



# New Towns Act (Northern Ireland) 1965 <sup>F1</sup>

## 1965 CHAPTER 13

An Act to make provision for the creation of new towns, for the exercise by new town commissions of certain functions in relation to such towns, for the expansion or development of existing towns, and for purposes related to those matters. [24th June 1965]

**F1** functions transf. by SR 1999/481

### GENERAL POWERS OF THE MINISTER AND THE MINISTRY

#### **1 Power to designate site of new town.**

- (1) Where the Minister of Development (in this Act referred to as “the Minister” ) is satisfied, after consultation with any [<sup>F2</sup> district councils] who appear to him to be concerned, that it is expedient in the interests of Northern Ireland that any area of land (whether or not that area includes an existing town) should be developed as a new town in pursuance of this Act, he may by an order made with the concurrence of the Minister of Finance designate that area as the site of the proposed new town.
- (2) An order shall not be made under this section until a draft thereof has been approved by resolution of each House of Parliament, and shall take effect subject to any modifications and adaptations which may be agreed to by both Houses of Parliament.
- (3) The provisions of Part I of Schedule 1 shall have effect with respect to matters preliminary to and consequent upon the making of an order under this section.

**F2** SRO (NI) 1973/285

*Status: Point in time view as at 02/06/2014.*

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## 2 New town advisory committees.

- (1) For the purpose of securing the provision of advice upon any matter arising in connection with the performance of the functions under this Act of—
- (a) the Minister, or
  - (b) the Ministry of Development (in this Act referred to as “the Ministry” ), or
  - (c) a new town commission established in accordance with the succeeding provisions of this Act,
- in relation to a new town or a proposed new town, the Minister may appoint a committee (in this section referred to as a “new town advisory committee” ).
- (2) A new town advisory committee shall consist of<sup>F3</sup> . . . two members of the council of each [<sup>F4</sup> district] within which any part of the said area is situated, nominated by the respective councils, or such other number of members of each such council (being a number greater than two) so nominated as the Minister may, in any case, direct.
- (3) A new town advisory committee may appoint one of their members to be their chairman and may regulate their procedure (including the fixing of a quorum).
- (4) A new town advisory committee may act notwithstanding any vacancy in their membership.
- (5) The functions of a new town advisory committee shall be—
- (a) to advise the Minister or, as the case may be, the Ministry or a new town commission, upon any matter referred to them by the Minister, the Ministry and the new town commission respectively; and
  - (b) to make to the Minister, the Ministry or a new town commission such representations as they think proper in relation to matters affecting the new town or proposed new town.
- (6) The Ministry shall, if a new town advisory committee so request, appoint an officer to be secretary of the committee, and shall make available for the purposes of the committee such other facilities as they may reasonably require.
- (7) The Ministry shall pay to the members of a new town advisory committee such reasonable allowances in respect of expenses properly incurred in the performance of their duties as may be determined by the Ministry with the approval of the Ministry of Finance.

**F3** SRO (NI) 1973/285

**F4** SRO (NI) 1973/285

## 3 Power to make surveys, etc.

- (1) For the purposes of any order or proposed order under section 1 with respect to a new town, the Ministry may at any time cause such surveys to be made and do all such things as are necessary or appropriate for purposes preliminary to or connected with the designation of an area under that section as the site of the new town or the creation of the new town.
- (2) Without prejudice to the generality of subsection (1), the things that the Ministry may do in pursuance of that subsection shall include the provision of such services

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and the carrying out of such works as are necessary or appropriate for promoting the expeditious development of the new town.

- (3) Things done by the Ministry before the commencement of this Act for purposes preliminary to or connected with the designation of an area under section 1 or the creation of a new town shall be deemed to have been done under this Act as if this Act had then been in force.

#### **4 Power to acquire land.**

- (1) Where an order is made under section 1 designating an area as the site of a proposed new town, the Ministry shall have power to acquire (either by agreement or compulsorily in accordance with the following provisions of this section) any land within any portion of that area which has been distinguished under paragraph 1( b) of Part I of Schedule 1 as land that is proposed to be acquired by the Ministry.
- (2) Where the Ministry in exercise of the power conferred by subsection (1) desires to acquire any land otherwise than by agreement, the Ministry may make an order (in this section referred to as a “vesting order” ) vesting that land in the Ministry.
- (3) Schedule 5 to the Roads Act (Northern Ireland) 1948 shall, subject to the modifications thereof specified in Schedule 2, apply for the purposes of the acquisition of land by means of a vesting order made under this section in the same manner as it applies to the acquisition of land by the Ministry within the meaning of that Act by means of a vesting order made under that Act.
- (4) In any enquiry with respect to proposals for the compulsory acquisition of land under this section, the objections to which consideration shall be given shall include objections taken with respect to the location, severance or separation of individual holdings of land, to special features relating to such holdings and to any other local or individual aspect of the proposed acquisition, but shall not include any objections which question the expediency in the interests of Northern Ireland, as recognised and sanctioned by Parliament in approving the order made under section 1, of creating the proposed new town in the area designated in that order, nor shall they include any objection directed solely to the amount of compensation payable by law in respect of the acquisition.
- (5) The powers conferred on the Ministry by the foregoing provisions of this section may be exercised notwithstanding that the land the subject of such exercise is the property of a [<sup>F5</sup> district council] or of any statutory undertakers within the meaning of the said Act of 1948, or is declared to be inalienable.
- <sup>F6</sup>(6) Nothing in this section shall authorise the Ministry to acquire, without the consent of the Ministry of Finance, any land on or in which there is, to the knowledge of the Ministry, any historic monument or archaeological object.
- (7) In subsection (6), “historic monument” and “archaeological object” have the same meanings as in the Historic Monuments Act (Northern Ireland) 1971 .]

**F5** SRO (NI) 1973/285

**F6** 1971 c. 17 (NI)

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## 5 Power to dispose of land.

- (1) Subject to subsection (2), the Ministry may dispose of any land acquired by the Ministry under section 4 for the purposes of a new town to such persons, in such manner, and on such terms or conditions as the Ministry considers expedient for securing the development of the new town.
- <sup>F7</sup>(1A) Where at any time it appears to the Department that any land acquired by the Department under section 4 for the purposes of a new town is no longer required by the Department for that purpose, the Department may, subject to subsection (2), dispose of that land to such persons, in such manner and on such terms or conditions as the Department thinks fit.]
- (2) [<sup>F8</sup> Subsection (1)] shall not enable the Ministry to dispose of any land gratuitously, or at either a price or rent other than the best obtainable, or on terms other than the best obtainable, except with the approval of the Ministry of Finance.
- (3) Section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 (which contains provisions with respect to the disposal of land by government departments) shall not apply to the disposal of any land under this section.

**F7** [1981 NI 13](#)

**F8** [1981 NI 13](#)

*S. 6 rep. by 1972 NI 17*

## CONSTITUTION OF NEW TOWN COMMISSIONS

### 7 New town commissions.

- (1) Where an order is made under section 1 with respect to a proposed new town, the Minister may by order establish a body (in this Act referred to as a “new town commission”) to—
- secure the laying out and development of the new town in accordance with proposals approved by the Ministry in that behalf under the succeeding provisions of this Act (in this Act referred to as “development functions”); and
  - exercise such further functions as may be conferred upon the new town commission by virtue of an order made under section 28 (in this Act referred to as “municipal functions”).
- (2) The provisions of Schedule 4 shall have effect with respect to each new town commission.

*Subs. (3) rep. by 1975 c. 25*

- <sup>F9</sup>(4) Sections 28 to 33, 42, 46, 47 and 146 of the Local Government Act (Northern Ireland) 1972, and section 148 of that Act so far as it applies for the interpretation of those sections, shall apply to a new town commission and their members and officers as if—
- in those sections any reference to a council were a reference to a new town commission, any reference to a councillor were a reference to a member of a new town commission and any reference to the clerk of a council were a

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reference to the general manager of a new town commission or such other officer (if any) of a new town commission as the Ministry may specify;

- (b) in section 28(4) of that Act for the words from “by any local elector” onwards there were substituted the words “by any person” .]

**F9** 1972 c. 9 (NI)

## **8 Power of Ministry to make arrangements for the transfer of staff to the service of new town commissions.**

- (1) The Ministry may make arrangements for transferring to the service of a new town commission (but not without the consent of the person proposed to be transferred)—

- (a) any person employed by the Ministry; or  
(b) any person employed by a [<sup>F10</sup> district council] ...<sup>F11</sup> any part of whose ...<sup>F11</sup> district is included in the area designated under section 1 as the site of a new town,

and a person transferred in pursuance of such arrangements shall, subject to subsection (2), be deemed to have been appointed by the new town commission in exercise of their powers under this Act.

- (2) Arrangements made under subsection (1) shall include arrangements for ensuring that a person transferred to the service of a new town commission under that subsection shall be employed by the new town commission upon terms and conditions not less favourable than those which immediately before the date of transfer applied to his employment by the Ministry or, as the case may be, the [<sup>F10</sup> district council], with such increases of salary and other benefits as may before the date of transfer have by virtue of those terms accrued to him by efflux of time and such further increases of salary and other benefits as may have been conferred on him by the Ministry or, as the case may be, the [<sup>F10</sup> district council] before the date of transfer.

**F10** SRO (NI) 1973/285

**F11** SRO (NI) 1973/285

*S. 9 rep. by 1972 NI 10; SR 1981/96*

## **10 Accounts of new town commissions, and audit.**

- (1) A new town commission shall keep such accounts and other records as the Ministry may direct, and all such accounts and records shall so far as is reasonably practicable distinguish the development functions of the new town commission from any municipal functions exercisable by them.
- (2) A new town commission shall, as soon as may be after the close of each financial year, prepare an abstract of their accounts for that year in such form as the Ministry with the approval of the Ministry of Finance may direct, and shall transmit a copy of the abstract to the Ministry.
- (3) The accounts of a new town commission shall in respect of each financial year be audited by [<sup>F12</sup>the local government auditor], and, subject to the succeeding provisions of this section, all the enactments which relate or apply to the audit of the accounts of [<sup>F13</sup> district councils] (including the provisions of those enactments which impose

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penalties or provide for the payment or recovery of sums in respect of audit fees, but not including any such provisions which confer upon [<sup>F12</sup>the local government auditor] any power of charging or any power of disallowance or surcharge) shall apply to the audit of the accounts of a new town commission in like manner as if the new town commission were [<sup>F13</sup> a district council].

- (4) The Ministry may, by regulations, make such modification or alteration in or such further provision with respect to the procedure to be followed by [<sup>F14</sup>the local government auditor when] acting under this section as the circumstances require.
- (5) The Ministry shall lay before Parliament copies of the abstract of the accounts of a new town commission for each financial year, and of the report of the local government auditor on those accounts.

*Subs. (6) rep. by 1972 c. 9 (NI)*

**F12** Words in s. 10(3) substituted (2.6.2014) by [Local Government Act \(Northern Ireland\) 2014 \(c. 8\), ss. 110\(2\)\(a\)](#), 129 (with s. 124(4)); S.R. 2014/153, art. 2, Sch. 1

**F13** SRO (NI) 1973/285

**F14** Words in s. 10(4) substituted (2.6.2014) by [Local Government Act \(Northern Ireland\) 2014 \(c. 8\), ss. 110\(2\)\(b\)](#), 129 (with s. 124(4)); S.R. 2014/153, art. 2, Sch. 1

**Modifications etc. (not altering text)**

**C1** S. 10(3) power to repeal conferred (2.6.2014) by [Local Government Act \(Northern Ireland\) 2014 \(c. 8\), ss. 109\(b\)](#), 129 (with s. 124(4)); S.R. 2014/153, art. 2, Sch. 1

**11 Annual reports of new town commissions.**

- (1) A new town commission shall as soon as may be after the close of each financial year make to the Ministry a report of their activities during that year.
- (2) The Ministry shall lay before Parliament a copy of every report made under this section.

**12 Duty of new town commissions to disclose information to Ministry.**

Without prejudice to the requirement imposed by section 11 a new town commission shall provide the Ministry with such returns or information relating to their proceedings or undertaking as the Ministry may from time to time require, and for those purposes shall permit any person authorised by the Ministry in that behalf to inspect and make copies of their accounts, books, documents and papers, and shall afford such explanation thereof as that person or the Ministry may reasonably require.

**13 Power of Ministry to give directions to new town commissions.**

- (1) Without prejudice to any provision of this Act requiring the consent of the Ministry to be obtained for anything to be done by a new town commission, the Ministry may give directions of a general or specific nature to a new town commission as to the manner in which they are to discharge their functions under this Act, and the new town commission shall act in accordance with those directions.
- (2) Before giving any directions under subsection (1) the Ministry shall consult with the Chairman of the new town commission, or, if the Chairman is not available, with

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the Vice-Chairman, unless the Ministry is satisfied that, on account of urgency, such consultation is impracticable.

## DEVELOPMENT FUNCTIONS OF NEW TOWN COMMISSIONS

### **14 Duty of new town commissions to submit development proposals.**

- (1) A new town commission shall submit to the Ministry, in accordance with any directions given by the Ministry in that behalf, their proposals for the development of any land in the area designated under section 1 as the site of the new town, and the Ministry may approve any such proposals, either with or without modification, or refuse to approve any such proposals.
- (2) It shall be the duty of a new town commission to carry out their development functions in accordance with proposals approved by the Ministry under this section, subject to any modifications made by subsequent proposals so approved.

### **15 Acquisition of land by new town commissions.**

- (1) The power of a new town commission to acquire land under section 19(1)( a)(iv) of the Interpretation Act (Northern Ireland) 1954 <sup>M1</sup> shall be exercisable only with the approval of the Ministry.
- (2) The power of a new town commission to acquire land for their development functions shall include power, exercisable in accordance with the succeeding provisions of this section, to acquire compulsorily—
  - (a) any land within the area designated by an order made under section 1 as the site of the new town, being land which, in the opinion of the new town commission, is required for purposes connected with the development of the new town (other than land within any portion of the said area distinguished under paragraph 1( b) of Part I of Schedule 1 that has been acquired by the Ministry under section 4);
  - (b) any other land, whether within the said area or not, which in the opinion of the new town commission is required for the provision of services for the purposes of the new town.
- (3) For the purposes of the compulsory acquisition of any land under subsection (2) the new town commission may apply to the Ministry for an order (in this section referred to as a “vesting order” ) vesting in them the fee simple or any lesser estate in that land, and—
  - (a) on any such application the Ministry may make the vesting order for which the new town commission applied either in respect of the whole of the land or in respect of any portion thereof; and
  - (b) on an application for an order vesting the fee simple of any land in the new town commission the Ministry may make a vesting order vesting in them such lesser estate in the land or in any portion thereof as may be specified in the vesting order.
- (4) Section 22(2) of and Schedule 2 to the Local Government Act (Northern Ireland) 1934 shall, subject to the modifications thereof specified in Schedule 5, apply for

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the purposes of the acquisition of land by means of a vesting order made under subsection (3).

- (5) For the purposes of this section and of the application for such purposes of the enactments applied by this section, the interest of a grantee under a fee farm grant shall be deemed to be a lesser estate than a fee simple.
- (6) The provisions of section 4(4), (5) and (6) shall have effect for the purposes of this section in like manner as they have effect for the purposes of the said section 4, and as if for references therein to that section and the Ministry there were substituted references to this section and a new town commission.
- (7) Without prejudice to<sup>F15</sup> Article 6(2)(b) and (c) and (3) of the Land Compensation (Northern Ireland) Order 1982], in assessing compensation payable in respect of the compulsory acquisition of any land under this section, no account shall be taken of any increase or diminution in the value of the land that is attributable to the existence of the new town.

**F15** 1982 NI 9

**Marginal Citations**

**M1** 1954 c. 33

*S. 16 rep. by 1981 NI 13*

**17 General powers of new town commissions.**

- (1) A new town commission, in the exercise of their development functions, may do anything reasonably necessary or expedient for the purposes of the creation and development of the new town or for purposes incidental thereto, and, without prejudice to the generality of the foregoing provisions of this section or to any other power conferred on them under this Act, may, subject to subsection (2),—
- (a) develop or manage any land held by them;
  - (b) carry out building, engineering or other operations;
  - (c) provide<sup>F16</sup> . . . , electricity, gas, local transport,<sup>F17</sup> . . . or other services;
  - (d) carry on any business or undertaking in or for the purposes of the new town.
- (2) The powers conferred upon a new town commission by this section shall not—
- (a) authorise them to carry on any undertaking for the generation or supply of electricity; or
  - (b) save as is provided by or under this Act, authorise them to disregard any enactment or rule of law.

**F16** Word in s. 17(1)(c) repealed (1.4.2007) by *Water and Sewerage Services (Northern Ireland) Order 2006* (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(2), **Sch. 13** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

**F17** Word in s. 17(1)(c) repealed (1.4.2007) by *Water and Sewerage Services (Northern Ireland) Order 2006* (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(2), **Sch. 13** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)



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## 18 Borrowing powers of new town commissions.

A new town commission may, with the consent of the Ministry, borrow temporarily from any other person by way of overdraft or otherwise such sums as they may require, but save as is provided by this section and subject to the provisions of this Act with respect to the making of advances to new town commissions, a new town commission shall not, for the purposes of their development functions, have power to borrow money.

## 19 Payment of certain contributions, etc., to new town commissions.

(1) Where, in the exercise of their development functions, a new town commission—

- (a) acquire any land; or
- (b) carry out any works; or
- (c) establish any undertaking,

in such circumstances that, if the land had been acquired, the works carried out or, as the case may be, the undertaking established, by [<sup>F18</sup> a district council], a contribution would have been payable in respect thereof under any transferred provision to such a council, that contribution shall be payable by any person authorised in that behalf under any such provision to, and shall be receivable by, the new town commission as if the commission were [<sup>F18</sup> a district council].

(2) For the purposes of this section—

- (a) “contribution” includes any grant, subsidy or payment;
- (b) land shall be deemed to have been acquired for any purpose when it is appropriated by a new town commission for that purpose.

**F18** SRO (NI) 1973/285

## 20 Power of new town commissions to make byelaws.

(1) A new town commission, in the exercise of their development functions, may make byelaws, subject to confirmation by the Ministry, for the management, regulation, protection or preservation of any property vested in them or in their custody or any undertaking carried on by them, and in particular, but without prejudice to the generality of the foregoing provisions, may, in the exercise of such functions, make byelaws for any of the said purposes for which byelaws or regulations may be made by [<sup>F19</sup> a district council].

(2) The power to make byelaws under subsection (1) shall include power to make byelaws with respect to—

- (a) the admission of persons to; or
  - (b) the exclusion of persons from; or
  - (c) the regulation of the conduct of persons resorting to,
- any place to which the byelaws apply.

<sup>F20</sup>(3) Part VI of the Local Government Act (Northern Ireland) 1972 (except section 90(1)(a) and (b) and section 93 thereof), and section 123 of that Act, so far as it relates to byelaws, shall apply to byelaws made under this section as if, in that Part and section,

- (a) any reference to a council were a reference to a new town commission;

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- (b) any reference to the clerk of a council were a reference to the general manager of a new town commission;
  - (c) any reference to the district of a council were a reference to the area designated under section 1 as the site of a new town; and
  - (d) any reference to the Ministry concerned were a reference to the Ministry.]
- (4) The Ministry may authorise persons employed by a new town commission to enforce byelaws made by the new town commission under this section and to take all steps, and do all acts and things, necessary for that purpose, and in particular any person so authorised may after due warning remove or exclude from any place with respect to which any such byelaws are for the time being in force a person who commits, or whom he reasonably suspects of committing, in that place an offence against any such byelaw or against section 4 of the Vagrancy Act 1824 .
- (5) A person who—
- (a) acts in contravention of any byelaw made under this section; or
  - (b) obstructs any person authorised under subsection (4),
- shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>[F21]</sup> level 1 on the standard scale] and, for a continuing offence, to a further fine not exceeding one pound in respect of each day during which the offence continues.

<p><b>F19</b> SRO (NI) 1973/285</p> <p><b>F20</b> 1972 c. 9 (NI)</p> <p><b>F21</b> 1984 NI 3</p>
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*S. 21 rep. by SRO (NI) 1973/285*

## **22 Recovery of possession of premises let by new town commissions.**

On the termination of the tenancy of any premises let by a new town commission, possession of the premises may (without prejudice to any other method of recovery) be recovered by the new town commission in a summary manner under<sup>[F22]</sup> Articles 67 to 74 of, and paragraph 8 of Schedule 5 to, the Magistrates' Courts (Northern Ireland) Order 1981], whatever may be the rent or term of the tenancy.

<p><b>F22</b> 1981 NI 26</p>
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*Ss. 23, 24 rep. by 1985 NI 15*

## **25 Extinguishment by new town commissions of public rights of way.**

- (1) Subject to the provisions of this section, a new town commission may, by an order made with the approval of the Ministry, extinguish any public right of way which exists over—
- (a) any land which the new town commission have acquired or have resolved to acquire; or
  - (b) any land in the area designated under section 1 as the site of the new town, where the new town commission are satisfied that the extinguishing of the right of way is necessary for the proper development of the land.

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- (2) An order under this section shall be published in the prescribed manner, and objections to it may be made to the Ministry before the expiration of a period of six weeks from its publication.
- (3) The Ministry may, at any time after the expiration of the said period of six weeks, approve the order with or without modification or refuse to approve the order, but shall not, until a local inquiry is held into the matter, approve an order to which any objection is made in accordance with subsection (2) and is not withdrawn.
- (4) An order under this section shall take effect—
  - (a) in the case of an order under subsection (1)( a), on the date on which the land is acquired or on such date subsequent thereto as the Ministry in approving the order may direct; or
  - (b) in the case of an order under subsection (1)( b), on such date as the Ministry in approving the order may direct.
- (5) An order made under this section may contain any such provision as, by virtue of section 17(3)( c) of the Roads Act (Northern Ireland) 1948 (retention or removal of cables, etc.), may be contained in an order made under that section on the stopping up or abandonment of a road; and subsection (5) of the said section 17, and section 41 of the said Act of 1948 (Crown rights), shall apply to an order made under this section as they apply to an order made under the said section 17, as if for the references therein to the [<sup>F23</sup> Ministry] there were substituted references to the new town commission.
- (6) Where, by virtue of subsection (5), by an order made under this section—
  - (a) any person is required to carry out any works; or
  - (b) any right such as is described in section 17(3)( c) of the said Act of 1948 is extinguished or modified,the new town commission shall pay compensation to that person or, as the case may be, in respect of the extinction or modification of that right; and if any question of disputed compensation arises that question shall be referred to and determined by the Lands Tribunal for Northern Ireland.
- (7) If any person who is required by an order made under this section to carry out any works refuses or, within any reasonable period of time specified in a notice served upon him by the new town commission for the purposes of this subsection, fails to do so, the new town commission may carry out those works and the expenses incurred by them in so doing shall, without prejudice to any other remedy, but subject always to subsection (6), be recoverable by them from that person summarily as a debt.
- (8) When a new town commission propose to make an order under subsection (1)( b) with respect to any land, they may enter into an agreement with any person who has an estate in the land as to the conditions subject to which the order is to be made, and the agreement may, in particular, make provision for—
  - (a) the dedication by any such person of any land as a public right of way in place of the right of way proposed to be extinguished by the order; and
  - (b) the payment to the new town commission by any such person of sums equivalent to—
    - (i) any sum payable by the new town commission in relation to the land by way of compensation under subsection (6); and
    - (ii) the amount of any costs and expenses reasonably incurred by the new town commission either in making the order or by reason of the reference to the Lands Tribunal for Northern Ireland, under

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subsection (6), of any question as to compensation such as is referred to in sub-paragraph (i).

- (9) The powers conferred by this section shall be in addition to and not in derogation of any powers for the stopping up or abandonment of roads under section 17 of the said Act of 1948.
- [<sup>F24</sup>(9A) Where in pursuance of an order under this section a public right of way over land is extinguished and, at the beginning of the day on which the order comes into operation there is under, in, on, over, along or across the land any [<sup>F25</sup> electronic communications apparatus] kept installed for the purposes of a [<sup>F25</sup> an electronic communications code network], the operator of that system shall have the same powers in respect of that apparatus as if the order had not come into operation; but any person entitled to land over which the right of way existed shall be entitled to require the alteration of the apparatus.
- (9B) Where the Department has approved an order under this section in respect of any right of way in circumstances in which subsection (9A) applies in relation to the operator of [<sup>F25</sup> any electronic communications code network], the Department shall send a copy of the order to the operator.
- (9C) Paragraph 1(2) of [<sup>F25</sup> the electronic communications code] (alteration of apparatus to include moving, removal, or replacement of apparatus) shall apply for the purposes of subsection (9A) as it applies for the purposes of that code.
- (9D) Paragraph 21 of [<sup>F25</sup> the electronic communications code] (restriction on removal of [<sup>F25</sup> electronic communications apparatus]) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any [<sup>F25</sup> electronic communications apparatus] as it applies in relation to an entitlement to require the removal of any such apparatus.]
- (10) For the purposes of this section a customary right of way shall be deemed to be a public right of way.

**F23** SRO (NI) 1973/285

**F24** 1984 c. 12

**F25** 2003 c. 21

## **26 Contributions by new town commissions towards expenditure in relation to, and for the provision of amenities in, new towns.**

- (1) Without prejudice to the generality of the powers conferred on a new town commission by any other provision of this Act, a new town commission may, with the consent of the Ministry given with the approval of the Ministry of Finance, contribute such sums as the new town commission may determine—
- (a) towards expenditure incurred or to be incurred by any government department (including a department of the Government of the United Kingdom), or any local or public body or voluntary body in the performance in relation to the new town of any of their functions, including expenditure so incurred in the acquisition of land; or
  - (b) by way of assistance towards the provision of amenities for the new town.

*Status: Point in time view as at 02/06/2014.*

*Changes to legislation: There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965. (See end of Document for details)*

- (2) In this section “voluntary body” means any body of persons, whether corporate or unincorporate, carrying on or proposing to carry on an undertaking otherwise than for profit.

## **27 Power of new town commissions to recover certain expenses from district councils.**

- (1) Where in any ...<sup>F26</sup> district ...<sup>F26</sup>, a new town commission ...<sup>F26</sup>

- (a) after consultation with the [<sup>F27</sup> district] council, and  
(b) with the approval of the Ministry,

incur expenses in the carrying out, for the purposes of the new town, of development of a kind the carrying out of which in relation to that district ...<sup>F26</sup> is a function of the [<sup>F27</sup> district] council, the [<sup>F27</sup> district] council shall pay to the new town commission, on such terms as may be approved by the Ministry with the concurrence of the Ministry of Finance, a sum equal in amount to those expenses.

- (2) Any question arising as to the amount payable by a [<sup>F27</sup> district] council under subsection (1) shall be referred to arbitration<sup>F28</sup> . . . .

**F26** SRO (NI) 1973/285

**F27** SRO (NI) 1973/285

**F28** 1996 c. 23

## MUNICIPAL FUNCTIONS OF NEW TOWN COMMISSIONS

## **28 Power of Ministry to confer municipal functions on new town commissions.**

- (1) If—

- (a) upon receiving a request from any one or more than one [<sup>F29</sup> district council] who appear to the Ministry to be concerned and after consultation with other such [<sup>F29</sup> councils], or  
(b) after consultation with all such [<sup>F29</sup> councils],

the Ministry is satisfied that by reason of—

- (i) the lack of resources of such [<sup>F29</sup> a council] or their inability on other grounds or unwillingness to provide the services necessary for the proper development of a new town; or  
(ii) the likelihood of there being any unreasonable delay on the part of such [<sup>F29</sup> a council] in providing services such as are described in paragraph (i); or  
(iii) the desirability, having regard to the extent to which the construction of a new town has advanced, of amalgamating all or any part of a ...<sup>F30</sup> district contained in whole or in part in the area designated by an order made under section 1 as the site of the new town with, or with any part of, any other such ...<sup>F30</sup> district, or with any area in relation to which a new town commission are authorised to exercise municipal functions by virtue of a previous order made under this section,

it is expedient that an order (in this Act referred to as a “municipal functions order”) should be made directing that a new town commission shall, in relation to the area

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designated under section 1 as the site of the new town, or any part of that area specified in the order, exercise the functions [<sup>F29</sup> of a district council], the Ministry may make such an order.

*Subs. (1A) rep. by SRO (NI) 1973/285*

- (2) A municipal functions order shall not be made until a draft thereof has been approved by resolution of each House of Parliament.
- (3) The provisions of Part II of Schedule 1 shall have effect with respect to matters preliminary to and consequent upon the making of a municipal functions order.
- (4) Where ...<sup>F30</sup> the whole or part of a ...<sup>F30</sup> district is included in the area specified in a municipal functions order, the council of that ...<sup>F30</sup> district shall on the commencement of the order cease to exercise [<sup>F29</sup> its] functions in relation to ...<sup>F30</sup> so much of the district as is so included.

*Subs. (5) rep. by SRO (NI) 1973/285*

- (6) A municipal functions order may make—
  - (a) such provision for the incorporation in any ...<sup>F30</sup> district ...<sup>F30</sup> contiguous to a district to which subsection (4) applies of the whole or any part of so much as remains of the last-mentioned district after the exclusion of any part thereof to which subsection (4) applies; and
  - (b) such provision in relation to any of the matters which may be dealt with in an order [<sup>F29</sup> under section 52 of the Local Government Act (Northern Ireland) 1972 ],
 as the Ministry thinks expedient.

*Subs. (6A) rep. by SRO (NI) 1973/285*

- (7) Where—
  - (a) the whole of a ...<sup>F30</sup> district is included in the area specified in a municipal functions order; or
  - (b) part of that district is so included and the whole of the remainder of the district is incorporated in any one or more than one contiguous ...<sup>F30</sup> district,
 the council of that first-mentioned ...<sup>F30</sup> district shall, on the commencement of the order, be dissolved.
- (8) Upon the dissolution of the council of a ...<sup>F30</sup> district under subsection (7), the ...<sup>F30</sup> district ...<sup>F30</sup> shall be abolished.
- (9) The functions which were exercisable by the council of a ...<sup>F30</sup> district before the commencement of a municipal functions order in relation to the area specified in the order and which cease to be exercised by the council under subsection (4) or (5) shall on the commencement of the order become and be exercisable by the new town commission, [<sup>F31</sup> subject to any exceptions for which provision is made by the order].
- (10) Any reference in this Act to the area in relation to which a new town commission are authorised to exercise their municipal functions shall be construed as a reference to the area or the aggregate of the areas specified in any one or more than one municipal functions order made with respect to that new town commission, but without prejudice to the application to the new town commission, by virtue of section 30, of any transferred provision authorising ...<sup>F30</sup> [<sup>F29</sup> a district council] to exercise any of their functions outside their district.

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*Changes to legislation: There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965. (See end of Document for details)*

*Subs. (11) rep. by SRO (NI) 1973/285*

**F29** SRO (NI) 1973/285  
**F30** SRO (NI) 1973/285  
**F31** 1968 c. 33 (NI)

## 29 Provisions supplemental to section 28.

- (1) A municipal functions order may make—
- (a) such provision with respect to any function which, by virtue of the order, ceases to be exercisable by the council of a ...<sup>F32</sup> district and becomes exercisable by the new town commission or by the council of any other ...<sup>F32</sup> district; and
  - (b) such incidental, consequential, transitional or supplementary provisions, as appear to the Ministry necessary or expedient for the purpose of giving full effect to the order, including provisions—
    - (i) for the modification and adaptation of transferred provisions in pursuance of section 30;
    - (ii) for the transfer to the new town commission or to the council of any such other ...<sup>F32</sup> district of any property or rights enjoyed or liabilities already incurred by the first-mentioned council in connection with any such function;
    - (iii) where expedient for the purpose of any transfer such as is mentioned in paragraph (ii), for the severance of any such property, rights or liabilities and the apportionment thereof between the new town commission, the first-mentioned council and the council of any such other ...<sup>F32</sup> district or any of them, in such manner and in such proportions as the Ministry considers just;
    - (iv) for enabling any financial adjustment to be made in consequence of any distribution of functions by virtue of the order or in consequence of any alteration in the boundary of a ...<sup>F32</sup> district to which the order applies;
    - (v) with respect to the constitution or functions or the property, rights or liabilities ...<sup>F32</sup> of any joint committee any member of which was appointed by the council of the ...<sup>F32</sup> district or other district, or of any committee or sub-committee of any such ...<sup>F32</sup> joint committee; and
    - (vi) for the transfer to the service of the new town commission or of the council of any such other ...<sup>F32</sup> district (as the case may require) of any person employed by the first-mentioned council for the purposes of any such function.
- (2) A municipal functions order may deal with any matters that, for the purposes of section 277 of the Public Health (Ireland) Act 1878 (settlement of differences arising out of transfer of functions, etc.), may be dealt with by an order or a provisional order made under that section.
- (3) A municipal functions order may provide that any adoptive Act shall be in force in the area in relation to which the new town commission are authorised to exercise their municipal functions, and, upon the commencement of the order, that Act shall be so in force as if it had been adopted for that area.
- (4) In this section—
- “adoptive Act” means the Towns Improvement (Ireland) Act 1854 and any transferred provision that is capable of being adopted for [<sup>F33</sup> a] district;

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*Definition rep. by SRO (NI) 1973/285; 1973 NI 2*

“joint committee” means a body, ...<sup>F32</sup> constituted under any transferred provision for the purpose of a combination of [<sup>F33</sup> district councils] and consisting exclusively of persons appointed by those [<sup>F33</sup> councils].

**F32** SRO (NI) 1973/285

**F33** SRO (NI) 1973/285

### **30 General provisions with respect to municipal functions of new town commissions.**

- (1) Where a municipal functions order is made [<sup>F34</sup> with respect to a new town commission], then, subject to any provision of the order, for the purposes of any transferred provision (including any transferred provision coming into force after the commencement of this Act) relating generally to ...<sup>F35</sup> districts or their councils or the officers of such councils ...<sup>F35</sup> (excluding any such provision relating to the constitution of [<sup>F34</sup> a district council], or its meetings or procedure, or the election or tenure of office of its members, but including, without prejudice to the generality of the foregoing provisions of this subsection, any such provision relating to the register of electors ...<sup>F35</sup>), and for the purposes of any local Act or order in force in the area to which the municipal functions order applies—
- (a) the area in relation to which the new town commission are authorised to exercise their municipal functions shall be deemed to be [<sup>F34</sup> a] district;
  - (b) the new town commission shall for the purposes of their municipal functions be deemed to be [<sup>F34</sup> a district council] acting for that district;
  - (c) the chairman, any vice-chairman, and the members of the new town commission shall for the purposes of the said functions be deemed to be respectively the chairman, vice-chairman and members of such a council; and
  - (d) the general manager, his deputy, if any, and any other officers appointed by the new town commission and acting on behalf of the new town commission for the purposes of any municipal function of the new town commission shall be deemed to be respectively the clerk, [<sup>F34</sup> deputy clerk] and, subject as the new town commission may direct, other officers of [<sup>F34</sup> a district council].

*Subs. (1A) rep. by SRO (NI) 1973/285*

- (2) The Ministry may, by either a municipal functions order or an order made under this section, make such adaptations of or modifications in any transferred provision (including any local Act or order) as appear to be necessary or desirable to meet the circumstances of a new town commission or for the full and effectual discharge of the statutory functions of a new town commission or otherwise for the purpose of giving full effect to this Act, and upon such an order being made the provision to which it relates shall, in relation to the new town commission and any area in relation to which the new town commission are authorised to exercise their municipal functions, have effect subject to the adaptations thereof and the modifications therein made by the order.
- (3) Where any local Act or order in force at the commencement of this Act contains provisions that appear to be similar to or inconsistent with any provision made by or under this Act, the Ministry may by either a municipal functions order or an order made under this section (in this subsection referred to as “the order” ) declare that the provisions of the local Act or order specified in the order shall not apply in or in



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relation to a specified area, and upon the order being made the provisions so specified shall not apply in or in relation to that area.

- (4) Where a municipal functions order or an order made under this section makes any provision such as is described in subsection (2) or (3) with respect to a local Act or a local order that, in either case, confers powers or privileges on any person for his own pecuniary benefit, and where, by reason of the provisions of the municipal functions order, any such benefit is diminished, the Ministry shall pay compensation to that person, and any question of disputed compensation shall be referred to and determined by the Lands Tribunal for Northern Ireland.
- (5) An order made under this section shall be subject to affirmative resolution.

**F34** SRO (NI) 1973/285

**F35** SRO (NI) 1973/285

### **31 Financial provisions with respect to municipal functions of new town commissions.**

- (1) Subject to subsection (3), any person enabled in that behalf under any transferred provision other than this Act may pay to a new town commission with respect to which a municipal functions order ...<sup>F36</sup> has been made, and such a commission may receive, any contribution, grant, subsidy or payment that may be paid to or received by ...<sup>F36</sup> [<sup>F37</sup> a district council] under such a provision.
- (2) Any person enabled in that behalf under any transferred provision other than this Act may require a new town commission with respect to which a municipal functions order ...<sup>F36</sup> has been made to make, and the new town commission shall make, any payment that ...<sup>F36</sup> [<sup>F37</sup> a district council] may be required to make.

*Subs. (3) spent*

- (4) The [<sup>F37</sup> district rate made] by a new town commission, in the exercise of their municipal functions, in any financial year shall ...<sup>F36</sup> be of such amount as the Ministry may determine with the approval of the Ministry of Finance.

*Subs. (5) rep. by SRO (NI) 1973/285*

- (6) [<sup>F37</sup> If in respect of any financial year the aggregate of the sum paid to a new town commission by the Ministry of Finance as representing the product of the district rate made by the commission for that year] and the other receipts relating to their municipal functions is not sufficient to meet the outgoings of the new town commission in relation to those functions, the Ministry may make good the amount of the deficit.
- (7) Where expenditure which the Ministry considers to be of a capital nature is incurred by a new town commission in the exercise of their municipal functions, that expenditure shall be met by borrowing unless the Ministry otherwise directs.

**F36** SRO (NI) 1973/285

**F37** SRO (NI) 1973/285

*Status: Point in time view as at 02/06/2014.*

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## 32 Committees.

- (1) Where a municipal functions order is made with respect to a new town commission the Minister may establish a committee (in this section referred to as “the committee”) for the purpose of assisting the new town commission, in accordance with the provisions of this section, in the discharge of the municipal functions of the new town commission.
- (2) The committee shall consist of—
  - (a) such members of the new town commission as the Minister may appoint;
  - Para. (b) rep. by SRO (NI) 1973/285*
  - (c) one member of the council of each ...<sup>F38</sup> district which, immediately before the commencement of the municipal functions order, was included, whether in whole or in part, in the said area ...<sup>F38</sup>, appointed by the council (and, where such a council is dissolved by virtue of the municipal functions order, for the purposes of this section the dissolution shall be deemed not to take effect until after an appointment has been made in pursuance of this paragraph).
- (3) A member of the committee shall hold office for such period as the Minister or, where he is appointed by a [<sup>F39</sup> district council], that [<sup>F39</sup> council] may determine (unless in the meantime he dies or resigns his office as member), and on such terms as may be so determined.
- (4) Where a person was appointed as a member of the committee by a council of a ...<sup>F38</sup> county district which is dissolved under this Act, that person shall not, by reason only of such dissolution, cease to be a member of the committee; ...<sup>F38</sup>.
- (5) The committee shall, as from such date as the Ministry or, as the case may be, the new town commission, may direct exercise—
  - (a) such of the municipal functions of the new town commission as the Ministry may by notice in writing appoint; and
  - (b) such further municipal functions of the new town commission as the new town commission may, with the approval of the Ministry, delegate to them,
 but not so as to authorise them to acquire land, to engage or dismiss any officer or servant or to enter into any contract.
- (6) Save as the municipal functions order may direct, a decision of the committee shall not have effect until confirmed by the new town commission.
- (7) Subject to any direction in writing given to them by the Ministry or by the new town commission with the approval of the Ministry, the committee may regulate their own procedure and fix a quorum for their proceedings.
- (8) The validity of the proceedings of the committee shall not be affected by any vacancy among their members or by any defect in the appointment of any of their members.
- <sup>F40</sup>(9) The sections of the Local Government Act (Northern Ireland) 1972 mentioned in subsection (4) of section 7 shall apply to the committee and the members of the committee as (by that subsection) they apply to the new town commission and the members of the new town commission.]
- (10) The new town commission shall pay to the members of the committee such reasonable allowances in respect of expenses properly incurred in the performance of their duties as may be determined by the Ministry with the approval of the Ministry of Finance.

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**F38** SRO (NI) 1973/285

**F39** SRO (NI) 1973/285

**F40** 1972 c. 9 (NI)

### [<sup>F41</sup>32A Exercise of municipal functions through the agency of other bodies.

- (1) A new town commission upon whom municipal functions have been conferred may, with the consent of the Ministry, make arrangements with any local or public body for the exercise of any such functions of the new town commission, or any class of such functions, by that body on behalf of the new town commission.
- (2) A body with whom a new town commission propose to make arrangements under subsection (1) shall have power to enter into those arrangements and carry them into effect if, apart from the provisions of this subsection, they would not have power to do so.]

**F41** 1968 c. 33 (NI)

## TERMINATION OF NEW TOWN COMMISSIONS

### 33 Termination and winding up of new town commissions.

- (1) Where the Ministry is satisfied that the construction of the new town for the purposes of which a new town commission are established under this Act has been substantially achieved, the Ministry shall by order—
  - (a) constitute as [<sup>F42</sup> a] district any area in relation to which the new town commission are authorised to exercise [<sup>F42</sup> their municipal functions];
  - (b) provide for the election of [<sup>F42</sup> a district council for that district], and in relation to such an election may provide that so much of section 11 of the Electoral Law Act (Northern Ireland) 1962 as requires the elected members of such a council to be elected in a local election year within the meaning of that Act shall not have effect; ...<sup>F43</sup>;
  - (c) make provision for the transfer to the service of any ...<sup>F44</sup> council elected under paragraph ( b) or to the service of some other local or public body of any person employed by the new town commission;
  - (d) transfer to the council elected under paragraph ( b) the municipal functions of the new town commission and the property, rights and liabilities of the new town commission in connection with any such function;
  - (e) dissolve any committee of the new town commission established under section 32;
  - (f) transfer any development function of the new town commission and any property, right or liability of the new town commission in connection with any such function to such person as may be specified in the order;
  - (g) provide for the winding up of the affairs of the new town commission and for their dissolution.
- (2) An order under subsection (1) may contain such incidental, consequential or supplementary provisions as the Ministry thinks necessary or expedient for the

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purposes of the order, and in particular, but without prejudice to the generality of the foregoing provision, may—

- (a) fix the total number of councillors of any ...<sup>F43</sup> district constituted under this section, divide the district into wards, fix the boundaries of such wards, apportion the councillors among the wards and, notwithstanding anything in section 11(2) of the Electoral Law Act (Northern Ireland) 1962, fix the day on which the first councillors shall retire from office;
  - (b) make provision for the severance of any property, rights or liabilities of the new town commission and for their apportionment between any council and other persons to whom the order applies or any of them, in such manner and in such proportions as the Ministry considers expedient;
  - (c) extend or modify the functions of any person to whom any function, property, right or liability of the new town commission is transferred, so far as appears to the Ministry to be necessary or expedient in consequence of the transfer;
  - (d) provide for the payment by or to any such person in consideration of the transfer, of such sum as may with the approval of the Ministry of Finance be specified in the order, to be satisfied in such manner as may be so specified;
  - (e) provide for the appointment and functions of a liquidator of the new town commission, and authorise the disposal, in such manner as may be determined by or under the order, of any assets of the new town commission that are not transferred to a council or other person under the foregoing provisions of this section.
- (3) Any surplus arising from the winding up of a new town commission under this section shall be paid into the Exchequer, and any deficit shall be defrayed by the Ministry.
- (4) An order made under this section shall be subject to affirmative resolution.

**F42** SRO (NI) 1973/285

**F43** SRO (NI) 1973/285

**F44** 1968 c. 33 (NI)

## SUPPLEMENTAL

### 34 General provisions with respect to the transfer of functions, etc.

- (1) The provisions set out in Schedule 6 shall, subject to subsection (2), have effect where any functions—
- (a) cease to be exercisable by the council of a ...<sup>F45</sup> district and become exercisable by a new town commission under section 28; or
  - (b) become exercisable by the council of a ...<sup>F45</sup> district in consequence of the incorporation in that district of any part of a contiguous ...<sup>F45</sup> district under section 28; or
  - (c) are transferred from a new town commission to ...<sup>F45</sup> [<sup>F46</sup> a] district council or some other person under section 33.
- (2) A municipal functions order or an order under section 33 may modify the provisions of Schedule 6 in their application, by virtue of subsection (1), to functions transferred by virtue of that order ...<sup>F45</sup>.

*Status: Point in time view as at 02/06/2014.*

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- <sup>F47</sup>(3) Stamp duty shall not be chargeable on a municipal functions order or an order under section 33 or on any instrument executed for the purposes of giving effect to any such order.]

**F45** SRO (NI) 1973/285

**F46** SRO (NI) 1973/285

**F47** 1966 c. 38 (NI)

### **35 Provisions with respect to the transfer and compensation of staff.**

- (1) Where a municipal functions order or an order under section 33 is made relating to any function of a [<sup>F48</sup> district council] or of a new town commission, being a function to which section 34 applies, then, subject to subsection (2), every person who, not having attained the age of sixty-five years on the date of transfer, was immediately before that date employed by the transferor for the purposes of that function shall, subject to the order, on that date (unless he otherwise elects) be employed by the transferee upon terms and conditions (including conditions as to superannuation benefits) not less favourable than those which immediately before the date of transfer applied to his employment by the transferor, with such increases of salary and other benefits as may before the date of transfer have by virtue of those terms accrued to him by efflux of time and such further increases of salary and other benefits as may have been conferred on him by the transferor before the date of transfer.
- (2) Where a person such as is described in subsection (1) was, immediately before the date of transfer, in the part-time employment of [<sup>F48</sup> a district council], that subsection shall not have effect in relation to him unless, if the transferee so requires, he agrees to accept employment as a whole-time officer of the transferee upon terms and conditions on the whole not less favourable than the terms and conditions (including the benefit of any increases or further increases such as are described in subsection (1)) that might reasonably be expected to have applied to his employment by the transferor immediately before the date of transfer if he had then been in the whole-time employment of the transferor.
- (3) Every person who was employed as a whole-time officer of the transferor immediately before the date of transfer and who by reason or in consequence of the transfer of functions to which section 34 applies suffers any direct pecuniary loss by the termination of his appointment and for whose compensation for that loss provision is not made by any other transferred provision for the time being in force, shall be entitled to compensation under this section for that loss, and such compensation shall be payable by the Ministry.
- (4) Where a person who immediately, before the date of transfer—
  - (a) held a part time office under the transferor, and also
  - (b) held one or more than one office under any other local or public body,and who devoted the whole of his time to the duties of such offices, suffers—
  - (i) any direct pecuniary loss by the termination of his appointment under the transferor, or
  - (ii) any diminution of his emoluments by reason of his accepting employment as a whole-time officer of the transferee,

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*Changes to legislation: There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965. (See end of Document for details)*

then, if provision is not made by any other transferred provision for the time being in force for his compensation for that loss, he shall be entitled to compensation under this section for that loss, and such compensation shall be payable by the Ministry.

- (5) The Ministry shall by regulations make provision for the payment of compensation under this section and such regulations may include provision as to the manner in which and the person to whom any claim for such compensation is to be made, and for the determination of all questions arising under the regulations.
- (6) If a person receiving compensation under this section—
- (a) where the compensation is payable under subsection (3), obtains any office under any local or public body; or
  - (b) where the compensation is payable under subsection (4)—
    - (i) obtains any whole-time office under any local or public body, or
    - (ii) obtains any office under any local or public body in addition to or substitution for any office held by him under such a body at the date at which compensation was assessed, or
    - (iii) receives any increase in the remuneration of any such office held by him at the date at which the compensation was assessed,

he shall not, so long as he holds that office or receives that increased remuneration, be entitled to receive by way of such compensation in respect of the office or offices for which compensation was awarded any greater sum than would make up the amount, if any, by which the remuneration or, as the case may be, the additional remuneration which he is receiving in respect of all such offices falls short of the remuneration of the office or offices in respect of which compensation was awarded; but the Ministry may, on the application of the person concerned, direct that the operation of the foregoing provisions of this subsection in relation to that person shall be modified so far as is in the opinion of the Ministry necessary in order equitably to meet the circumstances of the case.

- (7) In this section—
- (a) the expressions “date of transfer”, “transfer”, “transferor” and “transferee” have the same meanings as in Schedule 6;
  - (b) “officer” includes a servant.

**F48** SRO (NI) 1973/285

*S. 36 rep. by 1977 NI 8*

#### MISCELLANEOUS

*Ss. 37, 38 rep. by 1973 NI 21*

*S. 39 rep. by SRO (NI) 1973/285; 1978 NI 20*

*S. 40 rep. by 1978 NI 11*

#### **41 Power to enter on lands.**

- (1) A person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the Ministry or a new town commission, may at all reasonable

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*Changes to legislation: There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965. (See end of Document for details)*

times, on giving at least three days' prior notice to the occupier and to the owner, if the owner is known, of his intention—

- (a) enter for the purpose of survey, valuation or examination—
    - (i) any land which or any interest in or over which the Ministry or the new town commission, as the case may be, propose to acquire compulsorily under powers conferred upon it or them by this Act;
    - (ii) any land, where it appears to the Ministry or the new town commission that survey, valuation or examination is necessary in order to determine whether any powers under this Act should be exercised in respect of that land; or
  - (b) enter any land (whether, in the case of a new town commission, within or without the area designated under section 1 as the site of the new town for the purposes of which the new town commission are established) for any purpose specified in section 271<sup>F49</sup> of the Public Health (Ireland) Act 1878, and there do anything authorised by that section for any such purpose.
- (2) If any person, other than the owner or occupier of the land, obstructs a person so authorised in the performance of anything which the second-mentioned person is so required or authorised to do, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>F50</sup> level 2 on the standard scale].
  - (3) If any person, being the owner or occupier of land, prevents a person authorised under subsection (1) from duly carrying into effect any survey, valuation or examination of the land or from doing thereon anything authorised by section 271<sup>F49</sup> of the said Act of 1878, a court of summary jurisdiction on proof thereof may order the first-mentioned person to permit to be done on the land all things requisite for carrying into effect the survey, valuation or examination or for doing such other thing as aforesaid, and if he fails to comply with the order, he shall be guilty of an offence, and shall, for every day during which the failure continues, be liable on summary conviction to a fine not exceeding twenty pounds.
  - (4) Where any property is damaged in the exercise of a right of entry conferred under this section or in the making of any survey or examination or the doing of any thing for the purpose of which any such right of entry has been so conferred, compensation in respect of that damage may be recovered from the Ministry or, as the case may be, the new town commission by any person interested in the property.
  - (5) Any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal for Northern Ireland.

**F49** 1972 c. 9 (NI), see now s.98 of that Act

**F50** 1984 NI 3

## 42 Inquiries and investigations.

The Ministry may cause such local or other inquiries to be held or investigations to be made as the Ministry thinks expedient for the purposes of this Act.

*Status: Point in time view as at 02/06/2014.*

*Changes to legislation: There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965. (See end of Document for details)*

#### **43 Power of Ministry to make regulations.**

- (1) The Ministry may make regulations prescribing anything that is under this Act to be prescribed and providing for any matter in regard to which regulations may be made under this Act and generally for carrying this Act into effect.
- (2) Regulations made under subsection (1) shall be subject to negative resolution.

### FINANCIAL PROVISIONS

#### **44 Power of Ministry to make grants or advances to new town commissions.**

- (1) For the purpose of enabling a new town commission to meet liabilities properly chargeable to their capital account relating to their development functions (including the provision of working capital), the Ministry may, subject to subsection (3), make to the new town commission advances of such amounts repayable over such periods and on such terms as may be approved by the Ministry of Finance.
- (2) For the purpose of enabling a new town commission to meet any other expenditure, the Ministry may make grants to the new town commission of such amounts as may be approved by the Ministry of Finance.
- (3) The aggregate amount of the advances made under subsection (1) shall not exceed [<sup>F51</sup> fifty-five million pounds].

**F51** 1972 NI 22

#### **45 Duty of Ministry to prepare an account of advances and receipts.**

- (1) In respect of each new town commission the Ministry shall for each financial year prepare, in such form and manner and at such times as the Ministry of Finance may direct, an account of—
  - (a) any sums advanced to the commission under section 44; and
  - (b) any sums received by the Ministry from the commission and paid into the Exchequer under section 46(3)( b).
- (2) On or before 30th June in each year the Ministry shall transmit to the Comptroller and Auditor-General the account prepared under subsection (1) in respect of the last-preceding financial year.
- (3) The Comptroller and Auditor-General shall examine and certify each account transmitted to him under subsection (2) and shall lay a copy of the account, together with his report thereon, before Parliament.

#### **46 Expenses.**

- (1) There shall be defrayed out of moneys provided by Parliament or, to the extent that the Ministry of Finance so directs, by means of sums charged on and issued out of the Consolidated Fund—
  - (a) any expenses incurred by the Ministry under this Act, including, in particular,



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*Status: Point in time view as at 02/06/2014.*

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- (i) any sum payable under section 4 in respect of the acquisition of any land;

*Heads (ii) (iii) spent*

- (iv) any compensation payable under section 30(4) to any person in respect of the diminution of any benefit enjoyed by him under a local Act or order;
- (v) any payment to a new town commission under section 31(6) to make good any deficit such as is described in that subsection;
- (vi) any deficit that falls to be defrayed by the Ministry under section 33(3) on the winding up of a new town commission;
- (vii) any compensation under section 35 for loss of employment by or diminution of the emoluments of any officer or servant to whom that section applies;

*Head (viii) spent*

- (ix) any compensation payable by the Ministry for damage caused to property in or in consequence of the exercise of a right of entry under section 41;
  - (x) any advances made to a new town commission under section 44(1) (but subject to the limit on the aggregate of such advances under section 44(3));
  - (xi) any grants made to a new town commission under section 44(2); and
- (b) any increase, attributable to any provision of this Act, in the sums that are authorised or required to be so defrayed under any other enactment.
- (2) For the purpose of providing the sums issued out of the Consolidated Fund under subsection (1), the Ministry of Finance may borrow money.
  - (3) There shall be paid into the Exchequer—
    - (a) any sums received by the Ministry in consideration of any disposition of land by the Ministry under section 5;
    - (b) any sums received by the Ministry by way of repayment of or interest on advances under section 44.

## GENERAL

### 47 Power to expand or develop existing towns.

The powers conferred by this Act to create a new town may be exercised for the expansion or development of an existing town where the Minister, after consultation with any [<sup>F52</sup> district councils] who appear to him to be concerned, is satisfied that—

- (a) in the interests of Northern Ireland; and
- (b) because the scale of the proposed expansion or development and the pace thereof necessary to secure its accomplishment within a reasonable period of time are of a degree—
  - (i) comparable with that involved in the creation of a new town, and

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(ii) greater than could reasonably be expected to be attained by the council of the ...<sup>F53</sup> district in which the town is situated, or all such councils, acting within their resources,

it is expedient that those powers should be so exercised; and references in this Act to a new town or a proposed new town shall be construed accordingly.

**F52** SRO (NI) 1973/285

**F53** SRO (NI) 1973/285

#### **48 Interpretation.**

In this Act—

*Definition rep. by SRO (NI) 1973/285*

“development”, in relation to any land includes the redevelopment of that land;

“development functions” has the meaning assigned to it by section 7(1)( a);

*Definition rep. by SRO (NI) 1973/285*

“local or public body” includes any authority or body specified in paragraph 1 of Schedule 1 to the Government Loans Act (Northern Ireland) 1957 as an authority or body to whom government loans may be made by the Ministry of Finance under section 2 of that Act;

“the Minister” has the meaning assigned to it by section 1(1);

“the Ministry” has the meaning assigned to it by section 2(1);

“municipal functions” has the meaning assigned to it by section 7(1)( b);

“municipal functions order” has the meaning assigned to it by section 28(1);

“new town commission” has the meaning assigned to it by section 7(1);

“prescribed” means prescribed by regulations made under section 43;

“services” includes facilities and amenities;

“transferred provision” has the same meaning as in section 1 of the Interpretation Act (Northern Ireland) 1954 .

#### **49 Short title.**

This Act may be cited as the New Towns Act (Northern Ireland) 1965.

*Status: Point in time view as at 02/06/2014.*

*Changes to legislation: There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Sections 1, 4(1), 15(2), 28(3).

#### PROCEDURE WITH RESPECT TO ORDERS UNDER SECTION 1 AND MUNICIPAL FUNCTIONS ORDERS

##### PART I

###### PROVISIONS AS TO ORDERS UNDER SECTION 1

- 1 Where the Minister proposes to make an order under section 1, he shall with the concurrence of the Minister of Finance prepare a draft of the order—
- (a) describing the area to be designated as the site of the proposed new town by reference to a map, either with or without descriptive matter (which, in the case of any discrepancy with the map, shall prevail except in so far as may otherwise be provided by the draft order); and
  - (b) distinguishing any portion of that area as land that the Ministry proposes to acquire for the purposes of this Act.
- 2 There shall be attached to every draft order prepared under paragraph 1 a statement indicating the size and general character of the proposed new town.
- 3 When a draft order has been prepared under paragraph 1, the Minister shall, before making the order,—
- (a) cause a copy of the draft order and of the statement referred to in paragraph 2 to be laid before Parliament;
  - (b) deposit with the Clerk of the Parliaments a copy of any map prepared in pursuance of paragraph 1( a);
  - (c) publish in the Belfast Gazette, and in one or more than one newspaper circulating in the locality in which the proposed new town will be situated, a notice—
    - (i) describing the area to be designated as the site of the new town;
    - (ii) describing any portion of that area distinguished under paragraph 1( b);
    - (iii) stating that the draft of an order under section 1 has been prepared by the Minister in relation thereto, and has been laid before Parliament;
    - (iv) naming a place or places (including a place in the area referred to in head (i)) where a copy of the draft order (including any map or descriptive matter annexed thereto) and of the statement referred to in paragraph 2 may be inspected at all reasonable hours; and
  - (d) not later than the date on which the notice is published in the Belfast Gazette, serve a like notice on—
    - (i) [<sup>F54</sup> the district council for each] district in which the land, or any part of the land, to which the order relates is situated; and

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*Changes to legislation: There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965. (See end of Document for details)*

- (ii) any other [<sup>F54</sup> district council] that appears to the Minister to be concerned with the order.

**F54** SRO (NI) 1973/285

- 4 As soon as may be after an order has been made under section 1, the Minister shall—
- (a) publish in the Belfast Gazette and in one or more than one newspaper circulating in the locality in which the proposed new town will be situated a notice—
- (i) stating that the order has been made, and
- (ii) naming a place or places (including a place in the area referred to in paragraph 3( c)(i)) where a copy of the order may be inspected at all reasonable hours; and
- (b) serve a like notice on any [<sup>F55</sup> district council] on whom notice of the proposed order was served under paragraph 3( d).

**F55** SRO (NI) 1973/285

*Para. 5 rep. by 1968 c. 33 (NI)*

## PART II

### PROVISIONS AS TO MUNICIPAL FUNCTIONS ORDERS

- 1 Where the Ministry proposes to make a municipal functions order it shall prepare a draft of the order, and shall, before making the order—
- (a) cause a copy of the draft order to be laid before Parliament; and
- (b) publish and serve, in like manner as is provided by paragraph 3( c) and ( d) of Part I with respect to an order proposed to be made by the Minister under section 1, a notice—
- (i) describing the area in relation to which it is proposed to direct that the new town commission shall exercise municipal functions;
- (ii) stating that the draft of a municipal functions order has been prepared by the Ministry in relation thereto, and has been laid before Parliament; and
- (iii) naming a place or places (including a place in the area referred to in head (i)) where a copy of the draft order may be inspected at all reasonable hours.
- 2 As soon as may be after a municipal functions order has been made the Ministry shall publish and serve notice thereof in like manner as is provided by paragraph 4 of Part I with respect to an order made by the Minister under section 1.
- 3 For the purposes of this Part—
- (a) paragraphs 3( c) and 4( a) of Part I shall have effect as if for the references therein to the locality in which the proposed new town will be situated, and for the reference in head (ii) of the said paragraph 4( a) to the area referred to in head (i) of the said paragraph 3( c), there were substituted references to the area referred to in paragraph 1( b)(i); and

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- (b) paragraph 4( *b*) of Part I shall have effect as if the reference therein to paragraph 3( *d*) of Part I were a reference to that paragraph as applied by paragraph 1( *b*).

## SCHEDULE 2

Section 4(3).

### MODIFICATIONS OF SCHEDULE 5 TO THE ROADS ACT (NORTHERN IRELAND) 1948 FOR THE PURPOSES OF SECTION 4

- 1       References to the Ministry or to the authority shall be construed as references to the Ministry within the meaning of this Act.
- 2       References to the said Schedule 5 shall be construed as references to that Schedule as modified by this Schedule.
- 3       The expressions “land” and “estate” shall have the meanings respectively assigned to them by subsections (1)( *a*) and (2) of section 45 of the Interpretation Act (Northern Ireland) 1954 .
- 4       Paragraph 1 shall be omitted.
- 5       In paragraph 2—
- (a) sub-paragraph (1) shall be omitted;
- (b) in sub-paragraph (2), the reference to the said Act of 1948 shall be construed as a reference to this Act; and
- (c) in sub-paragraph (3), in head ( *c*), after the word “served” there shall be inserted the words “by post” .
- 6       In paragraph 3—
- (a) in sub-paragraph (1) the words “, where the authority is a local authority,” shall be omitted; and, for the words “(if it appears to the Ministry necessary so to do)” there shall be substituted the words “(unless no objections have been received, or any objections received have been met or withdrawn or relate solely to any matter which is excluded from consideration in an inquiry by virtue of section 4(4) of the New Towns Act (Northern Ireland) 1965).”
- (b) in sub-paragraph (2), the words from the words “, and, in particular” to the end thereof shall be omitted.
- 7       In paragraph 4( *b*), the two references to the said Act of 1948 shall be construed as references to this Act.
- 8       In paragraph 5—
- (a) in the first sub-paragraph, the words from the beginning of head ( *a*) to the words “is the Ministry,” in head ( *b*), the words “, as the context requires,” , and the words from “or any other” to the end of the sub-paragraph, shall be omitted; and
- (b) in the second sub-paragraph, for the words from “be the date” to the end, there shall be substituted the words “be either the date on which the vesting order becomes operative or the date of the lodgment of the vesting order with the registering authority under the said Act, whichever is the later.”
- 9       In paragraph 10, the words from the beginning of head ( *a*) to the words “is the Ministry,” in head ( *b*) shall be omitted.

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- 10 For the purposes of a vesting order in respect of an estate in land, being an estate less than a fee simple, the said Schedule 5 shall have effect with such modifications as may be necessary to enable such an estate to be acquired by means of the vesting order and to enable compensation in respect thereof to be duly paid or discharged and (without prejudice to the generality of the foregoing provisions) shall have effect as if for the first sub-paragraph of paragraph 5 there were substituted the following sub-paragraph—

“A vesting order shall operate, without further assurance, to vest in the Ministry, as from the date on which the vesting order becomes operative (in this Schedule referred to as “the date of vesting” ), all such estates in, to or over the land to which the order relates as are specified in the order, freed and discharged from all the estates of any other person whomsoever therein save only as may be expressly excepted in the order, and the rights and claims of any such other person in respect of an estate so vested shall, as from the date of vesting, be transferred and attached, to the extent to which compensation may be payable in accordance with the provisions of this Schedule, to the Consolidated Fund (in this Schedule referred to as “the compensation fund” ) and shall be discharged by payments made by the Ministry.”; and for the purposes of this paragraph the interest of a grantee under a fee farm grant shall be deemed to be a lesser estate than a fee simple.

*Schedule 3 rep. by 1971 c. 23 (NI); 1972 NI 17*

## SCHEDULE 4

Section 7(2)

### NEW TOWN COMMISSIONS

#### *Constitution*

- 1 A new town commission (in this Schedule referred to as “the commission” ) shall be a body corporate by the name specified in the order establishing the commission.
- 2 Section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply to the commission, but not so as to enable the commission either to acquire any land otherwise than in accordance with the provisions of section 15 <sup>[F56]</sup> or to dispose of any land otherwise than in accordance with the provisions of section 16].

<b>F56</b> 1981 NI 13
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- 3 The commission shall consist of not more than nine or less than five members appointed by the Minister, and, subject to paragraphs 5 and 6, they shall hold office for such period as the Minister may determine.
- 4 The Minister shall appoint one of the members of the commission to be Chairman of the commission, and may appoint a further member to be Vice-Chairman of the commission.

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- 5 A member of the commission, the Chairman or Vice-Chairman may, by notice in writing under his hand given to the Minister, resign either his office as member, Chairman or Vice-Chairman or his offices as member and Chairman or member and Vice-Chairman.
- 6 Where the Minister is satisfied that a member of the commission—
- (a) has been adjudged bankrupt or made a composition or arrangement with his creditors; or
  - (b) is incapacitated by physical or mental illness; or
  - (c) has been absent from meetings of the commission for a period longer than two consecutive months without the permission of the commission; or
  - (d) is otherwise unable or unfit to discharge the functions of a member or is unsuitable to continue as a member,
- the Minister may remove him from his office as a member of the commission.
- 7 If the Chairman or Vice-Chairman ceases to be a member of the commission he shall also cease to be Chairman, or as the case may be, Vice-Chairman.
- 8 A person who ceases to be a member of the commission or to be Chairman or Vice-Chairman shall be eligible for re-appointment.

#### *Remuneration*

- 9 The commission shall pay to persons holding the office of Chairman, Vice-Chairman or member of the commission such remuneration, if any, in respect of any such office and such allowances in respect of expenses properly incurred in the performance of their duties as may be determined by the Ministry with the approval of the Ministry of Finance.

#### *Proceedings*

- 10 The Ministry may give directions to the commission as to their quorum and proceedings, and the right of the commission under section 19(1)( a)(v) of the Interpretation Act (Northern Ireland) 1954 to regulate their own procedure and business shall be exercised in accordance with such directions, if any.
- 11 The validity of the proceedings of the commission shall not be affected by any vacancy among their members or by any defect in the appointment of any of their members.

#### *Officers and Servants*

- 12 The commission—
- (a) shall, with the approval of the Ministry, appoint a general manager on such conditions as to remuneration or otherwise as the Ministry with the approval of the Ministry of Finance may determine; and
  - (b) may with the approval of the Ministry appoint such other principal officers as the commission may determine, on such conditions as to remuneration or otherwise as the Ministry may direct; and
  - (c) may, in accordance with any authorisation which the Ministry may give in writing, appoint such other officers and servants as the commission think fit.

*Status: Point in time view as at 02/06/2014.*

*Changes to legislation: There are currently no known outstanding effects for  
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### *Instruments and Contracts*

- 13 The fixing of the seal of the commission shall be authenticated by the signature of—
- (a) the Chairman; or
  - (b) another member authorised either generally or specially by the commission to act for that purpose; or
  - (c) the general manager if authorised either generally or specially by the commission to act for that purpose.
- 14 Any contract or instrument which if made or executed by a person not being a body corporate would not be required to be under seal may, if the subject matter thereof does not exceed [<sup>F57</sup> [<sup>F58</sup> [<sup>F59</sup> £15,000] in value] or such larger value as the Department may by order made subject to negative resolution determine], be made or executed on behalf of the commission by any person generally or specially authorised by them to act for that purpose.

**F57** 1976 NI 21  
**F58** SR 1980/283  
**F59** SR 1991/242

## SCHEDULE 5

Section 15(4).

### MODIFICATIONS OF SECTION 22(2) OF AND SCHEDULE 2 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934 FOR THE PURPOSES OF SECTION 15

- 1 References to a vesting order made under section 22 of the Local Government Act (Northern Ireland) 1934 or to the powers conferred by that section shall be construed as references, as the case may be, to a vesting order made under, or the powers conferred by, section 15.
- 2 References to the local authority shall be construed as references to the new town commission.
- 3 References to the Ministry within the meaning of that Act shall be construed as references to the Ministry within the meaning of this Act.
- 4 Subject to paragraph 1, references to the said section 22 or to Schedule 2 to the said Act of 1934 shall be construed as references to that section or, as the case may be, that Schedule as applied and modified by this Schedule.
- 5 In the first paragraph of article 6 of the said Schedule 2, the reference to the rate or fund out of which the expenses of the local authority in acquiring the land are to be defrayed shall be construed as a reference to such fund of the new town commission as the Ministry may designate as the fund out of which the expenses of the new town commission in acquiring the land are to be defrayed.
- 6 In article 11(1) of that Schedule, the reference to the clerk of the local authority shall be construed as a reference to the general manager of the new town commission.
- 7 In article 27 of that Schedule, the reference to the area of the local authority shall be construed as a reference to the locality where the land is situated.



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- 8 In article 28 of that Schedule, for the definition of “land” there shall be substituted the definition contained in section 45(1)( *a* ) of the Interpretation Act (Northern Ireland) 1954 .
- 9 In that Schedule, “estate” shall have the meaning assigned to it by section 45(2) of the Interpretation Act (Northern Ireland) 1954.
- 10 Where under subsection (3) of section 15 an application is made to the Ministry for a vesting order in respect of an estate in land, being an estate less than a fee simple, or where under paragraph ( *b* ) of that subsection the Ministry makes such an order, the provisions of the said section 22(2) and Schedule 2 shall have effect with such modifications as may be necessary to enable that estate to be acquired by means of the vesting order and to enable compensation in respect thereof to be duly paid or discharged and (without prejudice to the generality of the foregoing provisions) shall have effect as if for the first paragraph of article 6 of the said Schedule 2 there were substituted the following paragraph—

“A vesting order shall operate, without further assurance, to vest in the new town commission, as from the date on which the vesting order becomes operative (in this Schedule referred to as “the date of vesting” ), all such estates in, to or over the land to which the vesting order relates as are specified in the vesting order, freed and discharged from all the estates of any other person whomsoever therein save only as may be expressly excepted in the vesting order, and the rights and claims of any such other person in respect of the estate so vested shall, as from the date of vesting, be transferred and attached, to the extent to which compensation may be payable in accordance with the provisions of this Schedule, to such fund of the new town commission as the Ministry may designate as the fund out of which the expenses of the new town commission in acquiring the land are to be defrayed (in this Schedule referred to as “the Compensation Fund” ), and shall be discharged by payments made out of the Compensation Fund.”.

## SCHEDULE 6

Sections 34(1), (2), 35(7).

### PROVISIONS CONSEQUENTIAL ON THE TRANSFER OF FUNCTIONS

#### *Definitions*

- 1 In this Schedule—
- “the date of transfer” means, in relation to any functions, the date on which those functions cease to be exercisable, or become exercisable or are transferred as respectively described in paragraphs ( *a* ), ( *b* ) and ( *c* ) of section 34(1);
  - “the order” means the municipal functions order or, as the case may be, the order under section 33, by virtue of which the functions cease to be exercisable by the transferor and become exercisable by the transferee;
  - “the transfer” means, in relation to any functions, the distribution of those functions as described in paragraph ( *a* ), ( *b* ) or ( *c* ) of section 34(1);
  - “the transferor” means the council [<sup>F60</sup>, the body corporate] or new town commission whose functions are transferred by virtue of the order;
  - “the transferee” means the new town commission or council or other person to whom functions are transferred by virtue of the order.

*Status: Point in time view as at 02/06/2014.*

*Changes to legislation: There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965. (See end of Document for details)*

**F60** SRO (NI) 1969/61

*Construction of transferred provisions*

- 2 In the construction and for the purposes of any transferred provision passed before the date of transfer, any reference to, or which is to be construed as a reference to, the transferor, shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the transferee.

*Transfer of property*

- 3 (1) All property, whether real or personal (including choses-in-action), which immediately before the date of transfer was vested in or belonged to or was held in trust for the transferor and all rights, powers and privileges relating to or connected with any such property shall on the date of transfer, without any conveyance or assignment, become and be vested in or the property of or held in trust for (as the case may require) the transferee for all the estate, term or interest for which the same immediately before the date of transfer was vested in or belonged to or was held in trust for the transferor, but subject to all trusts and equities affecting the same and then subsisting and capable of being performed.
- (2) All property transferred by this paragraph which, immediately before the date of transfer, was either standing in the books of any corporation or company or was entered in any register kept in pursuance of any transferred provision in the name of the transferor, shall, upon the request of the transferee made at any time after the date of transfer, be transferred in such books by such corporation or company or, as the case may be, by the person having charge of such register, into the name of the transferee.
- (3) After the date of transfer, every chose-in-action transferred by this paragraph from the transferor to the transferee may be sued upon, recovered or enforced by the transferee in their own name and it shall not be necessary for the transferee to give notice to the person bound by such chose-in-action of the transfer effected by this paragraph.

*Transfer of liabilities*

- 4 (1) Every debt and other liability (including stock and mortgage debts and also including unliquidated liabilities arising from torts or breaches of contract) which immediately before the date of transfer was owing and unpaid or had been or was deemed to have been incurred and was undischarged by the transferor shall, on the date of transfer, become and be the debt or liability of the transferee and shall be paid or discharged by and may be recovered from or enforced against the transferee accordingly.
- (2) The dissolution of the transferor shall not invalidate or affect any paying order that was issued by the transferor and had not been presented for payment before the date of transfer or any authority given by the transferor for the payment of the amount of such paying order, and the transferee shall make arrangements for the payment of the amount of every such paying order upon due presentation within a reasonable time after the date of transfer.

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*Status: Point in time view as at 02/06/2014.*

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*Preservation of continuing contracts*

- 5 Every bond, guarantee, or other security of a continuing character made or given or deemed to have been made or given by the transferor to another person or by any person to the transferor and in force immediately before the date of transfer and every contract or agreement in writing made or deemed to have been made between the transferor and another person and not fully executed and completed before the date of transfer shall, notwithstanding the dissolution of the transferor, continue in force after the date of transfer but shall be construed and have effect as if the name of the transferee were substituted therein for the name of the transferor, and such security, contract or agreement shall be enforceable by or against the transferee accordingly.

*Continuance of byelaws, rules and regulations*

- 6 Every byelaw, rule and regulation lawfully made or deemed to have been made by the transferor and in force immediately before the date of transfer shall, after the date of transfer and so far as it is not inconsistent with this Act or any order or regulations made thereunder, continue in force and have effect as a byelaw, rule or regulation (as the case may be) made on the date of transfer by the transferee for the residue then unexpired of the period and in respect of the area for and in respect of which the same was actually made or was deemed to have been made by the transferor, and accordingly every such byelaw, rule and regulation may be continued, varied or revoked, and penalties and forfeitures arising thereunder before or after the date of transfer may be recovered and enforced, by the transferee in the like manner and as fully as the same could have been continued, varied, revoked, recovered or enforced by the transferor if the order had not been made.

*Continuance of resolutions etc.*

- 7 Every resolution passed or deemed to have been passed, order made or deemed to have been made or notice served or deemed to have been served by the transferor before the date of transfer, the operation, effect or term of which had not ceased or expired before that date, shall, after the date of transfer and so far as it is not inconsistent with this Act or any order made thereunder, continue in force and have effect as if it were a resolution passed, order made, or notice served by the transferee on the date on which the same was actually or was deemed to have been passed, made or served, as the case may be, by the transferor and as if the functions of the transferor were, on the said date, performable by the transferee.

*Continuance of pending legal proceedings*

- 8 In every action, suit, prosecution or other proceeding which stood pending immediately before the date of transfer in any court or tribunal and to which the transferor was a party, the transferee shall on the date of transfer become and be a party in the place of the transferor and such proceeding shall be continued between the transferee and the other parties thereto accordingly, and no such proceeding shall abate or be discontinued or prejudicially affected by reason of the dissolution of the transferor.

*Status: Point in time view as at 02/06/2014.*

*Changes to legislation: There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965. (See end of Document for details)*

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#### *Collection of rates*

- 9
- (1) All rates which immediately before the date of transfer were due and payable to the transferor shall on and after that date be due and payable to and may be collected and recovered by or on behalf of the transferee in like manner as they could have been collected or recovered by or on behalf of the transferor if the transfer had not taken place.
  - (2) All rates which immediately before the date of transfer were accruing due to the transferor shall on and after that date accrue and be deemed always to have accrued due to the transferee, and when any such rate becomes due and payable it shall be due and payable to, and may be collected and recovered by or on behalf of the transferee in like manner as it could have been collected or recovered by or on behalf of the transferor if the transfer had not taken place.
  - (3) Every person who was employed by the transferor as rate collector immediately before the date of transfer shall, on and after that date, unless or until the transferee otherwise directs, collect and recover on behalf of the transferee all rates which immediately before the date of transfer were due and payable to, or were accruing due to the transferor and had been given in charge to him for collection.

#### *Admissibility in evidence of books*

- 10
- (1) All books and other documents directed or authorised by or under any transferred provision to be kept by the transferor and which, immediately before the date of transfer, would be receivable in evidence shall, notwithstanding the dissolution of the transferor, be admitted in evidence after the date of transfer as fully as if the order had not been made.
  - (2) Whenever an extract from or certificate of the contents of any book or other document directed or authorised by or under any transferred provision to be kept by the transferor would, if verified in a particular manner by a particular officer of the transferor, have been admissible immediately before the date of transfer as evidence of such contents, an extract from or certificate of the contents of such book or document shall, if verified in such particular manner by the officer of the transferee corresponding to such particular officer, be admitted, after the date of transfer, as evidence of such contents to the same extent as such first-mentioned extract or certificate would have been so admitted if the order had not been made.

#### *Audit of accounts*

- 11
- (1) The accounts of all receipts and payments of the transferor and of committees thereof and of the respective officers of the transferor and such committees up to the date of transfer shall, as soon as conveniently may be after that date, be audited, and disallowances, surcharges, charges and penalties in relation to such accounts, receipts and payments shall be made, recovered and enforced in like manner as nearly as may be as if the order had not been made.
  - (2) Every officer of the transferor or of any committee thereof whose duty it is to make up any accounts of or to account for any portion of the receipts or payments of the transferor and also every member of the transferor or of any such committee shall, until the audit of the accounts of such receipts and payments up to the date of transfer is complete, be deemed for the purposes of such audit to continue in office and be bound to perform the same duties and render the same account and be subject to the same liabilities as if the order had not been made.

**Status:**

Point in time view as at 02/06/2014.

**Changes to legislation:**

There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965.