



New Towns (Scotland) Act 1968

1968 CHAPTER 16

Transfer of property and undertakings of development corporations, and their dissolution

36 Winding up of development corporation

- (1) Where the Secretary of State is satisfied that the purposes for which a development corporation was established under this Act have been substantially achieved, and is further satisfied, with the concurrence of the Treasury, that the circumstances are not such as to render it expedient on financial grounds to defer the disposal of the undertaking of the corporation under this section, he shall by order provide for the winding up and dissolution of the corporation.
- (2) At any time after an order has been made under subsection (1) above, the Secretary of State may, with the consent of the Treasury, by order provide for the transfer of the undertaking or any part of the undertaking of the corporation to such local authority (being an authority within whose area the new town or any part thereof is situated) as may be specified in the order or, in so far as that undertaking consists of a statutory undertaking, to such statutory undertakers as may be so specified:

Provided that—

- (a) before making any such order the Secretary of State shall consult with
 - (i) the council of the county or the town council of the burgh in which the new town or any part thereof is situated,
 - (ii) any other local authority and any statutory undertakers to whom the undertaking or part of the undertaking of the corporation will be transferred by virtue of the order, and
 - (iii) any statutory undertakers (not being such undertakers as aforesaid) who, immediately before the date on which the order under section 1 of this Act designating the site of the new town became operative, were authorised to carry on within the area designated by that order an undertaking similar to the undertaking or part of the undertaking which will be so transferred as aforesaid; and

Status: This is the original version (as it was originally enacted).

- (b) an order under this subsection shall be of no effect until an order defining the terms on which the transfer is to be made has become operative under the subsequent provisions of this section.
- (3) Where provision is made under subsection (2) above for the transfer of the undertaking or any part of the undertaking of the development corporation to a local authority or statutory undertakers, the terms upon which the transfer is to be made shall be such as may be determined by an order made by the Secretary of State with the consent of the Treasury, and any such order may provide for the payment by that authority of those undertakers, in consideration of the transfer, of such sum as may be specified in the order, to be satisfied in such manner as may be so specified:

Provided that not less than 28 days before making an order under this subsection, the Secretary of State shall serve a copy of the proposed order on the local authority or statutory undertakers to whom the undertaking or any part of the undertaking of the corporation is to be transferred, and if any objection is made by them within 28 days after the service of the notice, the order shall be subject to special parliamentary procedure.

- (4) If the Secretary of State is satisfied that it is expedient, having regard to the provisions of any order or orders made or proposed to be made under subsection (3) of this section, that the liability of the development corporation in respect of advances made to them under this Act should be reduced, he may, by an order made with the consent of the Treasury, reduce that liability to such extent as may be specified in the order:

Section 46(6) of this Act applies to orders under this subsection.

- (5) An order under this section which provides for the transfer of the undertaking or any part of the undertaking of a development corporation to any local authority or statutory undertakers may contain such incidental, consequential and supplementary provisions as the Secretary of State thinks necessary or expedient for the purposes of the order, and in particular, but without prejudice to the generality of the foregoing provision, may extend or modify the powers and duties of that authority or those undertakers so far as appears to the Secretary of State to be necessary or expedient in consequence of the transfer:

Provided that—

- (a) in relation to an order which provides for extending or modifying the powers and duties of any statutory undertakers, subsection (2) of this section shall have effect as if for the first reference therein to the Secretary of State there were substituted a reference to the Secretary of State and the appropriate Minister ; and
- (b) no order under this section shall confer or impose upon any local authority any powers or duties which are exercisable within the area of that authority by any other local authority.
- (6) An order under subsection (1) of this section may provide for the appointment and functions of a liquidator of the development corporation, and may authorise the disposal, in such manner as may be determined by or under the order, of any assets of the corporation which are not transferred to a local authority or statutory undertakers under the foregoing provisions of this section.
- (7) Any surplus arising from the winding up of a development corporation under this section shall be paid into the Exchequer; and any deficit shall be defrayed out of moneys provided by Parliament.