person other than the Secretary of State” substitute “borrows in connection with its functions under this Act”; and

(5) for the heading to the schedule, substitute “Borrowing and guarantees”.

**33.** In Schedule 4 (Acquisition of Land)—

(1) for paragraph 1 substitute—

**1.**—(1) The Acquisition of Land Act 1981 (referred to in this Schedule as “the 1981 Act”) applies in relation to the compulsory acquisition of land under section 21A above subject to the modifications made by the following provisions of this Part.

(2) Notwithstanding section 2 of the 1981 Act—

(a) Schedule 1 to the 1981 Act applies only in relation to a compulsory acquisition of land under section 21A(1)(b) or (2)(b) above; and

(b) Part 2 of the 1981 Act applies in relation to a compulsory acquisition of land made under section 21A(1)(c) or (2)(c) above as if the Assembly were an acquiring authority and the Secretary of State were the confirming authority for the purposes of that Part.

**1A.**—(1) Where a compulsory purchase order is prepared in draft by the Assembly under section 21A(1)(b) or (2)(b) above—

(a) a notice under paragraph 3 of Schedule 1 to the 1981 Act (notice to owners, lessees and occupiers) shall be served on every relevant local authority;

(b) each relevant local authority has a right to object in accordance with the notice; and

(c) the references in paragraphs 4 and 4A of Schedule 1 to that Act to relevant objections include references to an objection made by any relevant local authority.”;

(2) in paragraph 3—

(a) at the end of the opening words of sub-paragraph (1) insert “under section 21A(1)(c) or (2)(c) above”;

(b) in sub-paragraph (1)(a) for “Acquisition of Land Act 1981” substitute “1981 Act”, and

(c) omit sub-paragraph (2);

(3) after paragraph 3 insert new paragraph 3A—

**3A** For the purposes of paragraphs 1A and 3 above, each of the following is a relevant local authority—

(a) the council of any county, county borough or district in whose area the land, or any part of the land, is situated;

(b) any joint planning board in whose district the land, or any part of the land, is situated; and

(c) any National Park authority which is the local planning authority for a National Park in which the land, or any part of the land, is situated.”;

(4) in paragraph 7—

*Status: This is the original version (as it was originally made).*

- (a) in sub-paragraph (3), in the words after paragraph (b) omit “by the Secretary of State”,
  - (b) after sub-paragraph (3) add a new sub-paragraph (3A) as follows—
    - “(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.”,
  - (c) in sub-paragraph (5), before “the Secretary of State” each time it occurs, insert “the Assembly or”, and
  - (d) in sub-paragraph (8)(c), for “the Secretary of State” substitute “the Assembly, in relation to land in Wales, or by the Secretary of State, in relation to land in England.”;
- (5) in paragraph 11—
- (a) insert new sub-paragraph (4A)—
    - “(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.”, and
  - (b) in sub-paragraph (5) after “above” insert “in relation to rights over, or apparatus on, land in England”;
- (6) In paragraph 12—
- (a) in sub-paragraph (1)—
    - (i) before “(5)” insert “(4A) or”; and
    - (ii) for “Ministers” substitute “appropriate Minister and the Assembly, or the Ministers proposing to make the order, as the case may be”; and
  - (b) for paragraph (b) of sub-paragraph (1) substitute—
    - “(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.”;
  - (c) in sub-paragraph (2), for “Ministers” substitute “appropriate Minister and the Assembly, or the Ministers proposing to make the order, as the case may be.”;
  - (d) in the opening words of sub-paragraph (3), before “11(5)” insert “11(4A) or”; and
  - (e) in paragraph (b) of sub-paragraph (3) for “they think” substitute “it thinks”;
- (7) in paragraph 13—
- (a) for paragraph (b) of sub-paragraph (6) substitute—
    - “(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.”;
- (b) in sub-paragraphs (7) and (8) for “an order of Ministers made under it”, substitute “an order made under it by the Assembly and the appropriate Minister, or by the Ministers, as the case may be.”; and
  - (c) after sub-paragraph (8) insert—
    - “(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.”;
- (8) in paragraph 15—
    - (a) in sub-paragraph (3), omit “or the Secretary of State” , and
    - (b) in sub-paragraph (4), for “Secretary of State” substitute “Assembly”;
  - (9) in paragraph 16 for “Secretary of State” substitute “Assembly, in relation to a house in Wales, or the Secretary of State in relation to a house in England.”;
  - (10) omit paragraph 17;
  - (11) in paragraph 18(1) before “relating to land” insert “under this Act” and for “they” substitute “it”;
  - (12) in paragraph 19—
    - (a) for “Secretary of State” in each of paragraphs (a) and (b) of sub-paragraph (1) substitute “Assembly”;
    - (b) in sub-paragraph 1(a), for “their functions” substitute “its functions under this Act”; and
    - (c) in sub-paragraph (3), omit “, or the Secretary of State (if it was granted by him),”;
  - (13) for paragraph 20 substitute—
    - “**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.”;
  - (14) in paragraph 21, after “under” insert “part 2 of”; and
  - (15) in paragraph 22, in sub-paragraph (1), insert after “Crown land” the words “if the appropriate authority is the Assembly or, otherwise,”.