
WELSH STATUTORY INSTRUMENTS

2004 No. 907 (W.90)

ECONOMIC DEVELOPMENT, WALES

The Welsh Development Agency (Derelict Land) Order 2004

Made - - - - *24th March 2004*

Coming into force - - *1st April 2004*

The National Assembly for Wales makes the following Order in exercise of the power conferred on the Secretary of State by section 16(6) of the Welsh Development Agency Act 1975(1) which is now vested in the National Assembly for Wales(2):

Citation and commencement

1. This Order may be cited as the Welsh Development Agency (Derelict Land) Order 2004 and comes into force on 1st April 2004.

Increase of the Prescribed Percentage

2. For the purposes of subsection (6) of section 16 of the Welsh Development Agency Act 1975, “the prescribed percentage” means 100 per cent.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3).

24th March 2004

John Marek
The Deputy Presiding Officer of the National
Assembly

(1) 1975 c. 70; section 16 was substituted by section 2(1) of the Derelict Land Act 1982 (c. 42) and amended by section 66(6) of and paragraph 48 of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19) and section 120 of and Schedule 24 to the Environment Act 1995 (c. 25) and section 152 of and Part III of Schedule 18 to the Government of Wales Act 1998 (c. 38).
(2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
(3) 1998 c. 38.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 16(1) of the Welsh Development Agency Act 1975 (“the Act”) provides that where it appears to the Welsh Development Agency (“the Agency”) that steps should be taken for the purpose of reclaiming or improving any land to which section 16(1) applies, or enabling any such land to be brought into use, the Agency may, with the consent of the National Assembly for Wales, exercise as respects that land the powers specified in section 16(3) of the Act.

Section 16(2) of the Act describes the land to which section 16(1) applies and includes land which is derelict, neglected or unsightly.

Under section 16(3)(a) of the Act, the Agency has power to pay to any person grants of such amounts and payable at such times and subject to such conditions as the Agency may from time to time determine in respect of relevant expenditure incurred by that person. The term 'relevant expenditure' is defined in section 16(4) of the Act. It includes expenditure incurred, with the approval of the Agency, in or in connection with the carrying out of works on derelict land for the purposes of reclaiming or improving that land or enabling it to be brought into use.

Section 16(6) of the Act provides that the amount of grant which may be paid under section 16(3)(a) to a person, other than a county or county borough council in whose area the land to which section 16(1) applies is situated, must not exceed a certain limit. That limit is either the prescribed percentage of the relevant expenditure (section 16(6)(a)) or, in the case of a periodical grant in respect of costs from time to time incurred (or treated as incurred in respect of the borrowing of money to defray the relevant expenditure), the prescribed percentage of the costs incurred (or treated as incurred) (section 16(6)(b)).

Section 16(6) of the Act defines the term ‘the prescribed percentage’ as 80 per cent, or such other percentage as may be prescribed by order.

This Order prescribes the percentage as 100 per cent.