



Local Government, Planning and Land Act 1980

1980 CHAPTER 65

PART XV

NEW TOWNS

Payments to Secretary of State

126 Sums to be paid to Secretary of State

- (1) The Secretary of State may direct a development corporation or the Commission to pay to him, on the date specified in the direction, such sum as is so specified.
- (2) Before giving a direction under this section, the Secretary of State shall consult the corporation or (as the case may be) the Commission.
- (3) The debt shall carry interest, at the rate for the time being in force under section 32 of the Land Compensation Act 1961, from the date specified in the direction until payment.
- (4) Any sum received by the Secretary of State under this section shall, subject to subsection (6) below, be paid into the Consolidated Fund.
- (5) The whole or part of any sum received by the Secretary of State under this section shall, if the Secretary of State with the approval of the Treasury so determines, be treated as made by way of repayment of such part of the principal of advances under section 42(1) or (as the case may be) (4) and (5) of the 1965 Act (advances to corporations and Commission respectively), and as made in respect of the repayments due at such times, as may be so determined.
- (6) Any sum treated under subsection (5) above as a repayment of a loan shall be paid by the Secretary of State into the National Loans Fund.
- (7) In the application of this section to Scotland—

Status: This is the original version (as it was originally enacted).

- (a) for the reference in subsection (3) to section 32 of the Land Compensation Act 1961 there shall be substituted a reference to section 40 of the Land Compensation (Scotland) Act 1963;
- (b) for the reference in subsection (5) to section 42 of the 1965 Act there shall be substituted a reference to section 37(1) of the 1968 Act.

127 Power to dispose of land

- (1) Where, in order to comply with a direction under section 122 above, the corporation or Commission considers it desirable to dispose of any land, it may do so by virtue of this section.
- (2) The power of disposal by virtue of this section may be exercised notwithstanding anything in the 1965 Act but must be exercised in accordance with subsections (3) to (5) below.
- (3) The power shall not be exercised so as to dispose of land by way of mortgage (or in Scotland, standard security) or charge.
- (4) Without the consent of the Secretary of State (given generally or specially), the power shall not be exercised so as to transfer the freehold of land or to grant a lease of land for a term of more than 99 years.
- (5) In exercising the power a corporation and the Commission shall comply with such directions as the Secretary of State may give to them for restricting the exercise of the power or for requiring them to exercise the power in any manner specified in the directions.
- (6) Before giving a direction under subsection (5) above, the Secretary of State shall consult the corporation or (as the case may be) the Commission, unless he is satisfied that because of urgency consultation is impracticable.
- (7) Where a corporation or the Commission purports to dispose of land by virtue of this section, then—
 - (a) in favour of a person claiming under the corporation or Commission, the disposal so purporting to be made shall not be invalid by reason that any consent of the Secretary of State required under this section has not been given or that any direction of his given under this section has not been complied with, and
 - (b) a person dealing with the corporation or Commission, or a person claiming under the corporation or Commission, shall not be concerned to see or enquire whether any such consent has been given or whether any such direction has been given or complied with.
- (8) References in this section to disposing of land include references to granting an interest in or right over land.
- (9) In the application of this section to Scotland—
 - (a) for the reference in subsection (2) to the 1965 Act there shall be substituted a reference to the 1968 Act;
 - (b) subsection (4) shall have no effect.

Reduction of designated areas

128 Orders reducing designated areas

- (1) The Secretary of State may make an order excluding any land specified in the order from the area of a new town if, after consulting the development corporation for the town and any county council and district council in whose area the land is situated, he is satisfied that it is expedient to make the order.
- (2) The power to make an order under this section shall be exercisable by statutory instrument.
- (3) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Where the Development Board for Rural Wales is responsible under the Development of Rural Wales Act 1976 for the development of a new town, this section and sections 129 and 130 below shall apply as if the Board were the development corporation for the new town.

129 Effect of order: general

- (1) Subject to subsections (3) and (4) below, on the coming into force of an order under section 128 above the land specified in the order shall cease to be contained in the area of the new town, and the order made under section 1 of the 1965 Act designating the area shall cease to operate as regards that land.
- (2) Land ceasing to be contained in the area of a new town by virtue of subsection (1) above is in this section and section 130 below called " excluded land ".
- (3) The Secretary of State may, in an order under section 128 above, make such provisions by way of savings and transitional provisions (including provisions amending provisions made by or under an enactment) as he thinks fit, and subsection (1) above shall apply subject to any such savings and transitional provisions.
- (4) Section 111 of the 1964 Act shall continue to operate as respects an application made in relation to land before it becomes excluded land or made at the next licensing sessions held afterwards, but the excluded land shall not otherwise be treated for the purposes of Part VI of that Act as comprised in the new town.

130 Effect of order: disposal of land

- (1) Subject to subsections (2) to (4) below, the development corporation shall dispose of any land which it has acquired, which falls within the excluded land and which the corporation does not require for purposes connected with the development of the new town or for the provision of services for the purposes of the new town.
- (2) The duty mentioned in subsection (1) above shall not be performed so as to dispose of land by way of gift, mortgage or charge.
- (3) A corporation shall not without the consent of the Secretary of State (given generally or specially) perform the duty so as to transfer the freehold of land or to grant a lease of land for a term of more than 99 years.

- (4) A corporation shall comply with such directions as the Secretary of State may give for preventing the duty from being performed or for restricting the duty or for requiring it to be performed in a manner specified in the directions.
- (5) Before giving a direction under subsection (4) above, the Secretary of State shall consult the corporation, unless he is satisfied that because of urgency consultation is impracticable.
- (6) Where a corporation purports to dispose of land by virtue of this section, then—
 - (a) in favour of a person claiming under the corporation, the disposal so purporting to be made shall not be invalid by reason that any consent of the Secretary of State required under this section has not been given or that any direction of his given under this section has not been complied with, and
 - (b) a person dealing with the corporation, or a person claiming under the corporation, shall not be concerned to see or enquire whether any such consent has been given or whether any such direction has been given or complied with.
- (7) References in this section to disposing of land include references to granting an interest in or right over land.

Licensing

131 Off-licences: special provisions to cease

- (1) Part VI of the 1964 Act (licensing in new towns) shall cease to have effect in relation to the licensing of premises in new towns by way of a justices off-licence.
- (2) References in Part VI of the 1964 Act to licensed premises and to a justices' licence shall be construed accordingly.
- (3) In consequence of subsection (1) above, the following provisions of the 1964 Act shall be omitted, namely sections 112(1)(a)(ii) and (b)(ii) and in section 112(5) the words " or licensed premises ".
- (4) Nothing in this section affects the operation of section 111 of the 1964 Act as respects an application made before the date on which this section comes into force or made at the licensing sessions next held after that day.
- (5) Where the Development Board for Rural Wales is responsible under the Development of Rural Wales Act 1976 for the development of a new town, this section and section 132 below shall apply as if the Board were the development corporation for the new town.

132 Power to end special licensing provisions

- (1) If a development corporation for a new town and the committee constituted for the new town under section 108 of the 1964 Act jointly apply to the Secretary of State for him to make an order under this section, he may make such an order.
- (2) The power to make an order under this section shall be exercisable by statutory instrument.
- (3) On an order coming into effect, subsections (4) to (6) below shall apply.

- (4) If under section 108 of the 1964 Act a committee was constituted for that new town only the committee shall cease to exist.
- (5) If under section 108 of the 1964 Act a committee was constituted for that and another new town—
 - (a) the committee shall cease to exercise its functions as respects the first-mentioned new town, and then this section shall apply as if under section 108 the committee had been constituted for the other new town only; and
 - (b) the Secretary of State shall vary any order made by him under the section in such manner as appears to him requisite in consequence of the coming into effect of the order under this section.
- (6) Sections 111 and 112 of the 1964 Act shall cease to apply to the new town, but without prejudice to the operation of section 111 as respects an application made before the date on which the order comes into effect or made at the licensing sessions next held after that day.

Miscellaneous

133 Interpretation, amendments and extent

- (1) In this Part of this Act—
 - " area of a new town ", " the Commission ", " development corporation " and " local authority " have (in the application of this Part outside Scotland) the same meanings respectively as in the 1965 Act;
 - " development corporation " has (in the application of this Part to Scotland) the same meaning as in the 1968 Act;
 - "the 1964 Act" means the Licensing Act 1964;
 - " the 1965 Act" means the New Towns Act 1965 ;
 - " the 1968 Act" means the New Towns (Scotland) Act 1968.
- (2) The amendments to the 1965 Act, the 1968 Act, the Land Compensation Act 1961 and the Land Compensation (Scotland) Act 1963 mentioned in Schedule 25 below shall have effect.
- (3) Sections 128 to 132 above do not extend to Scotland.
- (4) This Part of this Act does not extend to Northern Ireland.