



New Towns Act 1981

1981 CHAPTER 64

PART V

GENERAL AND SUPPLEMENTAL

Miscellaneous

72 Application and exclusion of certain enactments

(1) Any property—

- (a) vested in any person by virtue of an order under section 40 or section 41 above transferring that property from a development corporation or from the Commission, or
- (b) of a new town corporation vested in a district council by a transfer scheme under Part III of this Act,

shall not be treated as so vested by way of sale for the purpose of section 12 of the Finance Act 1895 (stamp duty on certain statutory transfers by way of sale).

- (2) For the purposes of section 6(3) of the Acquisition of Land (Authorisation Procedure) Act 1946 (which relates to the acquisition of inalienable land) this Act shall be deemed to have been passed before the commencement of that Act.

73 Rights of entry

- (1) Where an authority, being either a development corporation or a local highway authority or the Secretary of State, are—

- (a) authorised to acquire any land compulsorily under this Act, or
- (b) have under consideration the purchase of any land compulsorily under this Act,

any person, being an officer of the Valuation Office or a person authorised in writing by such authority, may at any reasonable time enter upon the land for the purpose of surveying it or estimating its value.

Status: This is the original version (as it was originally enacted).

- (2) Any person, being an officer of the Valuation Office or a person authorised in writing by the Secretary of State, may at any reasonable time enter upon any land for the purpose of surveying it or estimating its value in connection with any proposals relating to the land submitted or to be submitted under section 7(1) above.
- (3) A person authorised under the foregoing provisions of this section to enter upon any land shall, if so required, produce evidence of his authority before entering, and shall not demand admission as of right to any land which is occupied unless 24 hours' notice of the intended entry has been given to the occupier.
- (4) Any person who obstructs a person acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding £50.

74 Local inquiries

- (1) The Secretary of State or any other Minister may, for the purposes of the exercise of any of his functions under this Act, and subject to the following provisions of this section, cause to be held—
 - (a) such local inquiries as are directed by this Act, and
 - (b) such other local inquiries as he may think fit.
- (2) The following subsections of section 250 of the Local Government Act 1972 apply to inquiries held in pursuance of this Act as they apply to inquiries held under that section—
 - (a) subsections (2), (3) and (5) of that section (which relate to the giving of evidence at, and the costs of parties to, local inquiries), and
 - (b) except as regards an inquiry held for the purposes of the exercise of the Secretary of State's functions under any of the provisions of this Act specified in subsection (3) below, subsection (4) of that section (which relates to recovery of the costs of holding local inquiries).
- (3) The provisions of this Act referred to in subsection (2) above are—
 - (a) sections 37, 40, 41 and 58(5) and (6);
 - (b) section 65 so far as that section applies to the disposal of surplus funds of the Commission ;
 - (c) Schedules 9 and 10.
- (4) This section is without prejudice to any other enactment authorising the holding of local inquiries.

75 Service of notices

- (1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under this Act may be served or given either—
 - (a) by delivering it to the person on whom it is to be served or to whom it is to be given; or
 - (b) by leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address ; or
 - (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address ; or

- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.
- (2) Where the notice or document is required or authorised to be served on or given to any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice or document shall be taken to be duly served if—
- (a) being addressed to him by the description of " the owner ", or " the occupier ", as the case may be, of the premises (describing them), it is delivered, left or sent in the manner specified in subsection (1)(a), (b) or (c) above ; or
 - (b) being addressed to him either by name or in accordance with paragraph (a) above, and marked in such manner as may be prescribed for securing that it shall be plainly identifiable as a communication of importance—
 - (i) it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it; or
 - (ii) it is delivered to some person on those premises; or
 - (iii) it is affixed conspicuously to some object on those premises.
- (3) Subsection (4) below applies where—
- (a) the notice or other document is required to be served on or given to all persons having interests in, or being occupiers of, premises comprised in any land; and
 - (b) it appears to the authority required to serve or give the notice or other document that any part of that land is unoccupied.
- (4) In such a case the notice or document shall be taken to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than an owner who in accordance with the relevant provisions of this Act has given to that authority an address for the service of the notice on him) if—
- (a) being addressed to " the owners and any occupiers " of that part of the land (describing it), and
 - (b) marked as mentioned in subsection (2) above, it is affixed conspicuously to some object on the land.

76 Ecclesiastical property

- (1) Where the fee simple of any ecclesiastical property is in abeyance, it shall be treated for the purposes of a compulsory acquisition of the property under this Act as being vested in the Church Commissioners, and any notice to treat shall be served, or be deemed to have been served, accordingly.
- (2) Where under this Act any notice, other than a notice to treat, is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.

77 Regulations and orders

- (1) The Secretary of State may make regulations for the purpose of prescribing anything which is authorised or required to be prescribed under this Act.

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

- (2) Regulations under this Act shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The power to make orders under sections 1, 2, 40 to 42 and 60 above is exercisable by statutory instrument, and the power conferred by section 14 of the Interpretation Act 1978 (implied power to amend)—
 - (a) does not apply to an order under section 40 above, but
 - (b) does apply to any other order under this Act (as well as to those under sections 1, 2, 41, 42 and 60) as if that order were made by statutory instrument.
- (4) A statutory instrument containing an order under this Act is subject to annulment in pursuance of a resolution of either House of Parliament if—
 - (a) the order is under section 1 and—
 - (i) the order is one designating an area as the site of a proposed new town, or one designating an additional area of not less than 500 acres which would extend the area of a new town by not less than 10 per cent., and
 - (ii) an objection to the order was duly made by a county planning authority and had not been withdrawn at the time the order was made ;
or
 - (b) the order is under section 2 or section 42.
- (5) An order under section 39(5) or section 60 above shall be of no effect until it is approved by a resolution of the Commons House of Parliament.

78 Meaning etc. of " appropriate Minister "

- (1) In this Act " the appropriate Minister " means—
 - (a) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour or pier undertaking, the Secretary of State for Transport;
 - (b) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, the Secretary of State for Energy;
 - (c) in relation to the British Airports Authority or the Civil Aviation Authority or statutory undertakers carrying on any lighthouse undertaking, the Secretary of State for Trade;
 - (d) in relation to the Post Office or British Telecommunications, the Secretary of State for Industry;
 - (e) in relation to statutory undertakers carrying on an undertaking for the supply of water, in the application of this Act to Wales, the Secretary of State for Wales; and
 - (f) in relation to any other statutory undertakers, the Secretary of State for the Environment.
- (2) References in this Act to the Secretary of State and the appropriate Minister have effect—
 - (a) as references to the Secretary of State and the appropriate Minister, if the appropriate Minister is not the one concerned as the Secretary of State; and
 - (b) as references to the one concerned as the Secretary of State alone, if he is also the appropriate Minister.
- (3) If any question arises—

- (a) in relation to anything required or authorised to be done under this Act as to which Minister is or was the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury;
- (b) in relation to the authorisation under this Act of a compulsory acquisition of land, whether land of statutory undertakers is operational land, that question shall be determined by the Secretary of State and the appropriate Minister.

79 Meaning of " statutory undertakers " and " operational land "

(1) In this Act, except in so far as the context otherwise requires, " statutory undertakers " means—

- (a) persons authorised by any enactment to carry on—
 - (i) any railway, light railway, tramway, road transport, water transport, canal or inland navigation undertaking, or
 - (ii) any dock, harbour, pier or lighthouse undertaking, or
 - (iii) any undertaking for the supply of electricity, gas, hydraulic power or water, or
- (b) the Civil Aviation Authority or the British Airports Authority, or
- (c) the Post Office or British Telecommunications,

and " statutory undertaking " shall be construed accordingly.

(2) In this Act, subject to subsection (3) below, and except in so far as the context otherwise requires, " operational land ", in relation to statutory undertakers, means—

- (a) land which is used for the purpose of the carrying on of their undertaking, and
- (b) land in which an interest is held for that purpose,

not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings.

(3) In this Act " operational land "—

- (a) in relation to the Post Office, has the meaning given by paragraph 93(4) of Schedule 4 to the Post Office Act 1969;
- (b) in relation to the Civil Aviation Authority, has the meaning given by paragraph 7 of Schedule 5 to the Civil Aviation Act 1971 ;
- (c) in relation to British Telecommunications, has the meaning given by paragraph 12(1) of Part II of Schedule 3 to the British Telecommunications Act 1981.

80 General interpretation provisions

(1) In this Act, except in so far as the context otherwise requires—

" acquiring authority ", in relation to the acquisition under or for the purposes of this Act of any land (whether compulsorily or by agreement) or to a proposal so to acquire any land, means the development corporation, local highway authority or Minister of the Crown by whom the land is, or is proposed to be, acquired ;

" the Commission " means the Commission for the New Towns;

" common " includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green;

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" compulsory purchase order " means an order under section 10(1) or section 11(1) or (2) above ;

" development " includes re-development and " develop " shall be construed accordingly ;

" development corporation " has the meaning given by section 3 above;

" ecclesiastical property " means land belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction ;

" enactment ", except in Schedule 10 to this Act, includes an enactment in any local or private Act of Parliament, and an order, byelaw or scheme made under an Act of Parliament;

" fuel or field garden allotment " means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

" held inalienably ", in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the National Trust Act 1907 or section 8 of the National Trust Act 1939 ;

" land " includes messuages, tenements, and hereditaments, houses, and buildings of any tenure ;

" local authority " means the council of a county, district, London borough, parish or community, the Common Council of the City of London and any other authority being a local authority within the meaning of the Local Loans Act 1875, and includes a local highway authority, any drainage board and any joint board or joint committee if all the constituent authorities are such local authorities as are mentioned above ;

"local highway authority " means a highway authority other than the Secretary of State ;

" National Trust " means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907 ;

" open space " means any land laid out as a public garden, or used for purposes of public recreation, or land being a disused burial ground ;

"owner ", in relation to any building or land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or reversion, or who holds or is entitled to the rents and profits of the building or land under a lease or agreement of which the unexpired term exceeds 3 years ;

" planning permission " means permission under Part III of the Town and Country Planning Act 1971 ;

" prescribed " (except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act;

" trolley vehicle " means a mechanically propelled vehicle adapted for use on roads without rails and moved by power transmitted to it from some external source ;

"Valuation Office" means the Valuation Office of the Inland Revenue Department.

- (2) Any reference in this Act to the area of a new town is a reference to the area designated as the site of that new town by the relevant order under section 1 above.

- (3) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.
- (4) Nothing in this Act shall be taken as prejudicing the provisions of—
 - (a) Part I of the Housing Act 1980 (public sector tenants);
 - (b) Part X of the Local Government, Planning and Land Act 1980 (land held by public bodies).

81 Saving and transitional provisions, consequential amendments, and repeals

Subject to the saving and transitional provisions given effect to in Schedule 11 to this Act—

- (a) the enactments specified in Schedule 12 to this Act have effect subject to the amendments (being amendments consequent on this Act) specified in that Schedule ; and
- (b) the enactments specified in Schedule 13 to this Act (which include enactments which were spent before the passing of this Act) are repealed to the extent specified in the third column of that Schedule.

82 Short title, extent and commencement

- (1) This Act may be cited as the New Towns Act 1981.
- (2) The provisions of this Act mentioned below (and no others) extend to Scotland—
 - (a) section 60, and in relation to that section, subsections (3) and (5) of section 77 ;
 - (b) sections 63 and 64 and (so far as it relates to Scotland) section 66;
 - (c) paragraphs 1, 2 and 12 of Schedule 11 ;
 - (d) Schedule 12 so far as it amends provisions which apply to Scotland; and
 - (e) Schedule 13 so far as it repeals section 1(2) of the New Towns Act 1975, section 14(4) of the New Towns (Amendment) Act 1976, the New Towns Act 1980, and sections 126 and 127 and (so far as it relates to Scotland) section 133 of the Local Government, Planning and Land Act 1980.

The provisions mentioned in paragraph (a) shall be taken to have extended to Scotland since section 43 of the New Towns Act 1965 as substituted by section 1(2) of the New Towns Act 1975 came into effect, without prejudice to sections 16 and 17 of the Interpretation Act 1978 (which relate to the effect of repeals).

- (3) Except for paragraph 12 of Schedule 11, and Schedule 13 so far as it repeals section 14(4) of the New Towns (Amendment) Act 1976, nothing in this Act extends to Northern Ireland.
- (4) This Act shall come into force on the expiry of the period of one month beginning on the date of its passing.