

Town Development Act, 1952

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ARRANGEMENT OF SECTIONS

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CHAPTER 54

An Act to encourage town development in county districts for the relief of congestion or over-population elsewhere, and for related purposes, and to repeal subsection (5) of section nineteen of the Town and Country Planning Act, 1944, and part of subsection (1) of section five of the New Towns Act, 1946.

[1st August, 1952.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Definition of town development

1.—(1) In this Act the expression “town development” means development in a county district (or partly in one such district and partly in another) which will have the effect, and is undertaken primarily for the purpose, of providing accommodation for residential purposes (with or without accommodation for the carrying on of industrial or other activities, and with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements) the provision whereof will relieve congestion or over-population elsewhere. Definition of town development.

(2) In this Act, in relation to any town development, the expression “receiving district” means the county district in which the development is carried out, or, in the case of town development partly in one county district and partly in another, a county district in which part of it is carried out.

*Contributions to council of receiving district from the
Exchequer and local authorities benefited*

Exchequer
contributions
to council of
receiving
district.

2.—(1) This section applies to development to be carried out after the passing of this Act as to which the Minister of Housing and Local Government (hereinafter referred to as “the Minister”) is satisfied—

- (a) that it will be town development within the meaning of this Act on a substantial scale, and
- (b) that the provision of the accommodation will relieve congestion or over-population in—
 - (i) a county borough, or
 - (ii) the administrative county of London, or
 - (iii) a county district in an area of continuous urban development adjacent to the administrative county of London or in an area of continuous urban development adjacent to another big centre of population, or
 - (iv) a county district outside the county in which the development is to be carried out,
 or in two or more such local government areas.

(2) The Minister may, in pursuance of undertakings in that behalf given by him with the approval of the Treasury, make contributions to the council of a receiving district towards expenses of any of the following kinds incurred or to be incurred by them in relation to development to which this section applies.

The said kinds of expenses are—

- (a) annual rate fund contributions under the Housing (Financial and Miscellaneous Provisions) Act, 1946, in respect of houses provided in the course of the development;
- (b) expenses of acquiring land on which any of the development is carried out, or of acquiring land in substitution for land on which any of the development is carried out;
- (c) expenses of site preparation and other works for making the area of land within which the accommodation is to be provided suitable for the provision and use thereof;
- (d) expenses of providing, extending or improving, in the course of the development, main water supplies, main sewerage, or sewage disposal services;
- (e) payments under section one hundred and twenty-three of the Public Health Act, 1936, or under section thirty-six or thirty-seven of the Water Act, 1945 (which

sections relate to the giving of undertakings by local authorities to suppliers of water for payments in connection with action needed for making supplies available) in respect of action needed for the purposes or in consequence of the development;

- (f) payments made by virtue of this Act to a river board or drainage authority in respect of expenses incurred by that river board or drainage authority in the execution of works rendered necessary by the carrying out of the development.

(3) Contributions under this section which are towards annual rate fund contributions falling within paragraph (a) of the last preceding subsection, or towards periodical payments falling within paragraph (e) thereof, shall be by way of corresponding annual or periodical payments, and in other cases shall be by way of such lump sum or periodical payment or payments as the Minister may determine.

(4) For the purposes of subsection (1) of this section—

(a) development carried out between the thirty-first day of July, nineteen hundred and fifty-one, and the passing of this Act shall be treated as if it had been development to be carried out after the passing of this Act if the Minister is satisfied that it was carried out as part of, or with a view to the future carrying out of, such development as is mentioned in the said subsection (1); and

(b) the reference in paragraph (b) of the said subsection (1) to the county in which the development is to be carried out shall, in relation to development partly in one county and partly in another, be construed as a reference to the county in which the part of the development which is in the opinion of the Minister the more substantial is to be carried out.

3.—(1) When giving an undertaking under the last preceding section, the Minister may lay down, as conditions to which payment of the contributions undertaken to be made is to be subject, such conditions as it may appear to him to be expedient to impose for securing the intended relief from congestion or overpopulation.

Conditions of
payment of
Exchequer
contributions.

(2) If the Minister is satisfied that a council to whom he has undertaken under the last preceding section to make a contribution have failed to observe any condition laid down under this section as one to which payment of the contribution was to be subject, he may withhold or postpone payment, either in whole or in part—

(a) of that contribution,

- (b) of any other contribution which he has undertaken under the last preceding section to make to that council, and
- (c) of any annual Exchequer contribution within the meaning of the Housing (Financial and Miscellaneous Provisions) Act, 1946, which would otherwise be payable to that council in respect of any house provided in the course of the town development to which the undertaking related,

or of any of those contributions.

(3) The Minister, in exercising his power under subsection (2) of this section of withholding or postponing any payment to a council, shall have particular regard to securing that the penalty so imposed is no more than proportionate to the extent or degree of default of the council.

Local authorities' contributions to council of receiving district.

4.—(1) Where the council of a county borough or county district are satisfied that the provision of accommodation by any town development within the meaning of this Act will relieve congestion or over-population in their area, they may, in pursuance of undertakings in that behalf given by them with the approval of the Minister, make contributions to the council of a receiving district towards expenses incurred or to be incurred by them in relation to the development.

(2) An authority, when giving an undertaking under this section, may lay down, as conditions to which payment of the contributions undertaken to be made is to be subject, such conditions as it may appear to that authority to be expedient to impose for securing the intended relief from congestion or over-population.

Extension for purposes of town development of certain powers of council of receiving district

Authorisation of council of receiving district to exercise their powers for benefit of other areas.

5. The council of a receiving district may, for the purposes of town development within the meaning of this Act and if authorised in that behalf by the Minister, take, whether within or outside their area, any action which apart from this section they could lawfully take if it were for the benefit of their area but which is not, or may not be, for the benefit thereof.

Additional powers of acquiring land.

6.—(1) Where in the case of any land which is in an area with respect to which a development plan within the meaning of the Town and Country Planning Act, 1947, has become operative under that Act, but which is not designated by the plan as subject to compulsory acquisition, the Minister is satisfied—

- (a) that the land is required for a purpose connected with town development within the meaning of this Act, and

(b) that it is necessary in the public interest that the land should be acquired under this section notwithstanding that it is not designated by the said plan as subject to compulsory acquisition,

he may authorise the council of a receiving district to acquire the land compulsorily in accordance with this section.

(2) If during the period before such a development plan as aforesaid has become operative under the said Act of 1947 with respect to any area, the Minister is satisfied that the acquisition under this section of any land in that area is expedient for a purpose connected with town development within the meaning of this Act, he may authorise the council of a receiving district to acquire the land compulsorily in accordance with this section.

(3) Where the Minister has power under the preceding provisions of this section to authorise the council of a receiving district to acquire any land compulsorily, he may, if after consultation with that council and the council of the county in which the receiving district is situated, he thinks it expedient so to do, authorise the land to be so acquired by any other local authority instead of by that council.

(4) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory purchase of land under this section and, accordingly, shall have effect as if this section had been in force immediately before the commencement of that Act.

(5) This section shall be construed as one with Part IV of the said Act of 1947 (which contains provisions as to the acquisition and disposal of land for planning purposes).

(6) This section shall, for the purposes of any enactment containing a reference to section thirty-eight of the said Act of 1947 (which relates to the acquisition of land for planning purposes), be treated as forming part of the said section thirty-eight, and shall in particular be so treated for the purposes of subsection (1) of section thirty-nine, subsection (1) of section forty, and subsection (2) of section forty-five of that Act, and of subsection (1) of section nineteen of the Town and Country Planning Act, 1944; and the reference to subsection (2) of the said section thirty-eight in paragraph 9 of the Fifth Schedule to the said Act of 1944 shall include a reference to this section.

*Participation in town development of authorities other
than council of receiving district*

7. In connection with the carrying out of town development within the meaning of this Act provision may be made in accordance with the two next succeeding sections with a view to the participation therein (whether by undertaking or bearing the expense of a part or the whole of the requisite operations) of—

Authorities
eligible to
participate.

(a) the council of a county borough;

- (b) the council of a county district which is not a receiving district ;
- (c) the council of the county in which the development is carried out, or of a county in which part of it is carried out ; or
- (d) a joint water or sewerage board (that is to say, a joint board constituted, for the purpose of discharging functions relating to water supply, or to sewerage or sewage disposal, under section six of the Public Health Act, 1936, or any enactment repealed by that Act, under section nine of the Water Act, 1945, or under any local enactment) on which the council of a receiving district is represented ;

and in this Act, in relation to any town development, references to an authority eligible to participate are to such a council or joint board as aforesaid, and references to an authority participating are to such a council or joint board who participate or propose to participate in the development.

Provision for
participation
by agreement

8.—(1) In relation to any town development within the meaning of this Act the council of a receiving district and any authority or authorities eligible to participate, may, if authorised by the Minister in that behalf, make by agreement provision for the taking by any of the parties thereto of action of a kind mentioned in this subsection notwithstanding that apart from this subsection it would not be within the powers of that party, and it shall be lawful by virtue of this subsection for the party in question to take any such action for which provision is so made.

The kinds of action for which provision may be so made are—

- (a) a party's acting on behalf of another party in doing any thing which apart from this subsection that other party could lawfully employ an independent contractor to do, with or without power to the party so acting to employ another person or authority to do it ;
- (b) any action outside their area by a participating council of a county borough or county district or by a participating joint water or sewerage board, being action which apart from this subsection they could lawfully take if it were for the benefit of their area but which is not, or may not be, for the benefit thereof ;
- (c) any such action as the following by the council of the county in which the development is carried out, or of a county in which part of it is carried out, that is to say any action in relation to a receiving district which the council of any county borough could lawfully take in relation thereto apart from this subsection, including any such action for the taking of which by them the

consent of the council of the receiving district would be necessary, and any action for the taking of which in relation thereto by the council of any county borough provision could be made under this subsection ;

- (d) the transfer by one party to another party who are to carry out the development, or part of it, of land possessed by the transferor party which is held by them for a purpose for which the development or that part of it is required ;
- (e) the re-transfer to the transferor party of land transferred by them as aforesaid, or, where a party other than the council of the receiving district are to carry out the development or part of it on land possessed by that other party, the transfer of that land to the council of the receiving district after the carrying out of the development or that part of it ;
- (f) the assignment, in connection with any such transfer or re-transfer as aforesaid, of the right to receive annual Exchequer contributions within the meaning of the Housing (Financial and Miscellaneous Provisions) Act, 1946, payable in respect of houses comprised in the transfer or re-transfer ;
- (g) the making and receipt of payments by any party to or from another.

(2) Nothing in the preceding subsection shall be taken to prejudice the competence of the council of a receiving district, or of any authority eligible to participate, to make provision by agreement for any of the parties thereto—

- (a) to take action for the acquisition of land in the receiving district, whether by agreement or compulsorily, in exercise of any power in that behalf which that party has apart from that subsection,
- (b) to carry out development in the receiving district in exercise of power which that party has under any of the enactments relating to housing or to town and country planning, or
- (c) to take any other action which is within the powers of that party apart from that subsection,

and nothing in that subsection shall be taken to prejudice the competence of any of them to take any action without the agreement of any other of them which apart from that subsection they could lawfully so take.

(3) An authorisation of the Minister for the purposes of subsection (1) of this section of the making by agreement of any such provision as is therein mentioned may be limited to the making thereof in particular terms, or to a particular effect, specified by him.

(4) For the purposes of any town development within the meaning of this Act the Minister may, on the joint application of the council of a receiving district and of any authority eligible to participate, by order empower that authority to exercise for the purpose of the sewerage of any such locality in the receiving district as is specified in the order any powers exercisable by a local authority under section fifteen of the Public Health Act, 1936, and any such order may—

- (a) provide for transferring to the authority so empowered any sewers or sewage disposal works vested in the sewerage authority for any district which comprises the specified locality or any part of that locality, and for the payment by the authority so empowered to the sewerage authority of consideration for the transfer;
- (b) direct that any of the provisions of the Public Health Acts, 1936 and 1937, relating to sewerage or sewage disposal, or to sewers, drains, cesspools and sanitary conveniences (including the provisions of the Public Health Act, 1936, relating to the payment of compensation, the breaking open of streets and the power to enter on land) shall apply in relation to the specified locality, subject to such modifications as may be specified in the order, as if the authority so empowered were a local authority as defined by those Acts and as if sewers vested in that authority were public sewers as so defined;
- (c) make provision, to have effect where in pursuance of the order sewers or sewage disposal works are constructed by or vested in the authority so empowered for the purposes of the sewerage of any part of the district of a sewerage authority, for requiring the sewerage authority to make contributions towards the expenses incurred by the authority so empowered in the construction or maintenance of the sewers or works, and for empowering the sewerage authority to borrow money for the payment of the contributions.

An order under this subsection may be varied or revoked by a further order made by the Minister with the assent of the authority so empowered and of the council of the receiving district.

Provision for participation under order of the Minister.

9.—(1) If an authority eligible to participate wish to take some action which could lawfully be taken by that authority by agreement between them and the council of a receiving district (with the authorisation of the Minister under subsection (1) of the last preceding section or otherwise), and the Minister, on

application being made to him by that authority, is satisfied that such action—

- (a) is required for the purposes of town development within the meaning of this Act, but
- (b) is prevented or hampered by inability or unwillingness of the council of the receiving district to concur in providing by agreement for its being taken,

he may after consultation with the council of the receiving district and the council of the county in which the receiving district is situated make provision by order—

- (i) for authorising the authority by whom the application is made to take that action, or to assume any obligation with respect thereto for the assumption of which by them provision could be made by such an agreement, and for requiring the council of the receiving district to permit the taking by that authority of that action ;
- (ii) for imposing on the council of the receiving district any obligation with respect to that action for the assumption of which by them provision could be made by such an agreement, and for conferring on that authority the right to enforce an obligation so imposed as if it had been assumed by the council of the receiving district by agreement with that authority ; and
- (iii) if any agreement with respect to that action has been made by the council of the receiving district with that authority, for varying the terms thereof.

(2) An order under this section may be varied or revoked by a subsequent order made by the Minister.

(3) If—

- (a) it appears to the Minister, on application in that behalf by an authority eligible to participate, that an order under subsection (4) of the last preceding section ought to be made for the purposes of any town development, but that the council of a receiving district are unwilling to join in an application for such an order, or
- (b) when an order under that subsection is in force it appears to the Minister, on application in that behalf either by the authority empowered thereunder or by the council of the receiving district, that the order ought to be varied or revoked under that subsection, but that the council or authority other than the applicants are unwilling to assent to the variation or revocation,

he may make the order, or may vary or revoke the order which is in force, as the case may be, notwithstanding that the requirements of that subsection as to applications and assents are not satisfied.

(4) An order shall not be made under or by virtue of this section unless—

- (a) a draft of the order has been laid before Parliament and has been approved by resolution of each House of Parliament, or
- (b) in the case of an order under subsection (1) of this section, assent to the making of the order has been given by the council of the receiving district, or
- (c) in the case of a varying or revoking order under subsection (2) of this section, assent to the making of the order has been given by the council of the receiving district and by the authority on whose application the original order was made.

Contributions to authorities participating from the Exchequer and local authorities benefited.

10.—(1) The Minister may, in pursuance of undertakings in that behalf given by him with the approval of the Treasury, make to an authority participating in development to which section two of this Act applies contributions towards expenses incurred or to be incurred by them in relation to the development—

- (a) in the case of the council of the county in which the development is carried out, or of a county in which part of it is carried out, of any of the kinds specified in subsection (2) of that section, or
- (b) in the case of any other authority, of any of the kinds specified in paragraphs (d), (e) and (f) of the said subsection (2), or of a kind specified in paragraph (b) thereof so far as incurred for the purposes of an operation mentioned in paragraph (d) thereof or in acquiring land in substitution for land used for such purposes.

(2) Section three of this Act shall have effect in relation to contributions under the preceding subsection with the substitution of references to the preceding subsection for references in the said section three to section two of this Act and of references to an authority participating for references in the said section three to such a council as is therein mentioned.

(3) Where the council of a county borough or county district are satisfied that the provision of accommodation by any town development within the meaning of this Act will relieve congestion or over-population in their area, they may, in pursuance of undertakings in that behalf given by them with the approval of the Minister, make contributions to any authority participating in the development towards expenses incurred by them in relation to the development.

A council, when giving an undertaking under this subsection, may lay down, as conditions to which payment of the contributions undertaken to be made is to be subject, such conditions as it may appear to that council to be expedient to impose for securing the intended relief from congestion or over-population.

11. Where any provision is made by agreement in connection with town development within the meaning of this Act, or by order under section nine of this Act, for action by the council of the county in which the development is carried out, or of a county in which part of it is carried out, the Minister may by order direct that any statutory provisions relating to matters with which the action is concerned shall have effect subject to such modifications specified in the order as appear to him to be requisite in consequence of the fact that the action is by that council and not by the council of a receiving district or by the council of a county borough.

Modifications of enactments consequential on participation by county council.

An order under this section may be varied or revoked by a subsequent order made by the Minister.

12.—(1) Where it appears to the Minister, on application in that behalf by two or more councils each of them being the council of a county borough or county district, to be expedient, in connection with need of theirs for securing by town development within the meaning of this Act in a locality outside their areas relief for congestion or over-population in their areas, that a joint body consisting of representatives of those councils should be established in order to facilitate participation on their behalf in the development, he may by order provide for the establishment of such a joint body for that purpose.

Provision for establishment of joint bodies and participation by them.

(2) An order under this section shall make provision as to the functions of the joint body, and may—

- (a) provide for rendering applicable to the joint body, in relation to the development, all or any of the provisions of this Act as to authorities, or authorities of a particular kind, eligible to participate or participating, subject to such modifications as appear to the Minister to be requisite in consequence of the fact that the action provided for is action on the part of a joint body and not of the council of a county borough or a county district ; and
- (b) direct that any statutory provisions relating to matters with which action on the part of the joint body is concerned shall have effect subject to any such modifications as aforesaid.

(3) A joint body established under this section shall be a body corporate by such name as may be determined by the order, and shall have perpetual succession and a common seal and power to hold land for the purposes of their functions without licence in mortmain.

(4) An order under this section may make such provision as the Minister considers expedient with respect to the constitution of the joint body and for determining the manner in which their expenses are to be defrayed.

(5) Before making an order under this section the Minister shall inform the council of the receiving district, or each of such districts if more than one, and any authorities eligible to participate who did not join in the application but who appear to him to be concerned, of the provision which he proposes to make by the order, and shall give them an opportunity of making representations.

(6) An order under this section may be varied by a subsequent order made by the Minister with the assent of the constituent councils.

Re-transfers of land, and other adjustments, after carrying out of town development.

13.—(1) Where—

- (a) in the carrying out of arrangements for town development in connection with which provision has been made by agreement with the authorisation of the Minister given for the purposes of subsection (1) of section eight of this Act, or by order under section nine thereof, houses or other buildings or land have come to be held, or powers have become exercisable, by an authority whose continued holding or exercise thereof would in the opinion of the Minister be contrary to the interests of good local government, or other circumstances have arisen which in the opinion of the Minister call for adjustment or rectification in the interests thereof, and
- (b) the Minister is, as respects any adjustment or rectification appearing to him to be requisite, not satisfied that adequate provision therefor has been or will be made by agreement between all authorities concerned, or satisfied that adequate provision therefor cannot be so made,

he may by order make such provision in that behalf as appears to him to be requisite.

(2) An order under this section may, without prejudice to the generality of the preceding subsection, include provision for—

- (a) requiring any authority concerned to take any action similar to any of the kinds of action specified in paragraphs (d) to (g) of subsection (1) of section eight of this Act;
- (b) extinguishing or restricting any powers which have become exercisable by any authority concerned for the purposes of town development and are not ordinarily exercisable by them;
- (c) dissolving any joint body established under the last preceding section.

(3) An order under this section may be varied by a subsequent order made by the Minister.

(4) An order made under this section shall be subject to special parliamentary procedure.

14.—(1) A transfer or re-transfer of land for which provision is made by agreement in connection with town development within the meaning of this Act, or by order under section nine or thirteen of this Act, and which comprises houses in respect of which annual Exchequer contributions within the meaning of the Housing (Financial and Miscellaneous Provisions) Act, 1946, are payable shall not affect the obligation to pay those contributions, or render payable any such contributions which would not have been payable apart from the transfer or re-transfer.

Supplementary provisions as to transfers of land.

(2) A council receiving any such annual Exchequer contributions as aforesaid by virtue of an assignment of the right to receive them made in connection with any such transfer or re-transfer as aforesaid shall carry them to the credit of their Housing Revenue Account, and shall as respects the years for which they receive them be subject, instead of the authority by whom the houses in respect of which the contributions are payable were provided if other than that council, to the obligation imposed by section five of the Housing (Financial and Miscellaneous Provisions) Act, 1946, to pay annual rate fund contributions in respect of those houses.

(3) Section one hundred and sixty-six of the Local Government Act, 1933 (which relates to the application of capital money received from the disposal of land) shall have effect as respects any capital money received in respect of a transfer or re-transfer of land for which provision is made as mentioned in subsection (1) of this section as it has effect in relation to capital money received in respect of such transfers as are mentioned in that section.

Miscellaneous

Combination
of sewage
disposal or
sewerage
systems.

15.—(1) Where the Minister considers it expedient so to do for reasons connected with town development within the meaning of this Act he may—

- (a) make an order under section six of the Public Health Act, 1936, providing for the constitution, for the purpose of discharging functions relating to sewage disposal or sewerage, of a united district consisting of districts or parts of districts of local authorities, and for the constitution under that section for the purpose aforesaid of a joint board for that united district, notwithstanding that no application in that behalf is made to him by the local authorities of the districts concerned or by any of those authorities,
- (b) make an order providing that any sewer vested in a local authority shall communicate with a sewer of, or discharge into sewage disposal works of, any other local authority in such manner, and not later than such date, as may be determined by or in accordance with the order.

(2) Where the Minister is of opinion that an order should be made—

- (a) under section six of the Public Health Act, 1936, by virtue of paragraph (a) of the preceding subsection, or
- (b) under section nine of that Act amending or revoking an order made as mentioned in paragraph (a) of this subsection, or
- (c) under paragraph (b) of the preceding subsection,

he shall give notice of that opinion to all authorities appearing to him to be concerned, setting out a provisional draft of an order and stating a period, not less than twenty-eight days, within which objections may be made, and if either no objection is made by any such authority within the time stated in the notice or all objections so made are withdrawn, the order may be made in the terms of the provisional draft, or with such modifications only as appear to the Minister to be immaterial; but an order shall not be made in any other case unless a draft of the order has been laid before Parliament and approved by resolution of each House of Parliament.

(3) Subsection (4) of section six of the Public Health Act, 1936, and subsection (2) of section nine thereof (which relate to the procedure for making, amending and revoking orders under the said section six) shall not apply to an order made under the said section six by virtue of paragraph (a) of subsection (1) of this section.

(4) Where the Minister makes an order under paragraph (b) of subsection (1) of this section, the local authorities concerned may enter into an agreement for giving effect to the order and as to their respective rights and liabilities in relation to the communication or discharge, and in the event of any failure to agree the difference shall be determined by the Minister.

(5) In this section the expression "local authority" means a sewerage authority as defined by section ninety of the Public Health Act, 1936, but includes also—

- (a) a participating authority where such an authority are by virtue of an order under subsection (4) of section eight of this Act entitled to exercise any powers under section fifteen of the Public Health Act, 1936 ;
- (b) a harbour board within the meaning of the Railway and Canal Traffic Act, 1888, where any sewer of a local authority discharges into a sewer or sewage disposal works of the harbour board,
- (c) a development corporation within the meaning of the New Towns Act, 1946, where the development corporation is by virtue of an order under subsection (2) of section nine of the said Act of 1946 entitled to exercise any powers under section fifteen of the Public Health Act, 1936.

16. The council of a receiving district or an authority eligible to participate may contribute towards expenses incurred by a river board or drainage authority in the execution of works rendered necessary by the carrying out of development which, in the opinion of the authority making the contribution, is town development within the meaning of this Act. Contributions to expenses of land drainage works.

17.—(1) The Minister may authorise the council of a receiving district or a participating authority to appropriate for purposes for which land can be acquired under section thirty-eight or forty of the Town and Country Planning Act, 1947, land held by them for a purpose which is to be effected in the course of town development within the meaning of this Act, if he is satisfied that the land will after the appropriation be used or disposed of for that purpose. Appropriation of land for planning purposes in connection with town development.

(2) Subsections (2) and (3) of section one hundred and sixty-three of the Local Government Act, 1933, shall have effect in relation to an appropriation made pursuant to an authorisation under this section.

Repeal of restrictions on disposal of land by local authorities and development corporations.

18. So much of section nineteen of the Town and Country Planning Act, 1944, and of section five of the New Towns Act, 1946, as restricts the power of the Minister under those sections to consent to the disposal of land by a local authority or development corporation shall cease to have effect, and accordingly the enactments specified in the Schedule to this Act are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.

General

Provisions as to London authorities.

19.—(1) The following provisions of this section shall have effect for the purposes of the application of this Act to London.

(2) As respects participation in town development the London County Council shall be in the same position under this Act as the council of a county borough, and accordingly references in this Act to the council of a county borough as an authority participating or eligible to participate, and the reference to the council of a county borough in subsection (1) of section twelve of this Act, shall include references to the London County Council.

(3) A like power to contribute towards expenses of town development as is conferred by sections four and ten of this Act on the council of a county borough shall be exercisable by the council of a metropolitan borough or by the London County Council.

(4) For the purposes of the application of this Act to London there shall be substituted, for the reference in subsection (3) of section fourteen thereof to section one hundred and sixty-six of the Local Government Act, 1933, a reference to section one hundred and nine of the London Government Act, 1939, and, for the reference in section seventeen of this Act to section one hundred and sixty-three of the said Act of 1933, a reference to section one hundred and six of the said Act of 1939.

Provisions as to orders under this Act.

20.—(1) The powers to make orders conferred on the Minister by this Act shall be exercisable by statutory instrument.

(2) An order under this Act may contain such incidental and consequential provisions as appear to the Minister to be expedient, including provisions for the transfer and compensation of officers.

Obligation to obtain planning permission to apply to town development.

21. Nothing in this Act or in any authorisation given or order made thereunder shall be taken to authorise the carrying out of any development not authorised by planning permission granted or deemed to have been granted under the Town and Country Planning Act, 1947.

22. There shall be paid out of moneys provided by Parliament— Expenses.

- (a) any contributions made in pursuance of undertakings given by the Minister under section two or section ten of this Act;
- (b) any increase which is attributable to the provisions of this Act in moneys so payable under any other Act.

23.—(1) This Act may be cited as the *Town Development Act, 1952.* Short title, construction and extent.

(2) In this Act—

- (a) the expression “house”, in a context importing a reference to any contributions in respect thereof, has the same meaning as in the enactment under which the contributions are payable; and
- (b) the expressions “river board” and “drainage authority” have the meanings assigned to them respectively in the *River Boards Act, 1948*, and the *Land Drainage Act, 1930*.

(3) References in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment.

(4) This Act shall not extend to Scotland or to Northern Ireland.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short title	Extent of Repeal
7 & 8 Geo. 6. c. 47.	The Town and Country Planning Act, 1944.	Subsection (5) of section nineteen.
9 & 10 Geo. 6. c. 68.	The New Towns Act, 1946.	In section five, in the proviso to subsection (1), the words from "and the Minister shall not consent" to the end of the proviso.
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act, 1947.	Subsection (5) of section nineteen of the Town and Country Planning Act, 1944, as reprinted in the Eleventh Schedule.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Railway and Canal Traffic Act, 1888	51 & 52 Vict. c. 25.
Land Drainage Act, 1930	20 & 21 Geo. 5. c. 44.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
Town and Country Planning Act, 1944	7 & 8 Geo. 6. c. 47.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
Housing (Financial and Miscellaneous Provisions) Act, 1946	9 & 10 Geo. 6. c. 48.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
River Boards Act, 1948	11 & 12 Geo. 6. c. 32.

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