

Explanatory Memorandum to The Compulsory Purchase of Land (Vesting Declarations) (Wales) Regulations 2017

This Explanatory Memorandum has been prepared by the Planning Directorate and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary/Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Compulsory Purchase of Land (Vesting Declarations) (Wales) Regulations 2017.

Lesley Griffiths
Cabinet Secretary for Environment and Rural Affairs
14 March 2017

1. Description

- 1.1 These Regulations prescribe forms for the purposes of the Compulsory Purchase (Vesting Declarations) Act 1981 (“the 1981 Act”) (c. 66). They apply to the compulsory purchase of land in Wales.
- 1.2 The prescribed forms reflect changes to the general vesting declaration procedure made by Part 7 of the Housing and Planning Act 2016 (c. 22).

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None.

3. Legislative background

- 3.1 The Welsh Ministers make these Regulations in exercise of the powers conferred on the Secretary of State by sections 2(1), 4 and 6 of the 1981 Act. These powers are now exercisable by the Welsh Ministers.
- 3.2 The functions of the Secretary of State under the 1981 Act, so far as exercisable in relation to Wales, were transferred to the then National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), see the entry in Schedule 1 for the Compulsory Purchase (Vesting Declarations) Act 1981. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- 3.3 Section 2(1) of the 1981 Act provides that regulations which prescribe forms for the purposes of the 1981 Act are subject to the negative procedure.

4. Purpose & intended effect of the legislation

- 4.1 These Regulations prescribe forms for the purposes of the 1981 Act, to replace those previously prescribed and they apply to the compulsory purchase of land in Wales.
- 4.2 Regulation 3(1)(a) provides that, for the purposes of section 4(1) of the 1981 Act, the prescribed form of general vesting declaration is Form 1.
- 4.3 Regulation 3 (1) (b) provides that, for the purposes of section 6(1) of the 1981 Act, the prescribed form of notice specifying the land and stating the effect of a general vesting declaration is Form 2.

- 4.4 The replacement forms reflect the changes to the general vesting declaration procedure made by Part 7 of the Housing and Planning Act 2016 (c. 22).

5. Consultation

- 5.1 The Regulations replace the general vesting declaration forms previously prescribed, as required by changes to the 1981 Act made by the Housing and Planning Act 2016. The Welsh Ministers have no discretion as to the changes to the forms which need to be made. No consultation was therefore undertaken. This approach was agreed by the Cabinet Secretary for Environment and Rural Affairs.
- 5.2 A Regulatory Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.