



Derelict Land Act 1982

1982 CHAPTER 42

2 Powers of Welsh Development Agency.

- (1) For section 16 of the Welsh Development Agency Act 1975 there shall be substituted the following section—

“16 Derelict land.

- (1) Subject to the provisions of this section, where it appears to the Agency that steps should be taken for the purpose of—
- (a) reclaiming or improving any land to which this subsection applies; or
 - (b) enabling any such land to be brought into use,
- they may, with the consent of the Secretary of State, exercise as respects that land the powers specified in subsection (3) below.
- (2) Subsection (1) above applies to—
- (a) land which is derelict, neglected or unsightly; and
 - (b) except as respects the exercise of the power specified in subsection (3) (a) below in relation to a person other than a local authority in whose area it is situated, land which is not derelict, neglected or unsightly but is likely to become so by reason of actual or apprehended collapse of the surface as the result of the carrying out of relevant operations which have ceased to be carried out.
- (3) The Agency’s powers under this subsection are—
- (a) a power to pay to any person grants of such amounts and payable at such times and subject to such conditions as they may from time to time determine in respect of relevant expenditure incurred by that person;
 - (b) a power, after consultation with such local authorities and other bodies as appear to the Agency to have an interest, to acquire compulsorily or by agreement, for the purpose mentioned in subsection (1) above, the land to which that subsection applies or any other land; and

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- (c) a power to carry out, for that purpose, any works on the land to which that subsection applies or any other land;

and the Agency's powers under this subsection are in addition to, and not in derogation from, any power conferred on them by any other provision of this Act.

- (4) In subsection (3)(a) above "relevant expenditure" means expenditure incurred, with the approval of the Agency, in or in connection with—
 - (a) the carrying out, for the purpose mentioned in subsection (1) above, of any works on the land to which that subsection applies or any other land;
 - (b) the carrying out of a survey of the land to which that subsection applies for determining whether any works for that purpose should be undertaken (whether or not such works are carried out); and
 - (c) in relation to a local authority in whose area the land to which that subsection applies is situated, the acquisition, for that purpose, of that land or any other land.
- (5) Grants under subsection (3)(a) above may be made in such manner as appears to the Agency to be requisite.
- (6) The amount of the grant which may be paid under subsection (3)(a) above to a person other than a local authority in whose area the land to which subsection (1) above applies is situated shall not exceed—
 - (a) the prescribed percentage of the relevant expenditure; or
 - (b) 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 so incurred or treated as incurred.

In this subsection "the prescribed percentage" means 80 per cent. or such other percentage as may be prescribed by order made by the Secretary of State with the consent of the Treasury.

- (7) After carrying out works on land acquired under subsection (3)(b) above the Agency may dispose of it free of charge to a local authority or the development corporation of a new town for the purpose of its use as a public open space.
- (8) A statutory instrument containing an order under subsection (6) above shall be subject to annulment in pursuance of a resolution of either House of Parliament; and an order under that subsection may make such transitional provision as appears to the Secretary of State to be necessary or expedient.
- (9) In this section—

"local authority" means—

- (a) a county council or district council or
- (b) in relation to an area which is or comprises the whole or a part of a National Park and for which a joint planning board, special planning board or National Park Committee has been established, that board or Committee;

"relevant operations" means underground mining operations other than operations for the purpose of the working and getting coal, or of

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coal and other minerals worked with coal, or for the purpose of getting any product from coal in the course of working and getting coal.”

- (2) Subsection (1) above shall not apply as respects the making of a grant under the said section 16 in any case where application for the grant is or was made, or the expenditure is or was incurred, before the commencement of this Act.

^{F1}(3)

^{F1}(4)

Textual Amendments

F1 S. 2(3)(4) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. III** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

Modifications etc. (not altering text)

C1 The text of s. 2(1), 3, 5(2), Sch. is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Changes to legislation:

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