

## SCHEDULE 1

### 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—

- (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,”.

**Commencement Information**

**II** Sch. 1 para. 33 in force at 23.11.2005, see [art. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005, Paragraph 33.