



# Government of Wales Act 1998

## 1998 CHAPTER 38

### PART VI

#### REFORM OF WELSH PUBLIC BODIES

##### *The Land Authority for Wales*

#### **134 Cessation of functions**

The functions of the Land Authority for Wales shall cease to exist.

#### **135 Consequential amendments**

(1) The following amendments relating to the Land Authority for Wales have effect in consequence of section 134.

(2) In—

- (a) paragraph 1(2)(xxiv) of Schedule 25 to the Water Act 1989,
- (b) paragraph 1(1)(iv) of Schedule 16 to the Electricity Act 1989, and
- (c) paragraph 2(1)(xxviii) of Schedule 4 to the Gas Act 1995,

(which deem persons to be statutory undertakers for the purposes of certain enactments), for “Parts XII and” substitute “Part”.

(3) In section 31(1)(c) of the Acquisition of Land Act 1981 (acquisition under certain provisions of statutory undertakers' land without a certificate), for “said Act of” substitute “Local Government, Planning and Land Act”.

#### **136 Transfer of property, staff etc. to Welsh Development Agency**

(1) There shall be transferred to and vest in the Welsh Development Agency by virtue of this subsection all property, rights and liabilities to which the Land Authority for Wales is entitled or subject when the functions of that Authority cease to exist.

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*Status: This is the original version (as it was originally enacted).*

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- (2) A certificate issued by the Secretary of State that any property has been transferred by subsection (1) shall be conclusive evidence of the transfer.
- (3) Subsection (1) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.
- (4) Subsection (1) does not have effect to continue in force any contract of employment; but the Secretary of State may by order make provision for the transfer of staff of the Land Authority for Wales.
- (5) An order under subsection (4) may make any appropriate consequential, incidental, supplementary or transitional provisions or savings.

### **137 Transitional provisions**

- (1) Nothing in section 134 or 135, or in any repeal made by this Act, affects the validity of anything done by or in relation to the Land Authority for Wales before its functions cease to exist.
- (2) There may be continued by or in relation to the Welsh Development Agency anything (including legal proceedings) which—
  - (a) relates to any of the functions of the Land Authority for Wales or to any property, rights or liabilities transferred by section 136(1), and
  - (b) is in the process of being done by or in relation to that Authority when its functions cease to exist.
- (3) Anything which—
  - (a) was done by the Land Authority for Wales for the purpose of or in connection with any of its functions or any property, rights or liabilities transferred by section 136(1), and
  - (b) is in effect immediately before its functions cease to exist,
 shall have effect as if done by the Welsh Development Agency.
- (4) The Welsh Development Agency shall be substituted for the Land Authority for Wales in any instruments, contracts or legal proceedings which—
  - (a) relate to any of the functions of that Authority or to any property, rights or liabilities transferred by section 136(1), and
  - (b) are made or commenced before its functions cease to exist.

### **138 Winding-down**

- (1) The Land Authority for Wales shall give to the Welsh Development Agency all the information, prepare all the documents and do all other things which appear to that Agency appropriate for the purpose of facilitating—
  - (a) the carrying into effect of sections 134 to 137 and section 139, or
  - (b) the exercise of any functions imposed on that Agency, or conferred on the Secretary of State, by this section;
 and the Land Authority for Wales may do anything else which appears to it appropriate for that purpose.

- (2) The Land Authority for Wales shall comply with paragraph 6 of Schedule 21 to the Local Government, Planning and Land Act 1980 (reports)—
  - (a) in relation to the last accounting year ending before its functions cease to exist (if it has not done so before then), and
  - (b) in relation to the period between the end of that accounting year and the time when its functions cease to exist (to which period that paragraph shall apply as if it were an accounting year).
- (3) As from the time when the functions of the Land Authority for Wales cease to exist, the Welsh Development Agency shall make available to that Authority such facilities as that Authority may reasonably require for exercising its functions under this section.
- (4) The statement of accounts prepared by the Welsh Development Agency in accordance with paragraph 8(1) of Schedule 3 to the Welsh Development Agency Act 1975 in respect of the accounting year in which the functions of the Land Authority for Wales cease to exist shall include a statement of accounts relating to the activities of that Authority—
  - (a) in respect of the last accounting year ending before the time when those functions cease to exist (if that Authority has not before that time prepared a statement of accounts in accordance with paragraph 3 of Schedule 21 to the Local Government, Planning and Land Act 1980 in relation to that accounting year), and
  - (b) in respect of the period between the end of that accounting year and that time.
- (5) The Secretary of State may pay to members of the Land Authority for Wales—
  - (a) any remuneration which he considers appropriate in respect of the performance of their duties as members of that Authority after the time when its functions cease to exist, and
  - (b) any allowances which he determines should be paid to them in respect of expenses properly incurred by them in the performance of those duties after that time.
- (6) The Secretary of State may determine that, as from the time when the functions of the Land Authority for Wales cease to exist or any later time, the number of members of that Authority shall be reduced to a number which he considers appropriate (and may, accordingly, remove any such members from office).
- (7) In this section “accounting year” means the period of twelve months ending with 31st March.

### **139 Abolition etc**

- (1) The Land Authority for Wales shall cease to exist when the Secretary of State, being satisfied that its duties under section 138 have been discharged, by order so directs.
- (2) No amendment or repeal made by this Act or by virtue of subsection (3) affects—
  - (a) the continuance of the Land Authority for Wales for the purpose of exercising its functions under section 138, or
  - (b) the continued operation for that purpose of any enactment relating to the Land Authority for Wales.

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- (3) The Secretary of State may by order make any consequential, incidental, supplementary or transitional provisions, and any savings, which appear to him to be appropriate in consequence of or otherwise in connection with—
- (a) the functions of the Land Authority for Wales ceasing to exist under section 134,
  - (b) the transfer of the property, rights and liabilities of that Authority by section 136(1), or
  - (c) the abolition of that Authority.
- (4) An order under subsection (3) may include provisions in the form of amendments or repeals of any of sections 134 to 138 or any other enactment.