
WELSH STATUTORY INSTRUMENTS

2013 No. 2948 (W. 291)

ECONOMIC DEVELOPMENT, WALES

**The Welsh Development Agency Act
1975 (Amendment) (Wales) Order 2013**

Made - - - - 20 November 2013

Coming into force in accordance with article 1(2)

The Welsh Ministers, in exercise of the powers conferred on them by section 194 of the Planning Act 2008⁽¹⁾, make the following Order.

A draft of this Order was laid before, and approved by a resolution of, the National Assembly for Wales in accordance with section 194(5) of that Act.

Title, application and commencement

1.—(1) The title of this Order is the Welsh Development Agency Act 1975 (Amendment) (Wales) Order 2013.

(2) This Order applies in relation to Wales, and comes into force on the day after the day on which it is made.

Amendment of Schedule 4 to the Welsh Development Agency Act 1975

2.—(1) Paragraph 6 of Schedule 4 to the Welsh Development Agency Act 1975⁽²⁾ (power to override easements and other rights) is amended as follows.

(2) After sub-paragraph (1) insert—

“(1A) The use of any land which has been acquired by the Welsh Ministers under section 21A above, whether the use is by the Welsh Ministers or by a person deriving title under them, is authorised by virtue of this paragraph if it is in accordance with planning permission even if the use involves—

- (a) interference with an interest or right to which this paragraph applies, or
- (b) a breach of a restriction as to the user of land arising by virtue of a contract.”

(3) In sub-paragraph (4)—

- (a) after “sub-paragraph (1)” insert “or (1A)”, and

⁽¹⁾ 2008 c. 29.

⁽²⁾ 1975 c. 70. Paragraph 6 of Schedule 4 was inserted by paragraph 3 of Schedule 13 to the Government of Wales Act 1998 (c. 38) and amended by S.I. 2005/3226.

Status: This is the original version (as it was originally made).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

- (b) after “works on” insert “, or use of,”.
- (4) In sub-paragraph (7) after “sub-paragraph (1)” insert “or (1A)”.

20 November 2013

Edwina Hart
Minister for Economy, Science and Transport,
one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

Section 194 of the Planning Act 2008 confers on the Welsh Ministers the power to amend Schedule 4 to the Welsh Development Agency Act 1975 (“the 1975 Act”) so as to authorise the Welsh Ministers to override easements and other rights restricting the use of land which they have acquired under section 21A of the 1975 Act. The Welsh Ministers can do this only if the use is in accordance with planning permission. Under paragraph 6 of Schedule 4 to the 1975 Act it is already possible for the Welsh Ministers to override easements and other rights restricting the execution of works on such land.

In the exercise of that power, the Welsh Ministers, by this Order, amend paragraph 6 of Schedule 4 to the 1975 Act.

This Order applies in relation to Wales.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.