



Local Government, Planning and Land Act 1980

1980 CHAPTER 65

PART XII

THE LAND AUTHORITY FOR WALES

The Authority

102 The Authority

- (1) There shall continue to be a Land Authority for Wales.
- (2) On the passing of this Act, the provisions of this Part of this Act shall apply to the Authority and, subject to those provisions, the Community Land Act 1975 shall cease to apply to the Authority.
- (3) Schedule 18 below shall have effect with respect to the Authority.
- (4) The Authority shall comply with any directions the Secretary of State may give requiring it to do one or both of the following: —
 - (a) perform its functions in particular circumstances (whether or not the circumstances have arisen at the time of the direction);
 - (b) perform its functions in a particular way.
- (5) The Authority shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown; and its property shall not be regarded as property of, or property held on behalf of, the Crown.

Functions

103 The Authority's functions

- (1) The Authority shall have the function of acquiring land in Wales which in its opinion needs to be made available for development, and of disposing of it to other persons (for development by them) at a time which is in the Authority's opinion appropriate to meet the need.
- (2) Before it acquires the land, the Authority shall—
 - (a) consider whether the land would or would not in its opinion be made available for development if the Authority 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 a case where no planning permission has been granted in respect of the land) consult county and district councils in whose area the land is situated and consider their views,
 - (d) consider the needs of those engaged in building, agriculture and forestry and of the community in general.
- (3) Where the Authority acquires land, then, before it is disposed of—
 - (a) the Authority may (with the Secretary of State's consent) execute works in respect of the land where it is of opinion that it is expedient to do so with a view to the subsequent disposal of the land to other persons for development by them, and
 - (b) the Authority shall manage and turn to account the land pending its disposal to other persons for development by them.
- (4) The works mentioned in subsection (3) above include engineering works and works for the installation of roads, drains, sewers, gas supplies and electricity supplies, but do not include works consisting of the erection of buildings.
- (5) If requested to do so by a public authority (within the meaning of Schedule 19 below) the Authority may advise the authority about disposing of any of the authority's land in Wales to other persons (for development by them), and may assist the authority to dispose of the land.
- (6) The Authority may assist county and district councils in Wales in any assessment such a council makes of land which is in its area and which is in its opinion available and suitable for development.
- (7) The Authority may charge a reasonable fee for any advice or assistance under subsection (5) or (6) above.
- (8) A county or district council in Wales shall have power to enter into, and carry out, an agreement with the Authority whereby the council will, as agents of the Authority, perform any service or execute any works which the Authority could perform or execute by virtue of this Act.
- (9) The Authority shall, without prejudice to its powers apart from this subsection, have power to do anything to facilitate, or anything which is conducive or incidental to, the performance of any of the Authority's functions.

Acquisition of land

104 Power of acquisition

- (1) The Authority—
- (a) shall have power to acquire by agreement, or
 - (b) on being authorised to do so by the Secretary of State shall have power to acquire compulsorily,
- any land which, in the Authority's opinion, is suitable for development.
- (2) Where the Authority exercises or has exercised its powers under subsection (1) above in relation to any land, it shall have power to acquire by agreement or on being authorised to do so by the Secretary of State shall have power to acquire compulsorily—
- (a) any land adjoining that land which is required for the purpose of executing works for facilitating its development or use;
 - (b) where that land forms part of a common or open space or fuel or field garden allotment, any land which is required for the purpose of being given in exchange therefor;
 - (c) new rights over land (that is, rights not previously in existence) required for the purpose of exercising the Authority's functions.
- (3) The 1946 Act shall apply in relation to the compulsory acquisition of land in pursuance of this section as if—
- (a) this section were contained in an Act in force immediately before the commencement of that Act;
 - (b) the Authority were a local authority.
- (4) Schedule 20 below, in which—
- (a) Part I modifies the 1946 Act as applied by subsection (3) above,
 - (b) Part II deals with the acquisition of land by agreement, and
 - (c) Part III contains supplemental provisions as respects land acquired under this section,
- shall have effect.

105 Requisitioning of sewers

In section 16 of the Water Act 1973 (water authority's duty to provide sewer)—

- (a) at the end of subsection (1)(b) there shall be added “or (bb) if—
 - (i) the Land Authority for Wales are the owners of the premises at the relevant time; and
 - (ii) the Land Authority require the authority to provide a public sewer for the drainage of new buildings proposed to be erected on the premises by any person; and
 - (iii) the conditions mentioned in subsection (3) below (as modified by subsection (3 A) below) are satisfied ; or”;
- (b) in subsection (3), after the words " paragraph (b) " there shall be inserted the words " or, subject to subsection (3A) below, paragraph (bb) ";

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

- (c) the following subsection shall be inserted after that subsection:—
- “(3A) Where the Land Authority for Wales are the owners of the premises at the relevant time, subsection (3)(a) above shall have effect as if the words " or by any other person " were inserted after the word " owners " , in the second place where it occurs.”; and
- (d) at the end of subsection (11) there shall be added " and " relevant time " in relation to land owned by the Land Authority for Wales, means the time when the Land Authority require the water authority to provide a public sewer as mentioned in subsection (1)(bb) above."

Miscellaneous

106 Further provisions

The further provisions contained in Schedule 21 below (provisions about finance, accounts, records, information, etc. in relation to the Authority) shall have effect.

107 Financial provisions

- (1) Any expenses of the Secretary of State under this Part of this Act shall be paid out of money provided by Parliament.
- (2) Any sum paid to the Secretary of State under this Part of this Act shall except as otherwise expressly provided, be paid into the Consolidated Fund.

108 Interpretation: statutory undertakers etc.

- (1) In this Part of this Act, unless the context otherwise requires, " statutory undertakers " means—
 - (a) persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water.
 - (b) the British Airports Authority, the Civil Aviation Authority, the National Coal Board, the Post Office and any other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for any of the purposes of the 1971 Act, and
 - (c) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph,
 and " statutory undertaking " shall be construed accordingly.
- (2) In this Part of this Act the expression " the appropriate Minister ", and any reference to the Secretary of State and the appropriate Minister—
 - (a) in relation to any statutory undertakers who are also statutory undertakers for the purposes of any provision of Part XI of the 1971 Act, shall have the same meanings as in the said Part XI, and
 - (b) in relation to any other statutory undertakers, shall have the meanings given by an order made by the Secretary of State under this subsection.

- (3) If, in relation to anything required or authorised to be done under this Part of this Act, any question arises as to which Minister is the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury.
- (4) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament

109 Interpretation: general

In this Part of this Act, unless the context otherwise requires, the following expressions have the following meanings: —

- " agriculture " has the meaning assigned to it by section 290 of the 1971 Act;
- " the Authority " means the Land Authority for Wales;
- " common " includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green;
- " development " has the meaning assigned to it by section 22 of the 1971 Act and cognate expressions shall be construed accordingly;
- " disposing " includes disposing by sale, exchange or lease and, in the case of a lease, by grant or assignment, and cognate expressions shall be construed accordingly;
- " fuel or field garden allotment " means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;
- " land " means any corporeal hereditament, including a building and includes an interest in or right over land;
- " lease " includes an underlease or sublease and an agreement for a lease, underlease or sublease, but does not include an option to take a lease or a mortgage ;
- " the 1946 Act " means the Acquisition of Land (Authorisation Procedure) Act 1946;
- " the 1971 Act " means the Town and Country Planning Act 1971;
- " the 1975 Act " means the Community Land Act 1975;
- " open space " means any land laid out as a public garden or used for the purposes of public recreation, or land which is a disused burial ground.

110 Supplementary

The supplementary provisions (including savings and transitional provisions) in Schedule 22 below shall have effect

111 Extent

This Part of this Act (except paragraph 15 of Schedule 22) does not extend to Scotland or Northern Ireland.