

Changes to legislation: There are currently no known outstanding effects for the Cardiff Bay Barrage Act 1993, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 5.

COMPULSORY LAND ACQUISITION: SUPPLEMENTARY

Acquisition of rights

- 1 (1) The Development Corporation may under section 4 of this Act compulsorily acquire rights in, over or under land by creating them as well as by acquiring rights already in existence.
- (2) In relation to the compulsory acquisition of a right by virtue of sub-paragraph (1) above the provisions of the ^{M1}Highways Act 1980 specified in sub-paragraph (3) below shall apply—
- (a) as if the Development Corporation were a highway authority, and
 - (b) as if references to such a compulsory acquisition were included in references to the compulsory acquisition of a right by virtue of section 250 of that Act.
- (3) The provisions of the Highways Act 1980 referred to in sub-paragraph (2) above are—
- (a) section 250(4) and (5) and Part II of Schedule 19 (adaptations of the ^{M2}Compulsory Purchase Act 1965 and the enactments relating to compensation for compulsory purchase), and
 - (b) section 251(1) to (3) and (5) (rights acquired to be binding on successive owners of the land).

Marginal Citations

- M1** 1980 c. 66.
M2 1965 c. 56.

Mines and minerals

- 2 Parts II and III of Schedule 2 to the ^{M3}Acquisition of Land Act 1981 (exemption of mines and minerals from compulsory purchase and regulation of the working of mines and minerals underlying an authorised undertaking) shall apply in relation to land which may be compulsorily acquired under section 4 of this Act as if it were comprised in a compulsory purchase order providing for the incorporation with the order of those Parts of that Schedule.

Marginal Citations

- M3** 1981 c. 67.

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Extinguishment of rights

- 3 (1) All rights in, over or under land which may be compulsorily acquired under section 4 of this Act, including rights of laying down, erecting, continuing or maintaining any apparatus on, over or under land, shall be extinguished on the earlier of—
- (a) the acquisition of the land, or
 - (b) the entry on the land in pursuance of section 11(1) of the ^{M4}Compulsory Purchase Act 1965, as applied by that section;
- and any such apparatus shall vest in the Development Corporation.
- (2) Sub-paragraph (1) above shall not apply to—
- (a) any right vested in, or apparatus belonging to, statutory undertakers for the purposes of carrying on their statutory undertaking,
 - (b) any right vested in, or apparatus belonging to, the [^{F1}Natural Resources Body for Wales, or]
 - (c) any right conferred by or in accordance with [^{F2}the electronic communications code] on the operator of [^{F3}an electronic communications code network] or any apparatus kept installed for the purposes of any [^{F4}such network.]
- ^{F5} ...
- (3) Any person who suffers loss by the extinguishment of any right or the vesting of any apparatus under this paragraph shall be entitled to compensation from the Development Corporation of an amount to be determined, in default of agreement, under and in accordance with the ^{M5}Land Compensation Act 1961.

Textual Amendments

- F1** Words in Sch. 4 para. 3(2)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 359** (with Sch. 7)
- F2** Words in Sch. 4 para. 3(2)(c) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 17 para. 125(a)** (with Sch. 18); [S.I. 2003/1900](#), arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)
- F3** Words in Sch. 4 para. 3(2)(c) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 17 para. 125(b)** (with Sch. 18); [S.I. 2003/1900](#), arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)
- F4** Words in Sch. 4 para. 3(2)(c) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 17 para. 125(c)** (with Sch. 18); [S.I. 2003/1900](#), arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)
- F5** Words in Sch. 4 para. 3(2) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 19(1)** Note 1 (with Sch. 18); [S.I. 2003/1900](#), arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)

Marginal Citations

- M4** 1965 c. 56.
M5 1961 c. 33.

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Compensation

- 4 Section 4 of the ^{M6}Acquisition of Land Act 1981 (assessment of compensation where unnecessary work undertaken to obtain compensation) shall have effect in relation to a compulsory acquisition under section 4 of this Act as if it were a compulsory purchase to which that Act applies.

Marginal Citations

M6 1981 c. 67.

Power to survey land

- 5 Section 167 of the ^{M7}Local Government, Planning and Land Act 1980 (power to survey land proposed to be acquired compulsorily by an urban development corporation) shall apply in relation to any land which the Development Corporation are considering acquiring under section 4 of this Act as if they were proposing to acquire it compulsorily under that Act.

Marginal Citations

M7 1980 c. 65.

Correction of deposited plans and book of reference

- 6 (1) If the deposited plans or the book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Development Corporation, after giving not less than ten days' notice to the owners and occupiers of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction of the plans or book of reference.
- (2) If on such an application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify accordingly and shall in their certificate state in what respect a matter is misstated or wrongly described.
- (3) The certificate shall be deposited as soon as is reasonably practicable in the office of the Clerk of the Parliaments and a copy of it shall be so deposited in the Private Bill Office of the House of Commons and at the principal offices of—
- (a) the Development Corporation,
 - ^[F6](b) the South Glamorgan County Council,
 - (c) the Cardiff City Council, and
 - (d) the Vale of Glamorgan Borough Council;
- and a copy shall also be given as soon as is reasonably practicable to each person who is an owner or occupier of the land in question.
- (4) Where a copy of the certificate is deposited under sub-paragraph (3) above, it shall be kept with the documents to which it relates.
- (5) The deposited plans or the book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Development Corporation,

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in accordance with the certificate, to proceed under this Act as if the deposited plans or the book of reference had always been in the corrected form.

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Textual Amendments

F6 Sch. 4 para. 6(3)(b) omitted (E.W.)(1.4.1996) by virtue of S.I. 1996/525, art. 3, Sch. Pt. I para. 4(4)

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