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## SCHEDULES

### FIRST SCHEDULE

Section 4.

#### EXCHEQUER SUBSIDIES FOR LOCAL AUTHORITIES IN SPECIAL CASES

#### PART I

##### SUPPLEMENTAL PAYMENTS

###### *Qualification for supplemental payment*

- 1 (1) An additional sum shall be added under this Schedule if and only if in respect of the financial year preceding that in which the dwelling was completed the total of the amounts in the pound of the rates made in the local authority's area exceeded the weighted average of the rates made in the areas of all local authorities in England and Wales.
- (2) In the application of the foregoing sub-paragraph to a rating area in which different rates were made in different parts of the area, the rates made in the area shall be the weighted average of the rates made in those different parts of the area ; and in the application of that sub-paragraph to the London County Council the rates made in the Council's area shall be the weighted average of the rates made in the metropolitan boroughs and the City of London.
- (3) For the purposes of sub-paragraph (1) and sub-paragraph (2) of this paragraph a weighted average in relation to any areas means an average of the total of the amounts in the pound of the rates made in the respective areas weighted by reference to the product of a penny rate in those respective areas for the year in question ; and the average shall be taken by applying to the rate in each area the percentage which the penny rate product for that area represents out of the aggregate of the penny rate products for all the areas in question, and summing the products.
- (4) In ascertaining under the last foregoing sub-paragraph the weighted average of the rates made in different parts of a rating area the following rules shall have effect to take account of any hereditament (hereafter referred to as a special hereditament) which, although treated for certain purposes as included in the rating area, is taken not to be situated in any part of the rating area in which there are leviable (as an additional item of the general rate) expenses which are not leviable in the area taken as a whole—
1. There shall be included in the products to be summed under the last foregoing sub-paragraph the product resulting from applying to the amounts in the pound of the rates made for the year and area in question, otherwise than as additional items for expenses not leviable in the area taken as a whole, the percentage which the penny rate product of any special hereditaments in the rating area represents out of the penny rate product for the rating area as a whole.

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2. The percentage to be applied in ascertaining each other of the products to be summed shall be the percentage which the penny rate product for the part of the area in question (excluding the product from any special hereditament) represents out of the penny rate product for the rating area as a whole.
- (5) In this paragraph "rate" means the general rate except that, in relation to the City of London, it includes the poor rate.

*Dwellings completed before April, 1964*

- 2 (1) This paragraph applies to any dwelling completed before the first day of April, nineteen hundred and sixty-four.
- (2) The amount of the local authority's deficit as ascertained under section four of this Act (with any reduction required under the next following sub-paragraph) shall be compared with the product in their area for the financial year preceding that in which the dwelling was completed—
- (a) of a rate of one shilling and threepence in the pound, and
  - (b) of a rate of two shillings and sixpence in the pound, and
  - (c) of a rate of three shillings and ninepence in the pound,
- and if the amount of the deficit (with any reduction so required) exceeds the said product of a rate of one shilling and threepence in the pound, then, subject to paragraph 1 of this Schedule, a sum shall be added under this Schedule to arrive at the annual exchequer subsidy, and its amount shall be that specified in the following Table.

TABLE

Where the amount of the deficit (with any reduction so required)—	Sum to be added—
exceeds the product of a rate of one shilling and threepence, but not of a rate of two shillings and sixpence.	five pounds
exceeds the product of a rate of two shillings and sixpence, but not of a rate of three shillings and ninepence.	ten pounds
exceeds the product of a rate of three shillings and ninepence.	sixteen pounds

- (3) If for the local authority's area for the financial year preceding that in which the dwelling was completed, the product of a penny rate is less than the standard penny rate product as defined in section five of the Local Government Act, 1958 (which authorises the payment of Rate-deficiency Grants), then (to exclude from grant under Part I of this Act what would be met out of Rate-deficiency Grants) the last foregoing sub-paragraph shall apply with the amount of the deficit reduced by—
- (a) dividing by the said standard penny rate product, and
  - (b) multiplying by the said product of a penny rate.

For the purposes of this sub-paragraph the said standard penny rate product, as defined in the said section five, and the said product of a penny rate, shall be taken as notified by the Minister to the local authority together with the latest estimate

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of Rate-deficiency Grant which the Minister, in accordance with regulations made under the Local Government Act, 1948, for the purposes of the said section five, notifies to the local authority before the end of the year preceding that in which the dwelling was completed.

*Dwellings completed in and after April, 1964*

- 3 (1) This paragraph applies to any dwelling completed on or after the first day of April, nineteen hundred and sixty-four.
- (2) The last foregoing paragraph shall apply to any dwelling to which this paragraph applies but as if for references to the sums of one shilling and threepence, two shillings and sixpence and three shillings and ninepence there were substituted respectively references to those sums adjusted by—
- (a) dividing by the aggregate product of a penny rate for the areas of all local authorities in England and Wales for the year beginning on the first day of April, nineteen hundred and sixty-three, and
  - (b) multiplying by the said aggregate for the year beginning on the first day of April, nineteen hundred and sixty-two,
- and rounded off to the nearest penny.

*Definition of Product of a Rate*

- 4 (1) This paragraph shall apply where for the purposes of any provision in this Part of this Schedule, other than sub-paragraph (3) of paragraph 2, it is necessary to ascertain the product of a rate of a specified sum in the pound for any area.
- (2) If for the area and the year in question the product of a penny rate has been estimated under paragraph (d) of subsection (2) of section nine of the Rating and Valuation Act, 1925, that estimate shall be employed for ascertaining the product of any specified sum in the pound.
- (3) If there is no such estimate, the product shall be that given by such estimate made by the local authority or the Minister as the Minister may direct.

**PART II**

ASCERTAINMENT OF RELEVANT YEAR AND GROSS VALUE

*The relevant year*

- 5 (1) Subject to this paragraph, the relevant financial year in relation to any dwelling shall be the financial year preceding that in which the dwelling was completed. .
- (2) If, in the opinion of the Minister, adequate information as to the local authority's Housing Revenue Account for that year will not be available within a reasonable time after the completion of the dwelling, the relevant financial year in relation to that dwelling shall be such earlier financial year as the Minister may determine having regard to the availability of information about the local authority's Housing Revenue Account for that earlier year.

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*Ascertainment of gross value*

- 6 (1) Subject to this paragraph, the gross value of a local authority's houses for the relevant financial year shall be ascertained by adding—
- (a) the aggregate of the gross value of the houses within the local authority's Housing Revenue Account for the last year preceding the relevant financial year, and
  - (b) the aggregate of the gross value of the houses within their Housing (Revenue Account for the relevant financial year,
- and dividing by two.
- (2) Subject to the next following sub-paragraph, the gross value of the houses under paragraphs (a) and (b) of the foregoing sub-paragraph shall be their gross value for rating purposes as shown in the valuation list on the thirty-first day of March in the year preceding the relevant financial year, or, as the case may be, in the relevant financial year and, if any of those houses are comprised in a hereditament which also comprises premises not used for the purposes of a private dwelling, a proportionate part of the gross value of the hereditament as so shown on the said thirty-first day of March.
- (3) Where gross value is to be ascertained under the last foregoing sub-paragraph at a time after the first day of April, nineteen hundred and sixty-three, that gross value shall continue to be ascertained by reference to the valuation list in force before that date, and for a hereditament not included in that list when it ceases to be in force the valuation officer shall for the purposes of this paragraph determine its gross value in the manner prescribed by the Valuation for Rating Act, 1953.
- (4) In this paragraph " the valuation officer" has the same meaning as in Part III of the Local Government Act, 1948.

SECOND SCHEDULE

Section 11.

AMENDMENTS OF ENACTMENTS RELATING TO FINANCIAL  
 ASSISTANCE FOR HOUSING ACCOMMODATION

**PART I**

APPLICATION OF ENACTMENTS TO EXCHEQUER SUBSIDIES UNDER THIS ACT

*The Town Development Act, 1952*  
*(15 & 16 Geo. 6. and 1 Eliz. 2. c. 54.)*

- 1 The expression "house", in a context importing a reference to any annual exchequer subsidy in respect thereof under this Act, shall be construed as having the meaning of " dwelling " as defined for the purposes of Part I of this Act.
- 2 In paragraph (c) of subsection (2) of section (three, in paragraph (f) of subsection (1) of section eight and in subsection (1) of section fourteen of the said Act (which relate respectively to the withholding or postponement of exchequer contributions, the assignment of the right to receive them, and the transfer of dwellings in respect

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of which they are payable) references to those contributions shall include references to annual exchequer subsidies under Part I of this Act.

*The Housing Act, 1957*

*(5 & 6 Eliz. 2. c. 56.)*

- 3 Subsection (1) of section one hundred and fourteen of the Housing Act, 1957 (which relates to the reservation of houses for the agricultural population), shall apply in relation to annual exchequer subsidies under Part I of this Act increased under subsection (3) of section five of this Act as it applies in relation to the subsidies and contributions there mentioned.

*The Housing (Financial Provisions) Act 1958*

*(6 & 7 Eliz. 2. c. 42)*

- 4 (1) Any exchequer subsidy payable under paragraph (a) of subsection (1) of section one of this Act shall be included in the definition of " exchequer payment" in subsection (2) of section fifty-eight of the Housing (Financial Provisions) Act, 1958.
- (2) In subsection (2) of section twenty-nine of the said Act (which defines certain payments connected with authorised arrangements)—
- (a) in paragraph (a) references to a subsidy payable under section one of that Act shall include references to a subsidy payable under section one of this Act, and
  - (b) in paragraph (b) references to an annual grant payable under section one of that Act shall include references to an annual grant payable under section one of this Act.
- 5 In subsection (4) of section nineteen of the said Act (which relates to the discontinuance of subsidy where a dwelling provided by a development corporation is sold or let) the reference to a subsidy payable under section one of that Act shall include a reference to a subsidy payable under section one of this Act.
- 6 (1) In section twenty-three and subsection (1) of section twenty-four of the said Act (which relate to county council contributions for houses for the agricultural population) references to exchequer subsidies increased under section five of that Act shall include references to exchequer subsidies increased under subsection (3) of section five of this Act.
- (2) For the proviso to the said section twenty-three there shall be substituted the following proviso—

“Provided that the Minister may by order contained in a statutory instrument direct that any contribution under this section shall be reduced to such amount as may be specified in the order.

An order under this proviso shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament, and before laying such a draft the Minister shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.”

- 7 In subsections (1) and (2) of section twenty-five of the said Act (which relates to cases where a county council acts for the council of a county district, either

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by agreement or in pursuance of an order made under section one hundred and seventy-one or section one hundred and seventy-three of the Housing Act, 1957) references to the sections of that Act there mentioned shall include references to Part I of this Act, but the amount of any subsidy payable under section four of and the First Schedule to this Act shall be calculated as if the dwellings in question had been provided by the council of the county district concerned, and as if any income received and any expenditure incurred by the county council under the agreement or order which, if received or incurred by the said council of a county district, would have been included in that council's Housing Revenue Account, had in fact been so included.

8 In section twenty-eight of the said Act of 1958 (which relates to the time and manner of payment of subsidies) the reference to that Act shall include a reference to this Act.

9 In section thirty-six of the said Act of 1958 (which relates to Exchequer contributions towards improvement grants), in the proviso to subsection (2) for the words " under section two of this Act" there shall be substituted the words " made by the Minister by statutory instrument " , and at the end of that section there shall be added the following subsection—

“(6) An order under the said proviso shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament, and before laying such a draft the Minister shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.”

10 Section fifty-seven of the said Act of 1958 (which relates to the Isles of Scilly) shall apply in relation to this Act as it applies in relation to the provisions specified in subsection (3) of that section.

*The Town and Country Planning Act, 1959*

*(7 & 8 Eliz. 2 c. 53)*

11 In the definition of "grant-aided function" in subsection (1) of section fifty-seven of the Town and Country Planning Act, 1959 (which excludes any exchequer subsidy under the Housing (Financial Provisions) Act, 1958), the reference to such a subsidy shall include a reference to a subsidy under Part I of this Act.

**PART II**

OTHER AMENDMENTS

*The Housing, &c. Act, 1923*

*(13 & 14 Geo. 5. c. 24)*

12 Section two of the Housing, &c. Act, 1923 (under which local authorities may give financial assistance for the provision of housing accommodation), shall cease to have effect except as respects houses built before the commencement of this Act.

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*The Housing (Financial Provisions) Act, 1958*

*(6 & 7 Eliz. 2. c. 42)*

- 13 In paragraph (a) of subsection (1) of section nineteen of the Housing (Financial Provisions) Act, 1958, for the word " corporation" where it first occurs, there shall be substituted the words " local authority " .
- 14 Any payment which the Minister is authorised to make under paragraph (b) of subsection (3) of section nineteen of the said Act (which deals with the case where a subsidised dwelling provided by a development corporation vests in a local authority) shall be included in the expression " exchequer payment" as defined in subsection (2) of section fifty-eight of that Act.
- 15 As respects any financial year beginning on or after the first day of April, nineteen hundred and sixty-one, the Fifth Schedule to the said Act (which relates to .the Housing Revenue Accounts of local authorities) shall apply—
- (a) with the addition of the following sub-paragraph to paragraph 4 of that Schedule—
- “(2) In the case of incomings and outgoings other than those mentioned in the foregoing provisions of this Schedule, directions under this paragraph may (instead of directing particular amounts to be credited or debited) direct generally that credits or debits shall be made in respect of incomings or outgoings of a kind specified in the direction”;
- (b) with the substitution of the following paragraph for paragraph 5 of that Schedule—
- “5 Any surplus shown in a Housing Revenue Account at the end of a financial year may be applied by the local authority, in whole or in part, in making good to the general rate fund any contribution credited to the account under sub-paragraphs (5) and (6) of paragraph 1 of this Schedule in any of the nine last preceding financial years, and, so far as not so applied, shall be carried to the credit of the account for the next financial year.”

*The New Towns Act, 1959*

*(7 & 8 Eliz. 2. c. 62)*

- 16 It is hereby declared that the reference in sub-paragraph (1) of paragraph 4 of the Second Schedule to the New Towns Act, 1959 (which provides for the continuance of subsidies where functions and property of a development corporation are transferred to the Commission for the New Towns), to any enactment includes a reference to an enactment passed after that Act and, in particular, to the provisions of this Act.

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## THIRD SCHEDULE

Section 24.

### ORDERS EXCLUDING BUILDINGS FROM A CLEARANCE AREA

#### PART I

##### PROCEDURE FOR MAKING ORDERS

- 1 An order under section twenty-four of this Act (hereafter in this Schedule referred to as the principal section) shall be in the prescribed form and shall describe by reference to a map—
- (a) the clearance area to which it relates,
  - (b) the area affected by the clearance order to which it relates, and
  - (c) the houses and other buildings to be excluded by the order under the principal section from the clearance area.
- 2 (1) As soon as practicable after making the order, the local authority shall—
- (a) publish in a newspaper circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the houses and other buildings to be excluded by the order from the clearance area and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours, and
  - (b) serve on every owner and occupier of any house or other building to be excluded by the order from the clearance area a notice in the prescribed form.
- (2) A notice under paragraph (b) of the foregoing sub-paragraph shall—
- (a) set out the effect of the order,
  - (b) state that the order is about to be submitted to the Minister for confirmation, and specify the time within which and the manner in which objections to the order can be made, and
  - (c) draw attention to the provisions of Part II of this Schedule which come into effect on the making of the order.
- (3) After the required notices have been given the local authority shall submit the order to the Minister for confirmation.
- 3 (1) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, then, subject to the provisions of this paragraph, the Minister may, if he thinks fit, confirm the order with or without modification.
- (2) If any objection duly made by any such person is not withdrawn, the Minister shall, before confirming the order, either cause a public local inquiry to be held or afford to any person by whom an objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed for the purpose, and, after considering any objection not withdrawn and the report of the person who held the inquiry or of the person appointed as aforesaid, may, subject to the provisions of this paragraph, confirm the order with or without modification.
- (3) An order as confirmed under this paragraph shall not exclude from the clearance area any building which would not have been excluded if the order had been confirmed without modification, except that the Minister may under this paragraph modify an order so as to exclude a house or other building—



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- (a) which was properly included in the clearance area only on the ground that by reason of its bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, it is dangerous or injurious to the health of the inhabitants of the area, and
  - (b) which has not been included in a clearance order or compulsory purchase order under Part III of the principal Act,
- if every owner of the building, and the occupier of every part of the building, have given their consent in writing.
- (4) The order shall come into force when it is confirmed.
- (5) As soon as the order is confirmed the local authority—
- (a) shall publish in a newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed and naming a place where a copy of the order as confirmed and of the map referred to therein may be seen at all reasonable hours, and
  - (b) shall serve a like notice on every person having an interest in every house or other building comprised in the order, whether as freeholder, lessee, mortgagee or otherwise.

## PART II

### CONSEQUENCE OF MAKING ORDER

#### *Suspension of duty to vacate and demolish budding*

- 4 (1) On the date on which an order is made under the principal section, subsection (3) of section forty-four of the principal Act (which makes it the duty of the owner of a building comprised in a clearance order to demolish it) shall cease to apply to the houses and other buildings comprised in the order under the principal section.
- (2) On the said date—
- (a) so much of the clearance order as relates to the vacation of buildings, and
  - (b) subsections (2), (3) and (4) of section forty-five of the principal Act (which relate to the recovery of possession), and
  - (c) any notice served under the said section forty-five,
- shall cease to apply to the houses and other buildings comprised in the order under the principal section.

#### *Re-imposition of duties where order is not confirmed*

- 5 (1) If the Minister notifies the local authority that he declines to confirm the order, or if the order as confirmed does not comprise any houses or other buildings which were comprised in the order as submitted to the Minister, the provisions of this paragraph shall have effect as regards the houses or other buildings in the unconfirmed order or, as the case may be, the houses or other buildings not comprised in the order as confirmed.
- (2) The local authority shall fix the date by which the houses or other buildings are to be vacated for the purposes of demolition, and may fix different dates for different

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buildings ; and sections forty-four and forty-five of the principal Act shall apply as if that date had been fixed for those purposes by the clearance order.

- (3) The local authority shall not less than twenty-eight days before the date (or the earliest date) fixed under the last foregoing sub-paragraph serve on the owner or owners of the houses or other buildings a notice giving them that date and informing them of their duty under subsection (3) of the said section forty-four as applied by this paragraph to demolish the houses or other buildings.

*Payments for well maintained houses and houses held by owner-occupiers*

- 6 (1) After the, making of an order under the principal section the right to any payment under section sixty or section sixty-one of the principal Act (under which payments may be made for houses in clearance areas which have been well maintained or, in certain circumstances, which are held by an owner-occupier) shall be suspended as respects the houses or other buildings comprised in the order, but—
- (a) if the Minister notifies the local authority that he declines to confirm the order, that right shall again be enforceable, and
  - (b) if the order as confirmed does not comprise a house or building which was comprised in the order as submitted to the Minister, that right shall again be enforceable in relation to the house or other building not comprised in the order as confirmed.
- (2) Except so far as any undertaking given to a local authority so provides, the coming into operation of an order under the principal section shall not give rise to a duty to repay any payment which has been made under the said section sixty or the said section sixty-one before that time.

*Condemned houses let to local authorities*

- 7 Paragraphs 4 and 5 of this Schedule shall not apply to a house comprised in a clearance order which, in pursuance of section forty-six of the principal Act, provides that the demolition of the house in pursuance of the clearance order is to be postponed until the authority determine that the house is no longer required for use for housing purposes.

*Condemned houses temporarily occupied under licence*

- 8 (1) Sub-paragraph (2) of paragraph 4 of this Schedule shall not apply to any house as respects which a licence is for the time being in force under section fifty-three of the principal Act (which relates to houses in existing clearance areas temporarily occupied under licence from the local authority), and paragraph 5 of this Schedule shall not apply to a house as respects which such a licence is in force at the time when the Minister notifies the local authority that he declines to confirm the order or, as the case may be, at the time when he confirms the order.
- (2) On the confirmation of an order under the principal section any licence in force under the said section fifty-three as respects a house excluded from the clearance area by the order shall cease to have effect.

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FOURTH SCHEDULE

Section 36.

REPEALS

Session and Chapter	Short Title	Extent of Repeal
13 & 14 Geo. 5. c. 24.	The Housing, &c. Act, 1923.	Section two, except as respects houses built before the commencement of this Act.
14 & 15 Geo. 5. c. 35.	The Housing (Financial Provisions) Act, 1924.	Section fifteen, except as respects houses built before the commencement of this Act.  In the Second Schedule, the amendment of section two of the Housing, &c. Act, 1923, except as respects houses built before the commencement of this Act.
5 & 6 Eliz. 2. c. 56.	The Housing Act, 1957	Section thirty-six, except as respects notices given before the commencement of this Act.  In section thirty-eight, subsection (2).  In section ninety, subsection (5).  In section one hundred and twenty-four the words " in any of the five years next following the date on which he recognises the said body " .  In section one hundred and sixty-nine, subsection (2).
6 & 7 Eliz. 2. c. 42.	The Housing (Financial Provisions) Act, 1958.	Sections one to six as respects dwellings qualified to be considered for approval by the Minister under subsection (1) of section one of this Act.
7 & 8 Eliz. 2. c. 33.	The House Purchase and Housing Act, 1959.	In section four, in paragraph (d) of subsection (1), the words "in or contiguous to the dwelling" and subsection (5).

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### TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Industrial and Provident Societies Act, 1893	56 & 57 Vict. c. 39.
Public Works Loans Act, 1897	60 & 61 Vict. c. 51.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
Rating and Valuation Act, 1925	15 & 16 Geo. 5. c. 90.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
Town Development Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 54.
Valuation for Rating Act, 1953	1 & 2 Eliz. 2. c. 42.
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.
Housing Subsidies Act, 1956	4 & 5 Eliz. 2. c. 33.
Rent Act, 1957	5 & 6 Eliz. 2. c. 25.
Housing Act, 1957	5 & 6 Eliz. 2. c. 56.
Housing (Financial Provisions) Act, 1958	6 & 7 Eliz. 2. c. 42.
Local Government Act, 1958	6 & 7 Eliz. 2. c. 55.
House Purchase and Housing Act, 1959	7 & 8 Eliz. 2. c. 33.
Town and Country Planning Act, 1959	7 & 8 Eliz. 2. c. 53.
New Towns Act, 1959	7 & 8 Eliz. 2. c. 62.