



# Regional Development Agencies Act 1998

## 1998 CHAPTER 45

### PART I

#### REGIONAL DEVELOPMENT AGENCIES

##### *Vesting and acquisition of land*

#### **19 Vesting of land by order**

- (1) The Secretary of State may, in relation to land in England, by order made by statutory instrument provide that land specified in the order which is vested in a local authority or other public body or in a wholly-owned subsidiary of a public body shall vest in a regional development agency.
- (2) An order under subsection (1) may not specify land vested in statutory undertakers which is used for the purpose of carrying on their statutory undertakings or which is held for that purpose.
- (3) In the case of land vested in statutory undertakers, the power to make an order under subsection (1) shall be exercisable by the Secretary of State and the appropriate Minister.
- (4) The reference in subsection (3) to the Secretary of State and the appropriate Minister shall—
  - (a) in relation to statutory undertakers who are or are deemed to be statutory undertakers for the purposes of any provision of Part XI of the Town and Country Planning Act 1990, be construed as if contained in that Part, and
  - (b) in relation to any other statutory undertakers, be construed in accordance with an order made by the Secretary of State by statutory instrument.
- (5) If, for the purposes of subsection (3), 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.

- (6) An order under subsection (1) shall have the same effect as a declaration under the Compulsory Purchase (Vesting Declarations) Act 1981 except that, in relation to such an order, the enactments mentioned in Schedule 4 shall have effect subject to the modifications specified there.
- (7) Compensation under the Land Compensation Act 1961, as applied by subsection (6) and Schedule 4, shall be assessed by reference to values current on the date the order under subsection (1) comes into force.
- (8) No compensation is payable under Part IV of the Land Compensation Act 1961 by virtue of an order under subsection (1).
- (9) No order under subsection (1) shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (10) In this section—
- “local authority” also includes a county borough council and a parish council;
- “statutory undertakers”, except where the context otherwise requires, 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 hydraulic power,
  - (b) a relevant airport operator (within the meaning of the Airports Act 1986),
  - (c) British Shipbuilders, the Civil Aviation Authority and the Post Office,
  - (d) any other authority, body or undertakers specified in an order made by the Secretary of State by statutory instrument, and
  - (e) any wholly-owned subsidiary of any person, authority or body mentioned in paragraphs (a) to (c) or of any authority, body or undertakers specified in an order under paragraph (d),
- and “statutory undertaking” shall be construed accordingly;
- “wholly-owned subsidiary” has the meaning given by section 736 of the Companies Act 1985.
- (11) A statutory instrument containing an order under subsection (4) or (10) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **20 Acquisition of land**

- (1) A regional development agency may for its purposes, or for purposes incidental thereto, acquire land by agreement or, on being authorised to do so by the Secretary of State, compulsorily.
- (2) A regional development agency may, for those purposes, be authorised by the Secretary of State, by means of a compulsory purchase order, to acquire compulsorily such new rights over land as are specified in the order.
- (3) Where the land referred to in subsection (1) or (2) forms part of a common, open space or fuel or field garden allotment, a regional development agency may acquire (by agreement or, on being authorised to do so by the Secretary of State, compulsorily) land for giving in exchange for the land or, as the case may be, rights acquired.

- (4) The Acquisition of Land Act 1981 shall apply to the compulsory acquisition of land by virtue of subsection (1) or (3), subject to the modifications specified in Part I of Schedule 5.
- (5) Schedule 3 to that Act shall apply to the compulsory acquisition of a right by virtue of subsection (2), but with the modification that the reference in paragraph 4(3) to statutory undertakers includes a reference to a regional development agency.
- (6) Part II of Schedule 5 (which applies the Compulsory Purchase Act 1965 to the acquisition of rights by virtue of subsection (2)) shall have effect.
- (7) The provisions of Part I of that Act (so far as applicable), other than section 31, shall apply to the acquisition of land by a regional development agency by agreement; and, in that Part as so applied, “land” has the meaning given by the Interpretation Act 1978.
- (8) In subsection (2)—
  - “new rights over land” means rights over land which are not in existence when the order specifying them is made;
  - “compulsory purchase order” has the same meaning as in the Acquisition of Land Act 1981.

## **21 Rights of entry**

- (1) Any person who is duly authorised in writing by a regional development agency may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with—
  - (a) any proposal by the agency to acquire the land or any other land, or
  - (b) any claim for compensation in respect of any such acquisition.
- (2) A person authorised under this section to enter any land shall, if so required, produce evidence of his authority before entry.
- (3) A person may only exercise a right under this section to enter any land if at least 28 days' notice of the intended entry was given to every owner or occupier of the land.
- (4) A notice under subsection (3) shall—
  - (a) state the purpose for which entry is required, and
  - (b) inform the person to whom it is given of his rights under this section.
- (5) The power under subsection (1) to survey land includes power to search, bore and remove soil samples for the purpose of ascertaining the nature of the subsoil or the presence in it of minerals or pollutants.
- (6) No person shall carry out under this section any works authorised by virtue of subsection (5) unless notice of his intention to do so was included in the notice under subsection (3).
- (7) The authority of the appropriate Minister shall be required for the carrying out under this section of works authorised by virtue of subsection (5) if the land in question is held by statutory undertakers and they object to the proposed works on the ground that the execution of the works would be seriously detrimental to the carrying on of their undertaking.
- (8) Where any land is damaged—

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

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- (a) in the exercise of a right of entry conferred under this section, or
- (b) in the making of any survey for the purpose of which any such right of entry has been so conferred,

compensation in respect of the damage may be recovered by any person interested in the land from the regional development agency which authorised the exercise of the powers conferred by this section.

- (9) The provisions of section 118 of the Town and Country Planning Act 1990 (determination of claims for compensation) shall apply in relation to compensation under subsection (8) as they apply in relation to compensation under Part IV of that Act.
- (10) In subsection (3), “owner” has the same meaning as in the Acquisition of Land Act 1981.
- (11) Expressions used in subsection (7) have the same meanings as they have in section 325(9) of the Town and Country Planning Act 1990 (supplementary provisions as to rights of entry).

## **22 Offences in relation to rights of entry**

- (1) Any person who intentionally obstructs a person acting in exercise of his powers under section 21 commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) Any person who is admitted into a factory, workshop or workplace in compliance with the provisions of section 21 commits an offence if he discloses to any person any information obtained by him in it as to any manufacturing process or trade secret.
- (3) Subsection (2) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the premises.
- (4) A person who is guilty of an offence under subsection (2) shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both.

## **23 Supplementary provisions**

Schedule 6 (which contains supplementary provisions about land vested in or acquired by a regional development agency under this Act) shall have effect.