



# Local Government, Planning and Land Act 1980

## 1980 CHAPTER 65

### PART I

#### LOCAL GOVERNMENT—RELAXATION OF CONTROLS

- 1 Relaxation of Ministerial control of authorities.** **E+W**
- (1) So much of the provisions mentioned in Schedule 1 to this Act—
    - (a) as makes the exercise of any power of a local authority subject—
      - (i) to a right of appeal to a Minister; or
      - (ii) to the provisions of regulations made by a Minister; or
    - (b) as confers upon a Minister any power to give a local authority directions or power to require a local authority to make bylaws; or
    - (c) as requires a local authority to make any report or give any notice to a Minister, shall cease to have effect.
  - (2) The amendments specified in Schedule 2 to this Act shall have effect for the purpose of limiting—
    - (a) the powers of the Secretary of State and the Treasury to supervise local authorities, <sup>F1</sup> . . . and river purification authorities in the discharge of their functions relating to clean air and pollution ; and
    - (b) the powers of the Treasury to control rates of interest on sums payable to such authorities and to the Secretary of State in respect of expenses incurred by them in the discharge of such functions.
  - (3) The amendments specified in Schedule 3 to this Act shall have effect for the purpose of limiting the powers of Ministers to supervise local authorities in the discharge of their functions relating to amenity and connected matters.

*Status: Point in time view as at 01/04/2002.*

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- (4) The amendments specified in Schedule 4 to this Act shall have effect for the purpose of limiting the Secretary of State’s powers to supervise local authorities in the discharge of their functions relating to . . . <sup>F2</sup> trade.
- (5) The amendments specified in Schedule 5 to this Act shall have effect for the purpose—
  - (a) of limiting the Secretary of State’s powers to supervise local authorities in the discharge of their functions relating to allotments; and
  - (b) of otherwise amending the enactments relating to the duties of the Secretary of State and of local authorities in relation to allotments.
- (6) The amendments specified in Schedule 6 to this Act shall have effect for the purpose of limiting the powers of Ministers to control charges to be imposed by local authorities for the services provided by them and rates of interest to which local authorities may be entitled.
- (7) The amendments specified in Part I of Schedule 7 to this Act shall have effect for the purpose of limiting the powers of Ministers to supervise local authorities in the discharge of their functions relating to highways.
- (8) The amendments specified in Part II of that Schedule shall have effect in relation to the functions of local authorities relating to road traffic and to matters connected with those functions.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F1** Words repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, [Sch. 27 Pt. I](#)
- F2** Words repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 98, [Sch. 13 Pt. I](#)

## 1 Relaxation of Ministerial control of authorities. **S**

- (1) So much of the provisions mentioned in Schedule 1 to this Act—
  - (a) as makes the exercise of any power of a local authority subject—
    - (i) to a right of appeal to a Minister; or
    - (ii) to the provisions of regulations made by a Minister; or
  - (b) as confers upon a Minister any power to give a local authority directions or power to require a local authority to make bylaws; or
  - (c) as requires a local authority to make any report or give any notice to a Minister, shall cease to have effect.
- (2) The amendments specified in Schedule 2 to this Act shall have effect for the purpose of limiting—
  - (a) the powers of the Secretary of State and the Treasury to supervise local authorities, [<sup>F369</sup>and water authorities] in the discharge of their functions relating to clean air and pollution ; and

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- (b) the powers of the Treasury to control rates of interest on sums payable to such authorities and to the Secretary of State in respect of expenses incurred by them in the discharge of such functions.
- (3) The amendments specified in Schedule 3 to this Act shall have effect for the purpose of limiting the powers of Ministers to supervise local authorities in the discharge of their functions relating to amenity and connected matters.
- (4) The amendments specified in Schedule 4 to this Act shall have effect for the purpose of limiting the Secretary of State's powers to supervise local authorities in the discharge of their functions relating to . . . <sup>F370</sup> trade.
- (5) The amendments specified in Schedule 5 to this Act shall have effect for the purpose—
- (a) of limiting the Secretary of State's powers to supervise local authorities in the discharge of their functions relating to allotments; and
- (b) of otherwise amending the enactments relating to the duties of the Secretary of State and of local authorities in relation to allotments.
- (6) The amendments specified in Schedule 6 to this Act shall have effect for the purpose of limiting the powers of Ministers to control charges to be imposed by local authorities for the services provided by them and rates of interest to which local authorities may be entitled.
- (7) The amendments specified in Part I of Schedule 7 to this Act shall have effect for the purpose of limiting the powers of Ministers to supervise local authorities in the discharge of their functions relating to highways.
- (8) The amendments specified in Part II of that Schedule shall have effect in relation to the functions of local authorities relating to road traffic and to matters connected with those functions.

#### Extent Information

- E3** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F369** Words in s. 1(2)(a) substituted (1.4.1996) by S.I. 1996/973, reg. 2, Sch. para. 5
- F370** Words repealed by Weights and Measures Act 1985 (c. 72, SIF 131), s. 98, Sch. 13 Pt. I

## PART II

### PUBLICATION OF INFORMATION BY LOCAL AUTHORITIES

#### Modifications etc. (not altering text)

- C1** Pt. II (ss. 2-4) applied (6.4.1995) (*temp.* until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 6

## 2 Duty of authorities to publish information. **E+W**

- (1) The authorities to whom this section applies are—

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- (a) a county council;
- [<sup>F3</sup>(aa) a county borough council;]
- (b) a district council;
- (c) ..... <sup>F4</sup>
- (d) a London borough council;
- (e) the Common Council of the City of London;
- (f) the Council of the Isles of Scilly;
- (g) in Scotland, a [<sup>F5</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
- (h) a fire authority constituted by a combination scheme under section 5 or 6 of the <sup>M1</sup>Fire Services Act 1947, or in Scotland, a joint [<sup>F6</sup>board] constituted by an administration scheme under section 36 of that Act [<sup>F7</sup>or section 147 of the Local Government (Scotland) Act 1973];
- (j) [<sup>F8</sup>a police committee constituted under section 2 of the Police Act 1964 or in Scotland] a police authority constituted under section 2 of the <sup>M2</sup> Police (Scotland) Act 1967 ;
- (k) [<sup>F8</sup>a combined police authority constituted in accordance with the provisions of an amalgamation scheme under section 21 of the Police Act 1964 or in Scotland], a joint police [<sup>F9</sup>board] constituted in accordance with the provisions of an amalgamation scheme under section 19 [<sup>F9</sup>, 20 or 21B] of the Police (Scotland) Act 1967; . . . <sup>F10</sup>
- [<sup>F11</sup>(ka) a joint authority established by Part IV of the <sup>M3</sup>Local Government Act 1985;]
- [<sup>F12</sup>(kb) the London Fire and Emergency Planning Authority;]
- (l) ..... <sup>F13</sup>

[<sup>F14</sup> ; and any other authority which is a best value authority for the purposes of Part I of the Local Government Act 1999 (best value).]

(2) The Secretary of State may issue for the purposes of this section a code of recommended practice as to the publication of information by such authorities about the discharge of their functions and other matters (including forecasts) which he considers to be related.

<sup>F15</sup>(3) .....

(4) A code may be prepared either by the Secretary of State or by some other person at his request.

(5) The Secretary of State may from time to time revise or request some other person to revise the whole or any part of a code.

(6) A code may specify—

- (a) that publication be made in periodical reports or in any other specified manner;
- (b) the occasions on which such publication is to made; and
- (c) the form which such publication is to take.

(7) Without prejudice to the generality of subsection (6) above, a code may specify, as a manner of publishing information—

- (a) its dispatch with, or inclusion in, a demand note on which a rate is levied under the <sup>M4</sup>General Rate Act 1967 or the <sup>M5</sup> Local Government (Scotland) Act 1973
- [<sup>F16</sup>(b) its inclusion in a statement of accounts prepared by an authority to which this section applies in accordance with regulations under section 27 of the

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- Audit Commission Act 1998 or in an abstract of accounts prepared by such an authority in accordance with regulations under section 105 of the Local Government (Scotland) Act 1973; or]
- (c) its being made available for inspection by members of the public at an authority's office or elsewhere.
- (8) A code may specify steps which authorities are to take to inform the public of the availability of the information.
- (9) Where a code specifies information as to the cost of the discharge of any of the functions of authorities, it may specify how the cost is to be determined.
- (10) More than one code may be issued under this section, and different codes may deal with—
- (a) different classes of information;
- (b) different kinds of authority or the same kind of authority in different circumstances or different areas ;
- (c) different manners, forms or occasions of publication.

#### Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F3** S. 2(1)(aa) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 57(1)** (with ss. 55, 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/852, art. 9(1), **Sch. 5**
- F4** S. 2(1)(c) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F5** Words in s. 2(1)(g) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(2)(a)**; S.I. 1996/323, **art. 4(1)(c)**
- F6** Word in s. 2(1)(h) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(2)(b)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F7** Words in s. 2(1)(h) inserted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(2)(b)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F8** Words in s. 2(1)(j)(k) repealed (1.10.1994 for certain purposes only and 1.4.1995 otherwise) by 1994 c. 29, ss. 43, 93, **Sch. 4 Pt. I para. 19, Sch. 9 Pt. I**; S.I. 1994/2025, **art. 6(1)(2)(6)**; S.I. 1994/3262, art. 4(1), **Sch.**
- F9** Words in s. 2(1)(k) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(2)(c)**; S.I. 1996/323, **art. 4(1)(c)**
- F10** Word repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. II para. 59(1)(a)**
- F11** S. 2(1)(ka) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 59(1)(a)**
- F12** S. 2(1)(kb) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 28** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**
- F13** S. 2(1)(l) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237, **Sch. 13 Pt. I**
- F14** Words in s. 2(1) inserted (27.9.1999 in relation to E. and for specified purposes only in relation to W. on 27.9.1999 and otherwise in force in relation to W. on 1.10.1999) by 1999 c. 27, s. 20; S.I. 1999/2169, **art. 3(2), Sch. 2**; S.I. 1999/2815, **art. 2**
- F15** S. 2(3) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, **Sch. 39**)
- F16** S. 2(7)(b) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), **Sch. 3 para. 5(1)**

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#### Modifications etc. (not altering text)

- C2** S. 2(7)(ka) extended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(s)** and S.I. 1987/2110, art. 2, **Sch. 1 para. 8(n)**

#### Marginal Citations

- M1** 1947 c. 41 (50).  
**M2** 1967 c. 77.  
**M3** 1985 c. 51 (81:1).  
**M4** 1967 c. 9 (103:1, 2).  
**M5** 1973 c. 65 (81:2).

## 2 Duty of authorities to publish information. **S**

(1) The authorities to whom this section applies are—

- (a) a county council;
- <sup>F371</sup>(aa) a county borough council;
- (b) a district council;
- (c) ..... <sup>F372</sup>
- (d) a London borough council;
- (e) the Common Council of the City of London;
- (f) the Council of the Isles of Scilly;
- (g) in Scotland, a <sup>F373</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
- (h) a fire authority constituted by a combination scheme under section 5 or 6 of the <sup>M135</sup>Fire Services Act 1947, or in Scotland, a joint <sup>F373</sup>board]constituted by an administration scheme under section 36 of that Act <sup>F374</sup>or section 147 of the Local Government (Scotland) Act 1973];
- (j) <sup>F375</sup>a police committee constituted under section 2 of the <sup>M136</sup>Police Act 1964 or in Scotland] a police authority constituted under section 2 of the <sup>M137</sup>Police (Scotland) Act 1967 ;
- (k) <sup>F375</sup>a combined police authority constituted in accordance with the provisions of an amalgamation scheme under section 21 of the Police Act 1964 or in Scotland], a joint police <sup>F373</sup>board] constituted in accordance with the provisions of an amalgamation scheme under section 19 [, 20 or 21B] of the Police (Scotland) Act 1967; . . . <sup>F376</sup>
- <sup>F377</sup>(ka) a joint authority established by Part IV of the <sup>M138</sup>Local Government Act 1985;]
- (l) ..... <sup>F378</sup>

<sup>F379</sup>; and any other authority which is a best value authority for the purposes of Part I of the Local Government Act 1999 (best value).

(2) The Secretary of State may issue for the purposes of this section a code of recommended practice as to the publication of information by such authorities about the discharge of their functions and other matters (including forecasts) which he considers to be related.

<sup>F380</sup>(3) .....

(4) A code may be prepared either by the Secretary of State or by some other person at his request.

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- (5) The Secretary of State may from time to time revise or request some other person to revise the whole or any part of a code.
- (6) A code may specify—
- (a) that publication be made in periodical reports or in any other specified manner;
  - (b) the occasions on which such publication is to made; and
  - (c) the form which such publication is to take.
- (7) Without prejudice to the generality of subsection (6) above, a code may specify, as a manner of publishing information—
- (a) its dispatch with, or inclusion in, a demand note on which a rate is levied under the <sup>M139</sup>General Rate Act 1967 <sup>F381</sup> . . .
  - <sup>F382</sup>(aa) its dispatch with, or inclusion in—
    - (i) a demand note for payment of rates issued under section 237(1) of the <sup>M140</sup>Local Government (Scotland) Act 1947 ; or
    - <sup>F383</sup>[ a notice given by virtue of regulations made under paragraph 2 of (ii) Schedule 2 to the Local Government Finance Act 1992]]
    - (b) its inclusion in an abstract of accounts prepared by an authority to whom this section applies in accordance with regulations under section 166 of the <sup>M141</sup>Local Government Act 1972 or section 105 of the <sup>M142</sup>Local Government (Scotland) Act 1973; or
    - (c) its being made available for inspection by members of the public at an authority's office or elsewhere.
- (8) A code may specify steps which authorities are to take to inform the public of the availability of the information.
- (9) Where a code specifies information as to the cost of the discharge of any of the functions of authorities, it may specify how the cost is to be determined.
- (10) More than one code may be issued under this section, and different codes may deal with—
- (a) different classes of information;
  - (b) different kinds of authority or the same kind of authority in different circumstances or different areas ;
  - (c) different manners, forms or occasions of publication.

#### Extent Information

- E4** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Textual Amendments

- F371** S. 2(1)(aa) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 57(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**
- F372** S. 2(1)(c) repealed by **Local Government Act 1985** (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F373** Words in s. 2(1)(g)(h)(k) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(2)**; S.I. 1996/323, **art. 4(1)(c)**
- F374** Words in s. 2(1)(h) inserted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(2)**; S.I. 1996/323, **art. 4(1)(c)**



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- F375** Words in s. 2(1)(j)(k) repealed (1.10.1994 for certain purposes only and 1.4.1995 otherwise) by 1994 c. 29, ss. 43, 93, Sch. 4 Pt. I para. 19, **Sch. 9 Pt. I**; S.I. 1994/2025, **art. 6(1)(2)(6)**; S.I. 1994/3262, art. 4(1), **Sch.**
- F376** Word repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. II para. 59(1)(a)**
- F377** S. 2(1)(ka) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 59(1)(a)**
- F378** S. 2(1)(l) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237, **Sch. 13 Pt. I**
- F379** Words in s. 2(1) inserted (27.7.2000) by 1999 c. 27, **ss. 20, 27(1)**
- F380** S. 2(3) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39)
- F381** Words repealed by Local Government Finance Act 1988 (c. 41, SIF 103:2), s. 137, **Sch. 12 Pt. II para. 14**
- F382** S. 2(7)(aa) inserted by Local Government Finance Act 1988 (c. 41, SIF 103:2), s. 137, **Sch. 12 Pt. II para. 14**
- F383** S. 2(7)(aa)(ii) substituted (1.10.1992) by Local Government Finance Act 1992 (c. 14), s. 117(1), **Sch. 13 para. 49** (with s. 118(1)(2)(4)); S.I. 1992/2183, **art. 2(c)**.

#### **Modifications etc. (not altering text)**

- C129** S. 2(7)(ka) extended by S.I. 1985/1884, art. 10, **Sch. 3 para 4(s)** and S.I. 1987/2110, art. 2, **Sch. 1 para. 8(n)**

#### **Marginal Citations**

- M135** 1947 c. 41 (50).  
**M136** 1964 c. 48 (95).  
**M137** 1967 c. 77.  
**M138** 1985 c. 51 (81:1).  
**M139** 1967 c. 9 (103:1, 2).  
**M140** 1947 c. 43(103:2).  
**M141** 1972 c. 70 (81:1).  
**M142** 1973 c. 65 (81:2).

### **3 Supplementary provisions relating to codes of practice on publication of information.**

- (1) The Secretary of State may make regulations requiring authorities to whom section 2 above applies to publish any description of information specified in a code issued under that section if in his opinion it is necessary to make such regulations in order to ensure that authorities publish information of that description.
- (2) The Secretary of State may make regulations requiring such authorities to publish any description of information specified in a code issued under section 2 above in the manner and form specified in the code, if in his opinion it is necessary to make such regulations in order to ensure that authorities publish information of that description in that manner and from.
- (3) Where the occasions specified in a code for the publication of any description of information recur not more often than once a year, the Secretary of State may make regulations requiring authorities to publish information of that description on the occasions specified in the code, if in his opinion it is necessary to make such regulations in order to ensure that authorities publish information of that description on those occasions.
- (4) Where the occasions specified in a code for the publication of any description of information recur more often than once a year, the Secretary of State may make



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- regulations requiring authorities to publish information on the occasions specified in the code if—
- (a) the information is of a description to which this subsection applies; and
  - (b) in his opinion it is necessary to make such regulations in order to ensure that authorities publish information of that description on the occasions specified in the code.
- (5) The descriptions of information to which subsection (4) above applies are—
- (a) information about the discharge of authorities' functions relating to housing or land;
  - (b) information about the number of their employees or the number of any description of their employees; and
  - (c) information about the determination of applications for planning permission under [<sup>F17</sup>the Town and Country Planning Act 1990] or [<sup>F18</sup>the Town and Country Planning (Scotland) Act 1997].
- (6) The Secretary of State may by order direct that subsection (4) above shall apply to descriptions of information other than those specified in subsection (5) above.
- (7) Any regulations under this section and any order under subsection (6) above may make different provision in relation to authorities in England, authorities in Scotland and authorities in Wales.
- (8) The power to make any such regulations or order shall be exercisable by statutory instrument.
- (9) A statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) No order under subsection (6) above shall have effect until approved by a resolution of each House of Parliament.
- (11) Before issuing a code under section 2 above or making regulations under this section or an order under subsection (6) above the Secretary of State shall consult such associations of authorities to whom section 2 above applies as appear to him to be concerned and any such authority with whom consultation appears to him to be desirable.
- (12) A code may specify and regulations under subsection (2) above may require that any description of information shall be published to the public in general or to any section of it.

#### Textual Amendments

**F17** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 44\(1\)](#)

**F18** Words in s. 3(5)(c) substituted (S.) (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 31\(1\)](#)

#### 4 Power to direct bodies to publish information.

- (1) The relevant Minister may direct that a body or description of bodies specified in any of the paragraph of subsection (4) below shall publish information about the discharge of their functions and other matters (including forecasts) which he considers to be related.

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- (2) Different directions may be given to bodies of the same description in different areas.
- (3) A direction under this section may specify—
- the manner in which information is to be published;
  - the occasions on which such publication is to be made; and
  - the form which such publication is to take.
- (4) The bodies and descriptions of bodies mentioned in subsection (1) above are—
- development corporations established under the <sup>M6</sup>[<sup>F19</sup>New Towns Act 1981] or the <sup>M7</sup>New Towns (Scotland) Act 1968;
  - the Commission for New Towns;
  - <sup>F20</sup>(c) water authorities;]
  - urban development corporations within the meaning of Part XVI of this Act;
  - Passenger Transport Executives . . . <sup>F21</sup>
  - . . . . . <sup>F22</sup>
  - district councils [<sup>F23</sup>or Welsh county councils or county borough councils]carrying on road passenger transport undertakings.
- (5) In this section “the relevant Minister ” means in relation—
- to the descriptions of bodies mentioned in subsection (4)(e) and (g) above, in the application of those paragraphs to England; . . . <sup>F22</sup>
  - . . . . . <sup>F22</sup>
- [<sup>F24</sup>the Secretary of State for Transport, Local Government and the Regions].
- [<sup>F25</sup>(5A) In this section “the relevant Minister ” means, in relation to the National Rivers Authority, the Secretary of State or the Minister of Agriculture, Fisheries and Food]
- (6) Subject to [<sup>F26</sup>subsections (5) and (5A)] above, in this section “the relevant Minister ” means the Secretary of State.
- (7) A direction given to a <sup>F27</sup>. . . council under this section may only relate to its road passenger transport undertaking.

#### Textual Amendments

- F19** Words substituted by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), s. 81, **Sch. 12 para. 28(a)**
- F20** S. 4(4)(c) commencing “water ” substituted for s. 4(4)(c) commencing “the National ” by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 61(1)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), **58**
- F21** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F22** S. 4(4)(f), (5)(b) and the word “and ” immediately preceding it repealed by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3)(b), Sch. 7
- F23** Words in s. 4(4)(g) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 57(2)(a)** (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**
- F24** Words in s. 4(5) substituted (13.8.2001) by S.I. 2001/2568, **Sch. para. 6**
- F25** S. 4(5A) inserted by [Water Act 1989 \(c.15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1) Sch. 25 para. 61(1)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58
- F26** Words “subsections (5) and (5A) ” substituted for “subsection (5) ” by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 61(1)(c), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), **58**
- F27** Word in s. 4(7) repealed (3.4.1995) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 57(2)(b), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**

*Status: Point in time view as at 01/04/2002.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Marginal Citations

- M6** 1981 c. 64 (123:3).  
**M7** 1968 c. 16 (123:4).

## [<sup>F28</sup>PART III

### DIRECT LABOUR ORGANISATIONS]

#### Textual Amendments

- F28** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999) by 1999 c. 27, ss. 21(1)(a), 34, Sch. 2(1), Note

#### Modifications etc. (not altering text)

- C3** Pt. III (ss. 5-23): power to apply conferred (1.9.1997) by 1997 c. 50, s. 44(1), Sch. 4 para. (d)(i); S.I. 1997/1930, art. 3(2)(m)  
**C4** Pt. III (ss. 5-23) extended (E.W.) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), Sch. 8 para. 8(1) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

### [<sup>F29</sup>Works Contracts]

#### Textual Amendments

- F29** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, Sch. 2(1), Note

## [<sup>F30</sup>5 Meaning of “works contract ”.

- (1) Subject to subsection (2) below, in this Part of this Act “works contract ” means a contract which is or comprises—
- (a) an agreement (in this Part of this Act referred to as a “maintenance agreement ”) under—
    - (i) section 5(3)(c) of the <sup>M8</sup>London Government Act 1963 (agreements between . . . <sup>F31</sup> London authorities for the carrying out of works of maintenance by one party in connection with land or buildings for the maintenance of which another party is responsible), or
    - (ii) section 1 of the <sup>M9</sup>Local Authorities (Goods and Services) Act 1970 (in this Part of this Act referred to as “the 1970 Act ”) (which provides for the carrying out by a local authority of such works of maintenance as are referred to in subsection (1)(d) of that section); or
  - (b) . . . . . <sup>F32</sup>
  - (c) an agreement made by virtue of any other enactment (including a provision of a local Act) which provides for the carrying out by a local authority of any construction or maintenance work;

and in this section “works authority ”, in relation to a works contract, means the local authority or, if there is more than one, each of the local authorities, by whom construction or maintenance work is or is to be undertaken in pursuance of the contract.

*Status: Point in time view as at 01/04/2002.*

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- (2) A contract is not a works contract by reason only that it is or comprises an agreement under which the functions of a Minister of the Crown or of any public body, within the meaning of the 1970 Act, fall to be discharged by a local authority, notwithstanding that, in the exercise of the functions, the local authority undertake construction or maintenance work.
- (3) If and so far as the provision by a works authority of goods, materials, services, vehicles, plant or other equipment which is incidental to construction or maintenance work undertaken by that authority in pursuance of a works contract is the subject of a separate agreement, that agreement shall be treated as part of the works contract for the purposes of this Part of this Act.]

#### Textual Amendments

- F30** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, Sch. 2(1), Note
- F31** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
- F32** S. 5(1)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

#### Marginal Citations

- M8** 1963 c. 33 (81:1).
- M9** 1970 c. 39 (81:4).

### [<sup>F33</sup>6 Regulation of works contracts.

- (1) Except in so far as section 7 below otherwise provides, a local authority may enter into a works contract in such circumstances and on such terms, having regard to the duty imposed on them by section 16 below, as they consider appropriate.
- (2) Notwithstanding anything in the 1970 Act or in any other enactment relating to such an agreement as is mentioned in section 5(1)(c) above, a body which is a public body within the meaning of the 1970 Act may not (whether as the works authority or as the body for whom any works are to be carried out) enter into a contract which in any respect contravenes any limitation imposed by section 7 below.
- (3) In any case where—
  - (a) before the appointed day, and whether before or after the passing of this Act, a local authority entered into a maintenance agreement, and
  - (b) the circumstances in which or the terms on which the maintenance agreement was entered into are such that, having regard to section 7 below and to any regulations made under that section, it would not be lawful for them to enter into a similar agreement immediately after the appointed day,
 then, at the expiry of the period of twelve months beginning on the appointed day, it shall cease to be lawful for the maintenance agreement to be carried out.
- (4) Accordingly, if the maintenance agreement is governed by English Law and the parties to it do not make other provision before the expiry of that period of twelve months, the <sup>M10</sup>Law Reform (Frustrated Contracts) Act 1943 shall apply to the maintenance agreement with effect from the expiry of that period.]

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#### Textual Amendments

**F33** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, Sch. 2(1), Note

#### Marginal Citations

**M10** 1943 c. 40 (30).

### [<sup>F34</sup>7] **Limitations on power to enter into works contracts.**

- (1) A local authority may not—
- (a) enter into a works contract [<sup>F35</sup>under which they are to carry out work] whose value exceeds the prescribed amount unless they do so as the result of acceptance of a tender, or
  - (b) enter into a works contract [<sup>F35</sup>under which they are to carry our work] whose value is equal to or less than the prescribed amount unless they have complied with such conditions as may be prescribed by regulations made by the Secretary of State.

[<sup>F36</sup>(1A) A local authority may not enter into a works contract under which they are to carry out work unless the competition condition is fulfilled, that is, the other party to the contract, in entering into it and doing anything else in connection with it before entering into it, did not act in a manner having the effect or intended or likely to have the effect or restricting, distorting or preventing competition.

(1B) Subsection (1A) above shall prevent the local authority from entering into the contract [<sup>F37</sup>unless the local authority have become aware, before entering into the contract,] of the failure to fulfill the competition condition]

(2) In this section “the prescribed amount ” means an amount specified in regulations made by the Secretary of State.

(3) For the purposes of this Part of this Act an authority enter into a contract as the result of acceptance of a tender if—

- (a) the contract was made by acceptance of an offer on their part to carry out the work in question; and
- (b) they made the offer in response to an invitation to submit such offers; and
- (c) the invitation was extended to at least three other persons [<sup>F38</sup>who are not, or include at least three persons who are not, local authorities or development bodies].

(4) The Secretary of State may by regulations—

- (a) direct the manner in which the value of a contract is to be determined for the purposes of this section; and
- (b) specify descriptions of contract to which subsection (1) above is not to apply; and
- (c) specify for the purposes of subsection (3)(c) above a number of persons different from three.

(5) Without prejudice to the generality of subsection (4) above, regulations made by virtue of paragraph (a) of that subsection may direct that a number of contracts shall

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be treated as if they were one contract for the purpose of determining whether the prescribed amount is exceeded.

- (6) Regulations under this section may make different provision in relation to different contracts and descriptions of contracts.
- (7) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Textual Amendments**

- F34** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note
- F35** Words inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para 2(2)**
- F36** S. 7(1A)(1B) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 2(3)**
- F37** Words in s. 7(1B) substituted (14.2.1993) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 1**; S.I. 1992/3241, **art. 3**.
- F38** Words inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 2(4)**

**Modifications etc. (not altering text)**

- C5** S. 7(1) excluded (S.) by S.I. 1990/1782, **reg. 7(1)**  
S. 7(1) restricted (6.4.1992) by S.I. 1992/582, **reg. 3**.
- C6** S. 7(1) restricted (1.4.1994 with application only to local authorities in Wales) by S.I. 1994/338, **regs. 3, 7**  
S. 7(1) restricted (31.3.1994) by S.I. 1994/567, **reg. 2**  
S. 7(1) excluded (31.3.1995) by S.I. 1995/677, **reg. 6**  
S. 7(1) excluded (17.4.1997) by S.I. 1997/999, **reg. 8**

*[<sup>F39</sup>Functional work]*

**Textual Amendments**

- F39** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note

<sup>F40</sup>8 ..... **E+W**

**Textual Amendments**

- F40** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note

**8 Meaning of functional work **S****

- (1) Subject to subsection (2) below, in this Part of this Act “functional work ” means mconstruction or maintenance work undertaken by a local authority otherwise than under a works contract or by a development body, for the performance of, or in connection with—
  - (a) their functions; or

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- (b) their obligations under any arrangements, agreement or requirement made under any enactment and providing for the discharge by them of any functions of—
- (i) a Minister of the Crown; or
  - <sup>F384</sup> . . .
  - (iii) a local authority within the meaning of Part VI of the <sup>M143</sup>Local Government Act 1972 ; or
  - (iv) [<sup>F385</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]; or
  - (v) a joint board within the meaning of section 235 of the <sup>M144</sup>Local Government (Scotland) Act 1973.
- (2) Subject to subsection (3) below, where a local authority or development body carry out construction or maintenance work for the performance of, or in connection with, any of their functions or any of their obligations such as are referred to in subsection (1) (b) above by placing a contract for the doing of the work by another person (either directly or, in whole or in part, through sub-contractors) the work shall be treated as not being functional work.
- (3) Subsection (2) above shall not apply to work done under a contract if that work is dependent upon, or incidental or preparatory to, other construction or maintenance work undertaken or to be undertaken by persons in the employment of the local authority or development body.

#### Extent Information

**E5** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

**F384** Words in s. 8(1)(b) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**

**F385** Words in s. 8(1)(b)(iv) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(3)**; S.I. 1996/323, **art. 4(1)(c)**

#### Marginal Citations

**M143** 1972 c. 70 (81:1).

**M144** 1973 c. 65 ( 81:2).

#### [<sup>F419</sup> Regulation of functional work.

- (1) Subject to the following provisions of this section, a local authority or development body may undertake such functional work as they consider appropriate, having regard to the duty imposed by section 16 below.
- (2) A local authority or development body may not undertake such functional work of any description unless they have first [<sup>F42</sup>, in accordance with such requirements (if any) as may be contained in regulations made by the Secretary of State,]] prepared a written statement—



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- (a) of the amount which they will credit to their DLO revenue account in respect of carrying out the work or of carrying out work of that description which they intend or expect to carry out; or
  - (b) of a method by which they intend that the amount to be so credited shall be calculated.
- (3) The Secretary of State may by regulations—
- (a) specify descriptions of functional work which a local authority or development body may not undertake unless they have first complied with the conditions specified in subsection (4) below as well as with subsection (2) above; and
  - (b) specify conditions with which a local authority or development body must comply, as well as complying with subsection (2) above, before they undertake functional work of any other description.
- (4) The conditions mentioned in subsection (3)(a) above are—
- (a) that they have invited offers to undertake the work, in accordance with [F43 a detailed specification prepared for the purposes of the invitation], from at least three persons [F44 who are not, or include at least three persons who are not, local authorities or development bodies and who are included in a list maintained by the authority or body seeking to undertake the work] of persons who are willing to undertake such work; and
  - [F45 (aa) that they have included in the invitation prescribed matters (which they may relate to the time allowed for responding, the method of responding, or otherwise); and
  - (aaa) that they have complied with the prescribed requirements as to responses (which may include requirements to disregard certain responses, requirements about the keeping or opening of responses, or otherwise); and
  - (aaaa) that, in reaching the decision that they should undertake the work and in doing anything else in connection with the work before reaching the decision, they have not acted in a manner having the effect or intended or likely to have the effect of restricting, distorting or preventing competition; and]
  - (b) that they have furnished any statement which they are required to furnish in pursuance of subsection (8) below ;
- [F46 and “prescribed ” in paragraphs (aa) and (aaa) above means prescribed by regulations made by the Secretary of State]
- (5) The Secretary of State may by regulations specify for the purposes of subsection (4) (a) above a number of persons different from three.
- [F47 (5A) Regulations under subsection (3)(a) above may provide that the conditions in subsection (4)(aa) and (aaa) above are not to apply if the work falling within a description specified by the regulations satisfies such criteria as are so specified]
- (6) Where a local authority or development body are required to comply with the [F48 condition specified in subsection (4)(a)] above, the written statement which they are required to prepare under subsection (2) above is a statement consistent with [F49 the requirements of the specification prepared for the purposes of] the invitation mentioned in subsection (4)(a) above.
- (7) Where—

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- (a) a local authority or development body are required to comply with conditions specified in regulations made by virtue of subsection (3)(b) above; and
- (b) the conditions require them to invite offers to undertake work,
- the written statement which they are required to prepare under subsection (2) above is a statement consistent with conditions corresponding to those specified in the invitation.
- (8) If any person requires a local authority or development body to do so, they shall furnish him with a written statement showing who is to undertake the work, its estimated cost and the price of each offer submitted to the local authority or development body in consequence of the invitation mentioned in subsection (4)(a) above.
- (9) In subsection (8) above “estimated cost”, in relation to any work, means—
- (a) if the local authority or development body are to carry out the work themselves, its cost as estimated under subsection (2) above; and
- (b) if any other person is to carry it out, the price for which he has contracted to carry it out.
- (10) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F41** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note
- F42** Words in s. 9(2) inserted (13.6.1994) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 2(1)**; S.I. 1994/1445, **art. 2**
- F43** Words in s. 9(4)(a) substituted (14.3.1994) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 2(2)**; S.I. 1992/3241, **art. 4**.
- F44** Words substituted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 3(2)** (subject to savings in S.I. 1988/979, **art. 4** and S.I. 1988/1043, **art. 4**)
- F45** S. 9(4)(aa)–(aaaa) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 3(3)**
- F46** Words inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 3(4)**
- F47** S. 9(5A) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 3(5)**
- F48** Words substituted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 3(6)**
- F49** Words in s. 9(6) substituted (14.3.1994) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 2(3)**; S.I. 1992/3241, **art. 4**.

#### Modifications etc. (not altering text)

- C7** S. 9 excluded (9.1.1995) by S.I. 1994/3167, **reg. 5(3)**  
S. 9 applied (9.1.1995) by S.I. 1994/3167, **reg. 6(1)**
- C8** S. 9(4)(aaaa) excluded by S.I. 1988/1043, **art. 4**
- C9** S. 9(4)(aaaa) excluded by S.I. 1988/979, **art. 4** and S.I. 1988/1043, **art. 4**

*[<sup>F50</sup>Accounting Provisions]*

#### Textual Amendments

- F50** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note

*Status: Point in time view as at 01/04/2002.*

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## [<sup>F51</sup>10 Accounts relating to construction or maintenance work

- (1) Every local authority who undertake construction or maintenance work—
- (a) under works contracts, or
  - (b) by way of functional work,
- and every development body who undertake construction or maintenance work by way of functional work shall keep, in respect of each of the descriptions of such work specified in subsection (2) below—
- (i) a revenue account (in this Act referred to as a “DLO revenue account ”); and
  - (ii) such other accounts as may be directed by the Secretary of State.

- (2) The descriptions of construction or maintenance work mentioned in subsection (1) above are—

- [ general highway works and works in connection with the construction or maintenance of a sewer;
- <sup>F52</sup>(a) maintenance of a sewer;
  - (b) works of new construction, other than general highway works or works in connection with the construction of a sewer, the cost of which in the estimation of the authority or development body will exceed £50,000; and
  - (c) works of new construction, other than general highway works or works in connection with the construction of a sewer, the cost of which in the estimation of the authority or development body will not exceed £50,000; and
  - (d) works of maintenance within the meaning of the 1970 Act other than such works of maintenance in connection with highways of the maintenance of a sewer]]

[<sup>F53</sup>The descriptions of construction or maintenance work mentioned in subsection (1) above are in Scotland—

- [ general highway works on a trunk road;
- <sup>F54</sup>(a) general highway works on a trunk road;
  - (aa) general highway works on a road other than a trunk road;]
  - (b) general water and sewerage works;
  - (c) works of new construction, other than general highway works or general water and sewerage works, the cost of which in the estimation of the authority or development body will exceed £50,000;
  - (d) works of new construction, other than general highway works or general water and sewerage works, the cost of which in the estimation of the authority or development body will not exceed £50,000; and
  - (e) works of maintenance within the meaning of the 1970 Act other than such works of maintenance in connection with highways or water and sewerage works [<sup>F55</sup>, and in this subsection “trunk road ” has the same meaning given in section 151(1) of the Roads (Scotland) Act 1984]]

- (3) In subsection (2) above “general highway works ” means—
- (a) construction and maintenance work for the purpose of the laying out, construction, improvement, maintenance or repair of highways, other than work for the purpose of the construction of highways which is connected with the carrying out of other works of new construction; and
  - (b) the gritting or clearing of snow from highways [<sup>F56</sup>; and
  - (c) the maintenance of street lighting]

- (4) The Secretary of State may by regulations—

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- (a) amend subsection (2) above;
  - (b) specify descriptions of construction or maintenance work, in addition to the descriptions of such work specified in that subsection, as being descriptions of such work in respect of which a local authority or development body are to be under a duty to keep the accounts mentioned in subsection (1) above.
- (5) A statutory instrument containing regulations under subsection (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section “works of new construction ” means building or civil engineering works of any description which are not works of maintenance within the meaning of the 1970 Act.

#### Textual Amendments

- F51** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note
- F52** S. 10(2)(a)-(d) substituted (E.W.) by S.I. 1981/339, **reg. 3**
- F53** Words inserted (S.) by S.I. 1982/319, **art. 3**
- F54** S. 10(2)(a)(aa) substituted for s. 10(2)(a) as it applies to Scotland (1.4.1996) by S.I. 1996/784, **reg. 2(a)**
- F55** Words in s. 10(2) inserted (1.4.1996) by S.I. 1996/784, **reg. 2(b)**
- F56** S. 10(3)(c) and the word “and ” immediately preceding it inserted (1.10.1988) by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 4**

#### Modifications etc. (not altering text)

- C10** S. 10 applied (9.1.1995) by S.I. 1994/3167, **regs. 4, 6(1)**

### <sup>F57</sup>11 Exemption from requirement to keep separate accounts under section 10.

- (1) Subsection (1) of section 10 above does not require a local authority or development to keep—
- (a) in respect of any description of construction or maintenance work specified in subsection (2) of that section; or
  - (b) in respect of any description of such work specified in regulations under subsection (4) of that section,
- accounts for any financial year separate from accounts kept for that year in respect of any other description of construction or maintenance work, if the local authority or development body did not at any one time in the previous financial year employ more than thirty persons, other than persons excluded by subsection (2) below, who were engaged (whether wholly or partly) in carrying out construction or maintenance work of that description.
- (2) The persons excluded by this subsection are persons engaged wholly or mainly upon the design, development or control of construction or maintenance work.
- (3) The Secretary of State may by order specify for the purposes of subsection (1) above a number of persons less than thirty.
- (4) The power to make an order conferred by subsection (3) above shall be exercisable by statutory instrument.

*Status: Point in time view as at 01/04/2002.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) A statutory instrument containing such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F57** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, Sch. 2(1), Note

#### Modifications etc. (not altering text)

**C11** S. 11 applied (9.1.1995) by S.I. 1994/3167, regs. 4, 6(1)

### [<sup>F58</sup>12 Contents of accounts relating to construction or maintenance work.

- (1) Subject to subsection (4) below, a local authority or development body may not credit and DLO revenue account in respect of the cost of carrying out any functional work with a sum in excess of the appropriate amount.
- (2) Where they have prepared a written statement in accordance with section 9(2)(a) above, the appropriate amount is the amount specified in that statement.
- (3) Where they have prepared a written statement in accordance with section 9(2)(b) above, the appropriate amount is an amount calculated in accordance with method in that statement.
- (4) Where the statement allowed for a variation in the appropriate amount in the event of changed circumstances, then if the circumstances arise (but not otherwise) the local authority or development body may credit the account with such sum as the statement allowed for in those circumstances.
- (5) Subject to subsections (1) and (4) above, the Secretary of State may give directions—
  - (a) as to items which are to be included in accounts kept under section 10 above;
  - (b) as to the method of determining the amount of any item to be included in such accounts;
  - (c) as to the method of determining the cost undertaking any construction or maintenance work; and
  - (d) as to the extent to which the cost of providing professional, technical and administrative services for the purposes of or in connection with construction or maintenance work of any description is to be treated as part of the cost of undertaking such work of that description.]

#### Textual Amendments

**F58** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, Sch. 2(1), Note

#### Modifications etc. (not altering text)

**C12** S. 12 applied (9.1.1995) by S.I. 1994/3167, regs. 4, 6(1)

*Status: Point in time view as at 01/04/2002.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[<sup>F59</sup>13 **Annual balance sheet etc.**

(1) Every local authority who in any financial year undertake construction or maintenance work, whether under works contracts or by way of functional work or both, and every development body who in any financial year undertake construction or maintenance work by way of functional work, shall prepare the documents mentioned in subsection (2) below not later than 30th September in the financial year following that year.

(2) The documents are—

(a) ..... <sup>F60</sup>

(b) a revenue account;

[ a statement showing whether the local authority or development body have  
<sup>F61</sup>(c) complied with section 16(1) below.]]

(3) ..... <sup>F62</sup>

(4) Subject to subsection (5) below, a revenue account must show a true and fair view of the financial result of the local authority or development body having undertaken, in the financial year to which it relates, each description of construction or maintenance work to which it relates.

(5) Where by virtue of section 11 above a revenue account relates to more than one description of construction or maintenance work, subsection (4) above shall have effect as if it required the account to show a true and fair view of the combined financial result of the local authority or development body having undertaken, in the financial year to which the account relates, all the descriptions of construction or maintenance work to which it relates.

[<sup>F63</sup>(5A) A revenue account must be expressed in such form as the Secretary of State may specify in writing]

<sup>F64</sup>(6) .....

**Textual Amendments**

**F59** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note

**F60** S. 13(2)(a) repealed by Local Government Act 1988 (c. 9, SIF 81:1, 2), ss. 32, 41, Sch. 6 para. 5(2), **Sch. 7 Pt. III** (subject to the provision at the end of that Part)

**F61** S. 13(2)(c) substituted (13.6.1994) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 3**; S.I. 1994/1445, **art. 2**

**F62** S. 13(3) repealed by Local Government Act 1988 (c. 9, SIF 81:1, 2), ss. 32, 41, Sch. 6 para. 5(2), **Sch. 7 Pt. III** (subject to the provision at the end of that Part)

**F63** S. 13(5A) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 5(3)**

**F64** S. 13(6) repealed (8.8.1996) by Local Government Act 1992 (c. 19), s. 29, **Sch. 4 Pt. I**; S.I. 1996/1888, **art. 2**

**Modifications etc. (not altering text)**

**C13** S. 13 applied (9.1.1995) by S.I. 1994/3167, **regs. 4, 6(1)**

*Status: Point in time view as at 01/04/2002.*

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#### [<sup>F65</sup>14 Accounts under section 10 and other local authority accounts.

- (1) Sections 10, 12 and 13 above are without prejudice to the power of the Secretary of State to make regulations under [<sup>F66</sup>section 27 of the Audit Commission Act 1998] or section 105 of the <sup>M11</sup>Local Government (Scotland) Act 1973 (regulations relating to publication of information and the form, preparation, keeping and certification of accounts, etc.) relating to DLO revenue accounts and accounts required by directions under section 10(1)(ii) above.
- (2) Notwithstanding anything in subsection (2) of section 2 of the 1970 Act (local authorities, within the meaning of that Act, to keep a separate account in respect of agreements under section 1), a local authority shall not be required by that subsection to keep a separate account in respect of any agreement under section 1 of that Act which provides for the carrying out of such works of maintenance as are referred to in subsection (1)(d) of that section.

##### Textual Amendments

- F65** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, Sch. 2(1), Note
- F66** Words in s. 14(1) substituted (E.W.) (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), Sch. 3 para. 5(2)

##### Modifications etc. (not altering text)

- C14** S. 14 applied (9.1.1995) by S.I. 1994/3167, regs. 4, 6(1)

##### Marginal Citations

- M11** 1973 c. 65 ( 81:2).

#### [<sup>F67</sup>Financial provisions]

##### Textual Amendments

- F67** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, Sch. 2(1), Note

#### [<sup>F68</sup>15 Payment for construction or maintenance work undertaken in pursuance of delegated functions etc.

- (1) Where a local authority or development body undertake construction or maintenance work which is functional work by virtue of paragraph (b) of section 8(1) above, they shall be entitled notwithstanding anything in any enactment or in the arrangements or agreement referred to in that paragraph, to a payment in respect of undertaking that work equal to the amount which, in accordance with this Part of this Act, would be credited to the DLO revenue account kept by them in respect of work of that description if the work so undertaken were functional work by virtue of paragraph (a) of that subsection.
- (2) Subject to subsection (3) below, nothing in subsection (1) above applies to functional work undertaken in pursuance of an arrangement or agreement entered into before the appointed day.



*Status: Point in time view as at 01/04/2002.*

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- (3) If the arrangement or agreement entered into before the appointed day provides for the delegation of a function for an indefinite period or for a period terminable by the parties to it or by either of them, this section shall apply to work undertaken in pursuance of the arrangement or agreement in the first financial year which begins after the appointed day and in subsequent financial years.]

#### Textual Amendments

**F68** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note

#### Modifications etc. (not altering text)

**C15** S. 15 applied (9.1.1995) by S.I. 1994/3167, **regs. 4, 6(1)**

### [<sup>F69</sup>16 **General financial duty: treatment of deficits.**

- (1) Every local authority or development body who undertake construction or maintenance work—
- (a) of any of the descriptions specified in subsection (2) of section 10 above; or
  - (b) of any description specified by regulations under subsection (4) of that section,

whether under works contracts or by way of functional work or both, shall secure that, in respect of each financial year, [<sup>F70</sup>such financial objective as the Secretary of State may specify for that year is met by their revenue (as adjusted in such manner as he may so specify) for all the work of that description which is carried out in that year.]

[<sup>F71</sup>(1A) Where the Secretary of State specifies a financial objective under this section, he may define that objective by reference to such factors as he thinks fit.]

<sup>F72</sup>(2) .....

<sup>F72</sup>(3) .....

(4) ..... <sup>F73</sup>

(5) ..... <sup>F74</sup>

#### Textual Amendments

**F69** Pt. III (ss. 5-23) repealed (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note

**F70** Words in s. 16(1) substituted (13.6.1994) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 4(1)**; S.I. 1994/1445, **art. 2**

**F71** S. 16(1A) inserted (13.6.1994) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 4(2)**; S.I. 1994/1445, **art. 2**

**F72** S. 16(2)(3) repealed (8.8.1996) by Local Government Act 1992 (c. 19), s. 29, **Sch. 4 Pt. I**; S.I. 1996/1888, **art. 2**

**F73** S. 16(4) repealed by Local Government Act 1988 (c. 9, SIF 81:1, 2), ss. 32, 41, Sch. 6 para. 6, **Sch. 7 Pt. III** (subject to the provision at the end of that Part)

**F74** Ss. 16(5)(6), 19(3)(4) repealed by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 41, **Sch. 7 Pt. III** (subject to the provision at the end of that Part)

*Status: Point in time view as at 01/04/2002.*

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**Modifications etc. (not altering text)**

**C16** S. 16 applied (9.1.1995) by S.I. 1994/3167, **regs. 4, 6(1)**

17 ..... <sup>F75</sup>

**Textual Amendments**

**F75** S. 17 repealed by Local Government Act 1988 (c. 9, SIF 81:1, 2), ss. 32, 41, Sch. 6 para. 7, **Sch. 7 Pt. III** (subject to the provision at the end of that Part and to savings in S.I. 1988/979, **art. 5** and 1988/1043, **art. 5**) and applied (9.1.1995) by S.I. 1994/3167, **regs. 4, 6(1)** and Pt. III (ss. 5-23) expressed to be repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note

*[<sup>F76</sup> Supplementary]*

**Textual Amendments**

**F76** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note

**[<sup>F77</sup>18 Annual reports on construction or maintenance work.**

- (1) Every local authority who in any financial year undertake construction or maintenance work, whether under works contracts or by way of functional work or both, and every development body who in any financial year undertake construction or maintenance by way of functional work shall prepare a report in accordance with subsection (2) below on the construction or maintenance work undertaken by them during that financial year.

[ A report under this section must include—

- <sup>F78</sup>(1A) (a) a statement identifying such (if any) of the work undertaken as falls within construction or maintenance work by virtue of a decision under section 20(5) below; and  
(b) a copy of each of the documents which it is required to prepare in accordance with section 13(1) above]]

- (2) A report under this section shall be prepared not later than 30th September in the financial year following that to which it relates and shall include such information as the Secretary of State may direct relating to construction or maintenance work of any description specified in subsection (2) of section 10 above or in regulations under subsection (4) of that section.

<sup>F79</sup>(2A) A local authority or development body who have prepared a report under this section shall send a copy to the Secretary of State and to their auditor not later than 31st October in the financial year following that to which the report relates.

- (2B) Where a local authority's or development body's auditor has been sent a copy of a report in accordance with subsection (2A) above, he shall consider the [<sup>F80</sup>statement referred to in section 13(2)(c) above] a copy of which is contained in the report by

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virtue of subsection (1A)(b) above, and shall give his written opinion on the statement to the authority or body concerned and to the Secretary of State]

(3) Any person may inspect a report of a local authority or development body under this section and shall be supplied with a copy of the report by the authority or body on payment of such charge for a copy as they may reasonably require.

(4) A local authority or development body shall publish in at least one newspaper circulating in their area notice—

(a) of the place where and the time when any report under this section may be inspected;

(b) of the fact that copies of the report are available for supply to any person requiring them; and

(c) of the charge for each such copy.

[<sup>F81</sup>(5) For the purposes of subsections (2A) and (2B) above a local authority's or development body's auditor is the person who under any enactment is appointed, for the financial year for which the report is prepared, to audit the accounts of the authority or body]

#### Textual Amendments

**F77** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note

**F78** S. 18(1A) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 8(2)**

**F79** S. 18(2A)(2B) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 8(3)**

**F80** Words in s. 18(2B) substituted (13.6.1994) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 5**; S.I. 1994/1445, **art. 2**

**F81** S. 18(5A) added by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 8(4)**

#### Modifications etc. (not altering text)

**C17** S. 18 applied (9.1.1995) by S.I. 1994/3167, **regs. 4, 6(1)**

**C18** S. 18(2A) excluded (9.1.1995) by S.I. 1994/3167, **reg. 7(2)**

#### [<sup>F82</sup>19 Application to joint committees.

(1) Where two or more local authorities arrange for the discharge by a joint committee of theirs of any of their functions under any enactment not contained in this Part of this Act, this Part of this Act shall have effect as if any reference init to a local authority . . . . <sup>F83</sup>, included a reference to the joint committee.

(2) Notwithstanding anything in any enactment, a joint committee appointed by two or more authorities may not at any time undertake construction or maintenance work—

(a) under works contract, or

(b) by way of functional work,

unless arrangements are in force at that time providing for the proportions in which they are to meet any deficit in any DLO revenue account of the joint committee.

(3) . . . . . <sup>F84</sup>]

*Status: Point in time view as at 01/04/2002.*

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#### Textual Amendments

- F82** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s.21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note
- F83** Words repealed by **Local Government Act 1988** (c. 9, SIF 81:1, 2), s. 41, **Sch. 7 Pt. III** (subject to the provision at the end of that Part)
- F84** Ss. 16(5)(6), 19(3)(4) repealed by **Local Government Act 1988** (c. 9, SIF 81:1, 2), s. 41, **Sch. 7 Pt. III** (subject to the provision at the end of that Part)

#### Modifications etc. (not altering text)

- C19** S. 19 applied (9.1.1995) by S.I. 1994/3167, **regs. 4, 6(1)**

*[<sup>F85F86</sup>Sanctions]*

#### Textual Amendments

- F85** Ss. 19A, 19B inserted by **Local Government Act 1988** (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 9**
- F86** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note

#### <sup>F87F88</sup>19 Notice for purpose of getting information.

- (1) If it appears to the Secretary of State that a local authority or development body have carried out or undertaken construction or maintenance work [<sup>F89</sup>, or have decided to do so, in a case in which the carrying out or undertaking of that work has been or (if effect is given to the proposals to which the decision relates) will be] —
- (a) under a contract [<sup>F90</sup> into which that authority have entered] in contravention of section 7 above,
  - (b) in circumstances where any provision of section 9(2) to (7) above has not been complied with as regards the work,
  - (c) in circumstances where section 10 above has not been complied with as regards the work,
  - (d) in circumstances where the provisions of section 12(1) above or of directions under section 12(5) above have not been complied with as regards any account kept in respect of the work,
  - (e) in circumstances where section 13 above has not been complied with as regards the preparation or contents of the documents required by that section for the financial year in which the work is undertaken,
  - (f) in circumstances where any provision of section 16 <sup>F91</sup> . . . above has not been complied with as regards work of the description concerned, or
  - (g) in circumstances where any provision of section 18(1) to (2A) above has not been complied with as regards the financial year in which the work is undertaken,
- he may serve on the authority or body a written notice falling within subsection (2) below.

- (2) The notice is one which—

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- (a) informs the authority or body that it appears to him that they have acted as mentioned in one of the paragraphs (identified in the notice) of subsection (1) above,
  - (b) identifies the work concerned and states why it so appears, and
  - (c) contains the requirement mentioned in subsection (3) below.
- (3) The requirement is that the authority or body submit to him within such time as is specified in the notice a written response which—
  - (a) states that they have not acted as mentioned in the paragraph concerned of subsection (1) above and justifies the statement, or
  - (b) states that they have acted as so mentioned and gives reasons why he should give a direction under section 19B below.
- (4) The Secretary of State may serve on an authority or body different notices under this section identifying the same work, whether they identify the same paragraph or different paragraphs of subsection (1) above.

#### Textual Amendments

- F87** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note
- F88** Ss. 19A, 19B inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 9**
- F89** Words in s. 19A(1) inserted (4.1.1993) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 6(a)**; S.I. 1992/3241, **art. 2**.
- F90** Words in s. 19A(1)(a) substituted (4.1.1993) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 6(b)**; S.I. 1992/3241, **art. 2**.
- F91** Words in s. 19A(1)(f) repealed (8.8.1996) by Local Government Act 1992 (c. 19), s. 29, **Sch. 4 Pt. I**; S.I. 1996/1888, **art. 2**

#### Modifications etc. (not altering text)

- C20** S. 19A applied (9.1.1995) by S.I. 1994/3167, **regs. 4, 6(1)**
- C21** S. 19A(4) applied (9.1.1995) by S.I. 1994/3167, **reg. 8(3)**

### [<sup>F92F93</sup>19B] Power to give directions.

- (1) Where—
  - (a) the Secretary of State has served notice on an authority or body under section 19A above,
  - (b) the time specified in the notice has expired (whether or not he has received a written response to the notice), and
  - (c) it still appears to him that the authority or body have acted as mentioned in the paragraph concerned of section 19A(1) above,he may give a direction under subsection (2) or (3) below.
- (2) The Secretary of State may direct that with effect from such date as is specified in the direction the authority or body—
  - (a) shall cease to have power to carry out such construction or maintenance work as is identified in the direction, or
  - (b) shall, as regards such construction or maintenance work as is so identified, only have the power to carry it out if such conditions as are specified in the direction are fulfilled.

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- (3) Alternatively, he may direct that with effect from such date as is specified in the direction the authority or body—
- (a) shall cease to have power to carry out such construction or maintenance work as is identified in the direction, and
  - (b) shall, as regards such other construction or maintenance work as is so identified, only have power to carry it out if such conditions as are specified in the direction are fulfilled.
- (4) Where the Secretary of State has given a direction under subsection (2) or (3) above or this subsection (the previous direction) he may give a direction (a new direction) that with effect from such date as is specified in the new direction—
- (a) any prohibition applying by virtue of the previous direction (whether the prohibition applies outright or if the conditions are not fulfilled) shall cease to apply,
  - (b) any outright prohibition applying by virtue of the previous direction is replaced by a prohibition applying (as regards the same work) if conditions specified in the new direction are not fulfilled, or
  - (c) any prohibition applying as regards work by virtue of the previous direction (whether the prohibition applies outright or if conditions are not fulfilled) is replaced by a prohibition which applies only to such of that work as is identified in the new direction but which is otherwise in the same terms as the prohibition in the previous direction.
- (5) If the Secretary of State directs under this section that an authority or body shall cease to have power to carry out work, or shall only have power to carry out work if certain conditions are fulfilled, the direction shall have effect notwithstanding any enactment by virtue of which they are required or authorised to do the work or (as the case may be) to do it without the need for the conditions to be fulfilled.
- [ The conditions that may be imposed by a direction given under this section in relation
- <sup>F94</sup>(5A) to the carrying out of any work include a condition restricting the carrying out of the work to cases where—
- (a) the Secretary of State has been satisfied as to any matter specified or described in the direction; or
  - (b) the work is carried out under and in accordance with an authorisation or consent given for the purposes of the direction by the Secretary of State.]]
- (6) The power to give a direction under this section shall be exercised in writing [<sup>F95</sup>and, without prejudice to subsection (4) above, shall include power, at any time, to make such variations of a direction under this section as may be agreed with the authority or body to which the direction relates.]
- (7) A direction under this section may include such supplementary, incidental, consequential or transitional provisions (whether with respect to work in progress or outstanding contractual commitments or otherwise) as appear to the Secretary of State to be necessary or expedient.

#### Textual Amendments

**F92** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, Sch. 2(1), Note

**F93** Ss. 19A, 19B inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, Sch. 6 para. 9

*Status: Point in time view as at 01/04/2002.*

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**F94** S. 19B(5A) inserted (4.1.1993) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 7(1)**; S.I. 1992/3241, **art. 2**.

**F95** Words in s. 19B(6) inserted (4.1.1993) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 7(2)**; S.I. 1992/3241, **art. 2**.

**Modifications etc. (not altering text)**

**C22** S. 19B applied (9.1.1995) by S.I. 1994/3167, **regs. 4, 6(1)**

**C23** S. 19B(2)-(7) applied (9.1.1995) by S.I. 1994/3167, **reg. 9**

[<sup>F96</sup>General]

**Textual Amendments**

**F96** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note

[<sup>F97</sup>20 **Interpretation of Part III.**

(1) In this Part of this Act—

“appointed day ” shall be construed in accordance with section 23 below;

“construction or maintenance work ” means, subject to subsections (2) [<sup>F98</sup>to (4)] below—

(a) building or engineering work involved in the construction, improvement, maintenance or repair of buildings and other structures or in the laying out, construction, improvement, maintenance or repair of highways and other land, and

(b) the gritting of or clearing of snow from highways;

(c) [<sup>F99</sup>the maintenance of street lighting;]

“development body ” means—

(a) in relation to England and Wales—

(i) the Commission for New Towns;

(ii) a development corporation established under the [<sup>F100M12</sup>New Towns Act 1981] . . . <sup>F101</sup>

(iii) . . . . . <sup>F101</sup>

(b) in relation to Scotland—

(i) <sup>F102</sup> . . . . .

(ii) a development corporation established under the <sup>M13</sup>New Towns (Scotland) Act 1968; and

(iii) the Scottish Special Housing Association;

(c) in relation to England and Wales and to Scotland, an urban development corporation established under this Act;

“DLO revenue account ” has the meaning assigned to it by section 10(1) above;

“functional work ” shall be construed in accordance with section 8 above;

[<sup>F103</sup>“highway ”, in relation to Scotland, means a road as defined in section 151 of the <sup>M14</sup>Roads (Scotland) Act 1984;]

“local authority ” means—



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- (a) <sup>F104</sup>in relation to England <sup>F105</sup>. . .—
- (aa) <sup>F106</sup>in relation to Wales, a county council or county borough council or a police authority established under <sup>F107</sup>section 3 of the Police Act 1996 <sup>F108</sup>. . .;]]
- (i) a county council, a district council, a London borough council, <sup>F109</sup>a police authority established under <sup>F107</sup>section 3 of the Police Act 1996<sup>F110</sup>the Metropolitan Police Authority, . . .<sup>F111</sup>the Inner London Education Authority], a joint authority established by Part IV of the <sup>M15</sup>Local Government Act 1985 <sup>F112</sup>, the London Fire and Emergency Planning Authority] or the Council of the Isles of Scilly, or
- (ii) The Common Council of the City of London on its capacity as local authority or police authority;]
- (b) in relation to Scotland, a <sup>F113</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
- “works contract ” has the meaning assigned to it by subsection (1) of section 5 above; and
- “the 1970 Act ” has the meaning assigned to it by paragraph (a) of that subsection.
- (2) Notwithstanding anything in subsection (1) above, in this Act “construction or maintenance work ” does not include—
- (a) work relating to parks, gardens, playing fields, open spaces or allotments, except to the extent that the work relates to a building or structure; or
- (b) the routine maintenance of a specific building or structure or of specific buildings or structures by a person <sup>F114</sup>who—
- (i) is employed to perform duties in relation to that building or structure, or those buildings or structures; but
- (ii) spends the greater part of the time required for performing the duties of his employment in the carrying out of work which is neither routine maintenance nor work of any other description falling within the meaning, for the purposes of this Part of this Act, of construction or maintenance work.]
- <sup>F115</sup>(2A) . . . . .
- (3) Notwithstanding anything in subsection (1) above, in this Act “construction or maintenance work ” does not include work undertaken by a local authority authorised by any enactment to carry on a dock or harbour undertaking if that work is undertaken for the purposes of or in connection with that undertaking.
- <sup>F116</sup>(4) Notwithstanding anything in subsection (1) above, in this Act “construction or maintenance work ” does not include work undertaken by a local authority or a development body pursuant to an agreement made (or having effect as if made) with the Secretary of State on or after 1st April 1982—
- (a) which is made by virtue of any provision of the Employment and Training Act 1973;
- (b) which specifies the work to be undertaken by the authority or body; and
- (c) under which the whole or part of the cost of the work so specified is to be paid by the Secretary of State]
- <sup>F117</sup>(5) If a local authority or development body undertake work which (apart from this subsection) would not fall within construction or maintenance work, and which in their

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opinion cannot be undertaken efficiently separately from construction or maintenance work, the work shall (if they so decide) be treated as falling within construction or maintenance work.

- (6) In section 10(3)(c) above and subsection (1) above, in paragraph (c) of the definition of “construction or maintenance work”, “street” (except in relation to Scotland) has the meaning given by section 329(1) of the<sup>M16</sup>Highways Act 1980 and (in relation to Scotland) means a road as defined in section 25(3) of the<sup>M17</sup>Local Government and Planning (Scotland) Act 1982.
- (7) Nothing in sections 19A and 19B above shall prejudice any remedy available to a person (apart from those sections) in respect of failure to observe a provision of this Part of this Act.]

#### Textual Amendments

- F97** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, Sch. 2(1), Note
- F98** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. **38(2)**
- F99** Para. (c) and the word “and” preceding it inserted (*1.10.1988*) by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), 32, Sch. 6 para 10(2)
- F100** Words substituted by [New Towns Act 1981 \(c. 64 SIF 123:3\)](#), s. 81, Sch. 12 para. 28(b)
- F101** Sub-para (iii) and the word “and” at the end of sub-para (ii) repealed by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), ss. 32, 41, Sch. 6 para 10(3), **Sch. 7 Pt. II** (subject to the provision at the end of that Part)
- F102** S. 20(1): para. (b)(i) in definition of “development body”  
repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**
- F103** Definition inserted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 82**
- F104** Para. (a) substituted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), s. 32, **Sch. 6 para. 10(4)**
- F105** S. 20(1): words in definition of “local authority”  
repealed (3.4.1995) by 1994 c. 19, s. 66(6)(8), **Sch. 16 para. 57(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**
- F106** S. 20(1)(aa): in definition of “local authority”  
inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 57(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**
- F107** S. 20(1): words in para. (a)(i) in definition of “Local authority”  
substituted (22.8.1996) by 1996 c. 16, ss. 103, 104, **Sch. 7 Pt. I para. 1(2)(p)**
- F108** S. 20(1): words in para. (aa) in definition of “Local authority”  
inserted (1.4.2002) by 1997 c. 50, ss. 88, **Sch. 6 para. 14(b)** (which insertion was repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, Sch. 6 Pt. II para. 36(b), **Sch. 7 Pt. V**; S.I. 2002/344, art. 3(j)(k)(m) (with transitional provisions in art. 4))
- F109** S. 20(1): words in definition of “local authority”  
substituted (1.10.1994 for certain purposes and 1.4.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 20**; S.I. 1994/2025, art. 6(1)(2)(6); S.I. 1994/3262, art. 4(1), **Sch.**
- F110** S. 20(1): words in para. (aa)(i) of the definition of “local authority” inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 42** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

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- F111** Words repealed (1.4.1990) by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237, **Sch. 13 Pt. I**
- F112** S. 20(1): words in para. (aa)(i) of the definition of "local authority " inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 29**; S.I. 2000/1094, **art. 4(h)**
- F113** S. 20(1): words in para. (b) in definition of "Local authority " substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(4)**; S.I. 1996/323, **art. 4(1)(c)**
- F114** Words in s. 20(2) substituted (14.3.1994) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 8**; S.I. 1992/3241, **art. 4**.
- F115** S. 20(2A) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**
- F116** S. 20(4) substituted by virtue of Employment Act 1989 (c. 38, SIF 43:1), s. 29(3), **Sch. 6 para. 27**
- F117** S. 20(5)–(7) inserted (24.6.1988 as to s. 20(5) and 1.10.1988 as to s. 20(6)(7)) by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para 10(6)**

#### **Modifications etc. (not altering text)**

- C24** S. 20(1) extended by S.I. 1985/1884, art. 10, **Sch. 3 para 4(s)**

#### **Marginal Citations**

- M12** 1981 c. 64 (123:3)
- M13** 1968 c. 16 (123:4).
- M14** 1984 c. 54 (108).
- M15** 1985 c. 51 (81:1).
- M16** 1980 c. 60 (59).
- M17** 1982 c. 43 (81:2).

### **[<sup>F118</sup>21 Exemption of small direct labour organisations from requirements of Part III.**

- (1) This Part of this Act does not apply to a local authority or development body in any year if they did not in the previous year at any one time employ more than thirty persons, other than persons excluded by subsection (2) below, who were engaged (whether wholly or partly) in carrying out construction or maintenance work.
- (2) The persons excluded by this subsection are persons engaged wholly or mainly upon the design, development or control of construction or maintenance work.
- (3) The Secretary of State may by order specify for the purposes of subsection (1) above a number of persons less than thirty.
- (4) The power to make an order conferred by subsection (3) above shall be exercisable by statutory instrument.
- (5) A statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The Secretary of State may direct that this Part of this Act shall not apply to a local authority or development body in any year if he is satisfied that the only reason why it would apply to that authority or body is that at some time in the previous year the number of their employees engaged in construction or maintenance work exceeded the relevant number because it was necessary to exceed that number in order to carry out urgent construction or maintenance work whose necessity could not reasonably have been foreseen by the authority or body.
- (7) In subsection (6) above "the relevant number " means thirty or such lesser number as may for the time being be specified for the purposes of subsection (1) above.

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[ In this section “year ” means financial year.]]  
F119(8)

#### Textual Amendments

- F118** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, Sch. 2(1), Note
- F119** S. 21(8) added by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 47, Sch. 6 para. 8(1)

### [<sup>F120</sup>22 Consequential repeal or amendment of local statutory provisions.

- (1) the Secretary of State may by order—
- (a) repeal any provision of a local Act passed before or in the same session as this Act or of an order or other instrument made under or confirmed by any Act so passed if it appears to him that the provision is inconsistent with or has become unnecessary in consequence of any provision of this Part of this Act ; and
  - (b) amend any provision of such a local Act, order or instrument if it appears to him that the provision requires amendment in consequence of any provision contained in this Part of this Act or any repeal made by virtue of paragraph (a) above.
- (2) An order under subsection (1) above may contain such incidental or transitional provisions as the Secretary of State considers appropriate in connection with the order.
- (3) It shall be the duty of the Secretary of State, before he makes an order under subsection (1) above repealing or amending any provision of a local Act, to consult each local authority which he considers would be affected by the repeal or amendment of that provision.
- (4) A statutory instrument containing an order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F120** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, Sch. 2(1), Note

### [<sup>F121</sup>23 Part III—supplementary

- (1) Any power to make regulations or give directions conferred by this Part of this Act [<sup>F122</sup>and the power under section 16(1) above to specify a financial objective for local authorities and development bodies,]] includes power to make different provision in relation to local authorities or development bodies in England, in Wales and in Scotland.
- (2) Any power to make regulations conferred by this Part of this Act shall be exercisable by statutory instrument.
- (3) This Part of this Act, except this section, shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different

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days may be so appointed for different provisions and for different purposes ; and any reference in any provision of this Part of this Act to the appointed day is a reference to the day appointed under this section for the coming into operation of that provision or, if different days are so appointed for different purposes of that provision, the first day so appointed.

#### Textual Amendments

- F121** Pt. III (ss. 5-23) repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note
- F122** Words in s. 23(1) inserted (13.6.1994) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 9**; S.I. 1994/1445, **art. 2**

#### Modifications etc. (not altering text)

- C25** 1.4.1981 appointed (E.W.) under s. 23(3), except for s. 16(1) which comes into operation for specified purposes on 1.4.1982 and for other purposes on 1.4.1981, by S.I. 1981/341, **art. 2**
- C26** 1.4.1982 appointed under s. 23(3) for the coming into operation (S.) of Part III except s. 15(2)(3) by S.I. 1982/317, **art. 2**

## PART IV

### LOCAL GOVERNMENT ALLOWANCES

#### 24 Right of councillor to opt for financial loss allowance.

- (1) In section 173 of the <sup>M18</sup>Local Government Act 1972 (attendance allowance and financial loss allowance) at the end of subsection (1) (right of member of local authority who is a councillor to receive attendance allowance) there shall be added the words “unless a notice under section 173A below is effective in relation to him”.
- (2) The following section shall be inserted after that section:—

#### “173A Right to opt for financial loss allowance.

- (1) If a councillor gives notice in writing to the local authority of which he is a member that he wishes to receive financial loss allowance, he shall be entitled, subject to and in accordance with the following provisions of this section, to receive that allowance instead of any payment by way of attendance allowance to which he would otherwise be entitled.
- (2) A notice under this section is referred to in this section as a “financial loss allowance notice”.
- (3) If a councillor gives a financial loss allowance notice to the local authority not later than the end of the period of four weeks from his election as a member of the authority, he shall be entitled to receive financial loss allowance for the performance of any approved duty since his election, whether performed before or after giving of the notice.
- (4) If a councillor who has not given the local authority a financial loss allowance notice in accordance with subsection (3) above gives them such a notice not less than three months before the beginning of a financial year, he shall

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be entitled to receive financial loss allowance for the performance of any approved duty performed not earlier than the beginning of that financial year.

(5) A financial loss allowance notice shall continue to have effect until the councillor ceases to be a member of the local authority or until a notice under subsection (6) below takes effect, whichever occurs first.

(6) If not less than three months before the beginning of a financial year a councillor who has given the local authority of which he is a member a financial loss allowance notice gives them notice in writing that he withdraws that notice, he shall be entitled to receive payments by way of attendance allowance, instead of financial loss allowance, for the performance of any approved duty after the beginning of the financial year following the giving of the notice.”

(3) This section does not extend to Scotland.

**Modifications etc. (not altering text)**

**C27** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M18** 1972 c. 70.

**25 Amendments relating to allowances to members of local authorities and other bodies.**

(1) In subsection (1) of section 174 of the <sup>M19</sup>Local Government Act 1972 (by virtue of which travelling and subsistence allowances are payable to members of local authorities and other bodies but the Secretary of State has power to specify maximum rates in the case of travel for the purpose of an approved duty within the United Kingdom) and in subsection (1) of section 46 of the <sup>M20</sup>Local Government (Scotland) Act 1973 (which makes similar provision for Scotland) after the word “travel” there shall be inserted the words “or subsistence”.

(2) Subsection (3) of the said section 174 (by virtue of which subsistence allowance is not payable to a member of a body except in respect of a duty performed at a distance of more than three miles from his usual place of residence) and subsection (2) of the said section 46 (which makes similar provision for Scotland) shall cease to have effect.

(3) The following subsections shall be inserted after section 175(3) of the said Act of 1972—

“(3A) In relation to a water authority this section applies to a conference or meeting held and convened as mentioned in subsection (3) above for the purpose of discussing matters which in their opinion relate to the interests of their area or any part of it or the interests of the persons for whom they provide their services or any of those persons.

(3B) In relation to any such body as is mentioned in section 177(1)(d) or (e) below this section applies to a conference or meeting held and convened as

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mentioned in subsection (3) above for the purpose of discussing matters which in the body’s opinion relate—

- (a) to the functions of the body; or
- (b) to any functions of local authorities in which the body has an interest.”.

(4)

<sup>F123</sup>(5) The following subsection shall be inserted after section 47(3) of the said Act of 1973:

“(3A) In relation to any such body as is mentioned in section 49(1)(c) or (d) below this section applies to a conference or meeting held and convened as mentioned in subsection (3) above for the purpose of discussing matters which in the body’s opinion relate—

- (a) to the functions of the body; or
- (b) to any functions of local authorities in which the body has an interest.”.

**Textual Amendments**

**F123** S. 25(4) repealed by [Water Act 1983 \(c. 23, SIF 130\)](#), s. 11(3), [Sch. 5](#)

**Modifications etc. (not altering text)**

**C28** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M19** 1972 c. 70.

**M20** 1973 c. 65.

**26 Introduction of special responsibility allowances for members of local authorities.**

<sup>F124</sup>(1) .....

<sup>F124</sup>(2) .....

<sup>F125</sup>(3) .....

(4) In section 50 of that Act (regulations as to allowances)—

- (a) after the word “48” there shall be inserted the words “ and 49A ”;
- (b) in subsection (2), for the words “or 49” there shall be substituted the words “ 49 or 49A ”.

**Textual Amendments**

**F124** S. 26(1)(2) repealed (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(4), [Sch. 12 Pt. II](#); S.I. 1991/344, [art. 3\(2\)\(b\)\(iv\)](#)



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**F125** S. 26(3) repealed with savings (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(4), [Sch. 12 Pt. II](#); S.I. 1991/344, art. 3(2)(b)(iv), [Sch.](#)

**Modifications etc. (not altering text)**

**C29** The text of s. 26(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**27 Vice-chairmen of councils in Scotland and application of Part IV to Scotland.**

(1) The following section shall be inserted after section 3 of the <sup>M21</sup>Local Government (Scotland) Act 1973:—

**“3A Vice-chairman.**

- (1) A council may appoint a member of the council to be vice-chairman of the council.
  - (2) The vice-chairman shall hold office until the expiry of the term of office of the council.
  - (3) A person holding the office of vice-chairman shall be eligible for re-election as vice-chairman but shall cease to hold that office upon ceasing to be a councillor.
  - (4) Subject to any standing order made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.
  - (5) A council may pay the vice-chairman, for the purpose of enabling him to meet the expenses of his office, such allowance as the council think reasonable.”
- (2) Section 24 above does not extend to Scotland, and this section extends to Scotland only.

**Modifications etc. (not altering text)**

**C30** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M21** 1973 c. 65.

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**PART V**

**RATES**

*Valuation*

<sup>F126</sup>**28** .....

**Textual Amendments**  
**F126** Ss. 28, 29(1)–(3), 30, 31, 33–40, 42–44 repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

**29 Ascertainment of rateable value of non-industrial buildings.**

(1)

<sup>F127</sup>(<sup>F128</sup>4

**Textual Amendments**  
**F127** Ss. 28, 29(1)–(3), 30, 31, 33–40, 42–44 repealed by S.I. 1990/776, art. 3(1), **Sch. 1**  
**F128** Ss. 29(4)(5), 41, 47(1)–(3)(4)(a)(d) repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

<sup>F129</sup>**30** .....

**Textual Amendments**  
**F129** Ss. 28, 29(1)–(3), 30, 31, 33–40, 42–44 repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

*Fish Farms*

<sup>F130</sup>**31** .....

**Textual Amendments**  
**F130** Ss. 28, 29(1)–(3), 30, 31, 33–40, 42–44 repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

**32 Rating exemption for fish farms in Scotland.**

After section 7 of the <sup>M22</sup>Valuation and Rating (Scotland) Act 1956 there shall be inserted—

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**“7A Provisions relating to lands and heritages used for fish farming and dwelling houses occupied in connection therewith.**

- (1) For the purposes of any valuation roll in force for the year 1981–82 or any subsequent year or for the making up of any valuation roll for any subsequent year the following provisions of this section shall have effect regarding lands and heritages to which this section applies and dwelling-houses occupied in connection therewith.
- (2) This section applies to—
  - (a) lands and heritages (other than dwelling-houses) used solely for or in connection with fish farming; and
  - (b) lands and heritages consisting of—
    - (i) one or more buildings (other than dwelling-houses) used solely for or in connection with fish farming; or
    - (ii) any land occupied together with and used solely for or in connection with the use of such building or buildings.
- (3) No lands and heritages to which this section applies shall be entered in the valuation roll, and any reference in any enactment to the person appearing from the valuation roll to be the owner or the occupier of any lands and heritages shall on the first day after the first day of April nineteen hundred and eighty-one, have effect in the case of lands and heritages to which this section applies as if the reference to the valuation roll were omitted.
- (4) Subsections (5) to (8) of section 7 of this Act shall have effect in relation to the gross annual value of any dwelling-house which—
  - (a) is occupied in connection with lands and heritages to which this section applies; and
  - (b) is used as the dwelling-house of a person engaged primarily in carrying on or directing fish farming operations on these lands and heritages or employed in connection with fish farming thereon; and
  - (c) is suitable in character and size for such use in connection with those lands and heritagesas they have in relation to the gross annual value of any dwelling-house referred to in subsection (4) of that section, and in that connection any reference in the said subsections (5) to (8) to agricultural lands and heritages shall be construed as a reference to lands and heritages to which this section applies.
- (5) Where part of lands and heritages consists of one or more buildings or one or more parts of buildings (being a part of lands and heritages which is used for such a purpose that if it were in separate occupation it would be lands and heritages to which this section applies), then that part of lands and heritages and the remainder shall each be treated as respects the year 1981–82 and subsequent years for the purposes of the Valuation Act as if it were lands and heritages in separate occupation.
- (6) In subsection (5) above, any reference too a building or part of a building shall be construed as including a reference to land occupied together and used solely in connection with the use of such building or part.

*Status: Point in time view as at 01/04/2002.*

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(7) In determining for the purposes of this section whether during any year a building used for or in connection with fish farming is solely so used, no account shall be taken of any time in that year during which it is used in any other way, if that time does not amount to a substantial part of that year.

(8) In this section—

“fish farming” means the breeding or rearing of fish or the cultivation of shall fish (including crustaceans and molluscs of any description) for the purpose of producing food for human consumption or for the transfer to other waters but does not include the breeding, rearing or cultivation of any fish or shellfish—

- (a) which are purely ornamental, or
- (b) which are bred, reared or cultivated for exhibition.”.

**Modifications etc. (not altering text)**

**C31** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M22** 1956 c. 60.

<sup>F131</sup>**33** .....  
—40.

**Textual Amendments**

**F131** Ss. 28, 29(1)–(3), 30, 31, 33–40, 42–44 repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

*Unused and unoccupied property*

<sup>F132</sup>**41** .....

**Textual Amendments**

**F132** Ss. 29(4)(5), 41, 47(1)–(3)(4)(a)(d) repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

<sup>F133</sup>**42** .....  
—44.

**Textual Amendments**

**F133** Ss. 28, 29(1)–(3), 30, 31, 33–40, 42–44 repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

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<sup>F134</sup>45 .....

**Textual Amendments**

**F134** S. 45 repealed by [Social Security and Housing Benefits Act 1982 \(c. 24, SIF 113:1\)](#), [s. 48\(6\) Sch. 5](#)

<sup>F135</sup>46 .....

**Textual Amendments**

**F135** S. 46 repealed (1.4.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch.14](#) (with s. 118(1)(2)(4)); S.I. 1992/818, [art. 2\(b\)](#),Sch.

**47 Commencement and extent of Part V.**

(1)

<sup>F136</sup>(4) The following provisions of this Act, namely—

(a)

<sup>F136</sup>(b) paragraphs 6(2) and (3) and 10 of Schedule 33 to this Act;

(c)

<sup>F137</sup>(d)

<sup>F136</sup>(5) The provisions of Schedule 33 to this Act which give the Secretary of State power by order to prescribe multipliers and which are specified in subsection (6)(a), (b) and (c) below shall not have effect until he exercises the power conferred by them.

(6) The provisions of Schedule 33 mentioned in subsection (5) above are—

(a) paragraph 4; and

(b)

<sup>F137</sup>(c) paragraph 14.

(7) Subject to the foregoing provisions of this section, this Part of this Act and the repeals contained in Part IX of Schedule 34 to this Act shall come into force on the day on which this Act is passed.

(8) Sections 32 and 46 above extend to Scotland only but, subject to that, this Part of this Act extends to England and Wales only.

**Textual Amendments**

**F136** Ss. 29(4)(5), 41, 47(1)–(3)(4)(a)(d) repealed by [S.I. 1990/776](#), art. 3(1), [Sch. 1](#)

**F137** S. 47(4)(c)(6)(b) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)

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## PART VI

### RATE SUPPORT GRANT

#### Modifications etc. (not altering text)

- C32** Part VI extended by ss. 69(1), 82(1), and modified by s. 81(1)(3) of the [Local Government Act 1985 \(c. 51, SIF 81:1\)](#)
- C33** Part VI amended by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), **ss. 3, 5** and [Rate Support Grants Act 1987 \(c. 5, SIF 81:1\)](#), **s. 1(1)**
- C34** Part VI excluded by [Local Government Act 1987 \(c. 6, SIF 81:1\)](#), s. 10, **Sch. 3 para. 10(2)**
- C35** Part VI modified by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **s. 82**
- C36** [Pt. VI \(ss. 48–68\)](#) amended by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 186(1)**, 231(7), 235(6)
- C37** [Pt. VI \(ss. 48–68\)](#) modified by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 191(6), **Sch. 15 Pt. II para. 2(1)(b)** (as amended by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), s. 11(1), Sch. 4 paras. 10, **12(3)**)
- C38** [Pt. VI \(ss. 48–68\)](#) amended by [Rate Support Grants Act 1988 \(c. 51, SIF 81:1\)](#), **ss. 1(10)**, 3(11)
- C39** [Pt. VI \(ss. 48–68\)](#) amended by [S.I. 1990/1024](#), **art. 4(1)**

#### *Amendments relating to existing system of rate support grants*

#### **48 General power to reduce rate support grant.**

- (1) The Secretary of State may reduce the amount of rate support grant payable to a local authority for the year 1980–81 and any subsequent year before the commencing year if the uniform rate for that authority’s area in that year exceeds the notional uniform rate.
- (2) In this section—
  - “notional uniform rate” means the rate which, having regard to payments of the needs element of rate support grant and the prescribed national standard rateable value per head of population, the Secretary of State considers that each rating authority in England and Wales would need to levy in order to finance the spending needs of the authority and of all authorities with the power to issue precepts to the authority; and
  - “uniform rate”—
    - (a) in relation to authorities outside Greater London, has the meaning assigned to it for the purposes of sub-paragraph (1) of paragraph 10 of Schedule 2 to the <sup>M23</sup>Local Government Act 1974 by sub-paragraph (3) of that paragraph; and
    - (b) in relation to authorities in Greater London, has that meaning subject to any adjustment of the amount made by the Secretary of State.
- (3) A report under section 3(3) of the Local Government Act 1974 (reports on rate support grant orders) shall specify the amount of the notional uniform rate.
- (4) The notional uniform rate for the year 1980–81 shall be of such an amount as is specified in the report for that year under section 3(3) of the Local Government Act 1974.

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- (5) A report under section 4(2) of that Act (reports on redetermination) shall specify the principles on which the Secretary of State has made any adjustment of the uniform rate of the authorities in Greater London.
- (6) Where the Secretary of State makes any such adjustment, he shall apply the same principles in making it to all authorities in Greater London.
- (7) Any expression used in this section or in section 49 or 50 below and to which a meaning is assigned by the <sup>M24</sup>Local Government Act 1974 has that meaning for the purposes of those sections.

#### Marginal Citations

M23 1974 c. 7(81:1).

M24 1974 c. 7 (81:1).

#### 49 Reduction of resources element.

- (1) In any case where the Secretary of State makes an order under section 4 of the Local Government Act 1987 (orders varying rate support grant orders) he may make a fresh determination of the amount of the resources element of rate support grant payable to a local authority for the year to which the order relates as provided by this section.
- (2) A determination under this section shall be made by multiplying the uniform rate for the area of a local authority by a multiplier of an amount less than unity.
- (3) Different multipliers may be determined under this section for different authorities.
- (4) The principles on which multipliers are determined under this section shall be specified in an order made by statutory instrument by the Secretary of State.
- (5) The same principles shall be applied to every determination under this section of a multiplier for any year.
- (6) An order under this section shall be laid before the House of Commons and shall not have effect until approved by a resolution of that House; and no determination shall be made under this section until the order has effect.

#### 50 Reduction of needs element for authorities in Greater London.

- (1) The Secretary of State may vary the amount of the needs element of rate support grant payable to the council of a London borough or the Common Council of the City of London for any year, in the manner provided in this section, if the rateable value per head of the population of their area, as determined under paragraph 9 of Schedule 2 to the Local Government Act 1974, exceeds the national standard rateable value per head of population, as defined by paragraph 8 of that Schedule.
- (2) The Secretary of State shall carry out the variation mentioned in subsection (1) above, in relation to any authority, by multiplying the additional amount of needs element payable by virtue of the additional factors prescribed in relation to them under paragraph 1(b) of Schedule 2 to the Local Government Act 1974 by a multiplier determined on principles specified in an order made by statutory instrument by the Secretary of State.



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- (3) Different multipliers may be determined under this section for different authorities.
- (4) The same principles shall be applies to every determination under this section for any year.
- (5) An order under this section shall be laid before the House of Commons and shall not have effect until approved by a resolution of that House ; and no variation shall be made under this section until the order has effect.

## **51 Supplementary grants for transport purposes.**

- (1) Notwithstanding anything in the Local Government Act 1974, the power of making grants under section 6(1) of that Act (supplementary grants for transport purposes payable by Minister of Transport in relation to England and Secretary of State in relation to Wales) maybe exercised separately and differently for England and for Wales.
- (2) An order made by statutory instrument may provide that, with effect from such year as may be specified in the order, no supplementary grants for transport purposes under section 6 of the Local Government Act 1974 shall be paid or that no such grants shall be paid except in respect of expenditure of a description specified in the order.
- (3) Any such order shall be made—
  - (a) for England, by the Minister of Transport ; and
  - (b) for Wales, by the Secretary of State.
- (4) An order under this section may contain such provisions as appear to the Minster of Transport or, as the case may be, the Secretary of State to be necessary or proper in consequence of the provisions of the order, including provisions amending, repealing or revoking (with or without savings) any enactment or instrument made under an enactment.
- (5) In subsection (4) above “enactment” includes an enactment contained in this Act.
- (6) The power to make orders under this section includes power, from the beginning of the commencing year, to specify different years in relation to England and to Wales and to make other different provision in relation to them.
- (7) No order under this section shall effect until approved by a resolution of each House of Parliament.

## **52 Separate provision for Wales.**

- (1) Notwithstanding anything in the <sup>M25</sup>Local Government Act 1974, the powers—
  - (a) of specifying under section 2(7)(a) of that Act bodies whose expenditure in the provision of services for local authorities may be defrayed by the Secretary of State;. . .
  - <sup>F138</sup>(b) . . . . .
 may be exercised separately and differently for England and for Wales.
- (2) Nothing in subsection (1) above shall affect any of the regulations made by virtue of section 2(7)(a) of the <sup>M26</sup>Local Government Act 1974 before the passing of this Act.

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#### Textual Amendments

**F138** S. 52(1)(b) and word immediately preceding it repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

#### Marginal Citations

**M25** 1974 c. 7 (81:1).

**M26** 1974 c. 7 (81:1).

### *New system of rate support grants*

## **53 Introduction of new system of rate support grants.**

- (1) Subject to the provisions of this Part of this Act, the Secretary of State shall, for the commencing year and each subsequent year, make out of money provided by Parliament to local authorities in England and Wales in accordance with the provisions of this Part of this Act—
  - (a) a grant to be known as “domestic rate relief grant”; and
  - (b) a grant to be known as “block grant”.
- (2) The grants made in pursuance of subsection (1) above shall together be known as “rate support grants”.
- (3) Rate support grants as defined in section 1 of the Local Government Act 1974 shall not be payable for the commencing year or for any subsequent year.
- (4) For the commencing year and any subsequent year rate support grants for local authorities in England and local authorities in Wales may be administered separately and differently; and this Part of this Act shall be construed accordingly in relation to rate support grants for any year for which such grants are so administered.
- (5) The following bodies are local authorities for the purposes of this Part of this Act, namely—
  - (a) the council of a county;
  - (b)
  - <sup>F139</sup>(c) the Inner London Education Authority;
  - (d) the council of a district;
  - (e) the council of a London borough;
  - (f) the Common Council of the City of London; <sup>F140</sup>
  - <sup>F141</sup>(ff) a joint authority; and]
  - (g) the Council of the Isles of Scilly.
- (6) For the purposes of this Part of this Act the area of the Inner London Education Authority is the Inner London Education Area <sup>F142</sup>and the area of a joint authority is the area for which the authority is established.]
- (7) The Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple are local authorities for the purposes of the provisions of this Part of this Act relating to domestic rate relief grant.
- (8) Subject to the following provisions of this Part of this Act, payments in respect of rate support grants shall be made to a local authority at such times as the Secretary of State

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with the consent of the Treasury may specify, and shall be made in aid of the revenues of the authority generally.

- (9) In this Part of this Act “the commencing year” means such year as the Secretary of State may by order made by statutory instrument appoint.
- (10) The Secretary of State may by order made by statutory instrument direct that any enactment to which this subsection applies shall cease to have effect on such date as the order may specify.
- (11) The enactments to which subsection (10) above applies are—
- (a) sections 48 to 51 and 52(1)(a) and (2) above;
  - (b) section 69(3) below;
  - (c) the provisions specified in Schedule 8 to this Act;
  - (d) paragraph 31 of Schedule 32 to this Act; and
  - (e) section 48(1A)(a) of the <sup>M27</sup>General Rate Act 1967 (standard amount for the purposes of domestic rate relief).

#### Textual Amendments

**F139** S. 53(5)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

**F140** Word repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 69(2)(a), 82(1)

**F141** S. 53(5)(f) inserted by Local Government Act 1981 (c. 51, SIF 81:1), ss. 69(2)(a), 82(1)

**F142** Words inserted by Local Government Act 1981 (c. 51, SIF 81:1), ss. 69(2)(b), 82(1)

#### Modifications etc. (not altering text)

**C40** S. 53(1)(8) amended by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 10, Sch. 2 para. 2

**C41** Year beginning 1.4.1981 appointed under s. 53(9) by S.I. 1980/1893, art. 3

#### Marginal Citations

**M27** 1967 c. 9 (103:1,2).

## 54 The aggregate amount of rate support grants.

- (1) For the purposes of fixing the aggregate amount of the rate support grants for any year, the Secretary of State shall determine the aggregate amount (in this Part of this Act referred to as “the amount available for grants”) which he estimates to be available for the payment out of money provided by Parliament of grants to local authorities [<sup>F143</sup> . . . in respect of] relevant expenditure for the year, other than—
- (a) housing subsidies;
  - (b) grants under section 8 of the <sup>M28</sup>Local Government Act 1974 [<sup>F145</sup> and rate rebate subsidy under the <sup>M29</sup>Social Security Act 1986];
  - (c) grants under section 69 of this Act; and
  - (d) grants under paragraph 29 of Schedule 32 to this Act.
- (2) The Secretary of State shall deduct from the amount determined under subsection (1) above—
- (a) the portion of the amount available for grants which he estimates will be allocated to grants in respect of specific services, other than—
    - (i) grants under section 8 of the <sup>M30</sup>Local Government Act 1974 [<sup>F145</sup> and rate rebate subsidy under the <sup>M31</sup>Social Security Act 1986]

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- (ii) grants under section 69 of this Act, and
    - (iii) grants under paragraph 29 of Schedule 32 to this Act; and
  - (b) the portion of the amount which is prescribed as the aggregate amount of supplementary grants for transport services within the meaning of section 6 of the Local Government Act 1974; and
  - (c) the portion of that amount which is prescribed as the aggregate amount of supplementary grants under section 7 of that Act.
- (3) So much of the amount available for grants as remains after making the deductions required under subsection (2) above shall be the aggregate amount of the rate support grants for that year.
- (4) Before determining the amount available for grants and the portions of that amount mentioned in paragraphs (a) to (c) of subsection (2) above, the Secretary of State 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, and shall take into account—
  - (a) the latest information available to him as to the rate of relevant expenditure;
  - (b) any probable fluctuation in the demand for services giving rise to relevant expenditure, so far as the fluctuation is attributable to circumstances—
    - (i) in England as a whole; or
    - (ii) in Wales as a whole,being circumstances which are not under the control of local authorities;
  - (c) the need for developing those services and the extent to which, having regard to general economic conditions, it is reasonable to develop them; and
  - (d) the current level of prices, costs and remuneration and any future variation in that level which in the opinion of the Secretary of State will result from decisions which appear to him to be final and which will have the effect of increasing or decreasing any particular prices, costs or remuneration.
- (5)
- <sup>F146</sup>(7) The following grants for specific services, namely grants—
  - <sup>F147</sup>(a) .....
  - (b) under section 31 of the <sup>M32</sup>Police Act 1964 (police grants), whether made to a committee of a local authority or not,shall be treated for the purposes of subsection (2) above as grants made to local authorities; <sup>F148</sup>
- (8) In this section—

“housing subsidies” means such grants to local authorities out of money provided by Parliament for housing as may be specified by the Secretary of State as housing subsidies for the purposes of this section; and
- <sup>F149</sup><sup>F150</sup>(9) In this section “relevant expenditure” in relation to any year means—
  - (a) the aggregate of all local authorities’ relevant expenditure in relation to the year, <sup>F151</sup> . . .
  - <sup>F151</sup>(b) .....
- (10) But to the extent that, in any year, any expenditure <sup>F152</sup> . . . of a combined police authority is met by any grants mentioned in subsection (7)(a) or (b) above, that

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expenditure shall be treated for the purposes of this section as relevant expenditure in relation to that year.

<sup>F153</sup>(11).....

**Textual Amendments**

- F143** Words substituted by Local Government Finance Act 1987 (c. 6, SIF 81:1\_, s. 11, Sch. 4 para. 1(2)
- F144** Words in s. 54(1) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 43(a), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F145** Words inserted by virtue of Social Security and Housing Benefits Act 1982 (c. 24, SIF 113:1), s. 48(5), **Sch. 4 para. 35(1)** and Social Security Act 1986 (c. 50, SIF 113:1), s. 86, **Sch. 10 para. 52(1)**
- F146** S. 54(5)(6) repealed by Local Government Finance Act 1987 (c. 6, SIF 81:1), s. 11, Sch. 4 para. 1(2), **Sch. 5**
- F147** S. 54(7)(a) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 43(b), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F148** Words repealed by Local Government Finance Act 1987 (c. 6, SIF 81:1), s. 11, Sch. 4 para. 1(2), **Sch. 5**
- F149** S. 54(9)–(11) added by Local Government Finance Act 1987 (c. 6, SIF 81:1), s. 11, **Sch. 4 para. 1(3)**
- F150** Definition of “rate fund” repealed by Local Government Fiancne Act 1987 (c. 6, SIF 81:1), s. 11, **Sch. 5**
- F151** S. 54(9)(b) and the word “plus” immediately preceding it repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 43(c), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F152** Words in s. 54(10) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 43(d), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F153** S. 54(11) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 43(e), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

**Modifications etc. (not altering text)**

- C42** S. 54 excluded by Social Security and Housing Benefits Act 1982 (x. 24, SIF 113:1), s. 34(2), S.I. 1984/111, **art. 2**, and Social Security Act 1986 (c. 50, SIF 113:1) ss. 30(10), 87(3)
- C43** S. 54(1) amended by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 10, **Sch. 2 para. 3**
- C44** S. 54(4) amended by Rate Support Grants Act 1988 (c. 51, SIF 81:1), **s. 4(2)–(6)**
- C45** S. 54(4) modified by Local Government Finance Act 1987 (c. 6, SIF 81:1), s. 10, **Sch. 3 para. 1(3)(6)**

**Marginal Citations**

- M28** 1974 c. 7 (**81:1**).
- M29** 1986 c. 50(**113:1**).
- M30** 1974 c. 7 (**81:1**).
- M31** 1986 c. 50 (**113:1**).
- M32** 1964 c. 48 (**95**).

**55 The domestic rate relief grant.**

- (1) The aggregate amount of the domestic rate relief grant shall be determined by the Secretary of State.
- (2) The amount of domestic rate relief grant payable to a local authority for any year shall be calculated in accordance with Schedule 9 to this Act.
- (3) No payment in respect of domestic rate relief grant shall be made—
  - (a) to a county council;

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- (b)
  - <sup>F154</sup>(c) to the Inner London Education Authority [<sup>F155</sup>; or
  - (d) to a joint authority]
- (4) Any amounts payable to a local authority in respect of domestic rate relief grant shall be taken into account for the purposes of this and any other Act as if they were payable on account of rates.

#### Textual Amendments

**F154** S. 55(3)(b) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

**F155** Word “or” and s. 55(3)(d) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. [69\(4\)](#), [82\(1\)](#)

## 56 The block grant.

- (1) The amount of block grant for a year is the balance left after deducting the amount of domestic rate relief grant from the aggregate amount of the rate support grants.
- (2) If—
- (a) the council of a county <sup>F156</sup> give notice to the Secretary of State that they do not wish to be paid block grant for any year; and
  - (b) he gives them notice that he consents to it not being paid to them,
- no amount shall be payable to them by way of that grant for that year.
- (3) Any amount that would be have been payable to them shall be distributed among [<sup>F157</sup>the councils of districts in the county] as part of their said block grant for the year.
- (4)
- <sup>F158</sup>(5) The amount to be paid to a authority under subsection (3) above shall bear the same proportion to the amount that would have been payable to the county council <sup>F156</sup> as the gross rateable value of the authority’s area bears to the gross rateable value of the county <sup>F156</sup>
- (6) Subject to subsection (7) below, the amount of block grant payable to a local authority is to be calculated by deducting from [<sup>F159</sup>their total expenditure in relation to] the year the product arrived at by multiplying their grant-related poundage by the gross rateable value of their area.
- (7) The amount of block grant payable to a local authority, other than any amount payable under subsection (3) above, may not exceed [<sup>F159</sup>their total expenditure in relation to] the year.
- (8) In this Part of this Act—
- “grant-related expenditure”, in relation to each authority to whom block grant is payable for any year, means the aggregate for the year of their notional [<sup>F160</sup>total] expenditure having regard to their functions;
  - “grant-related poundage”, in relation to each such authority, means <sup>F161</sup>, a poundage related—
    - (a) to a given ratio between their total expenditure and their grant-related expenditure; or
    - (b) to a given difference between their total expenditure divided by their population and their grant-related expenditure so divided;

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“gross rateable value”, in relation to each such authority, means the aggregate of the rateable values of the hereditaments in their area;

“rateable values”, in relation to hereditaments, means subject to subsection (14) below, rateable values ascribed to them in the valuation lists on a date to be specified for each year in the Rate Support Grant Report;

<sup>F162</sup>“valuation list” has the meaning assigned to it by section 115 of the <sup>M33</sup>General Rate Act 1967.

(9) The Secretary of State may—

- (a) defray any expenditure incurred in any year in the provision of services for local authorities by any body specified in regulations made by the Secretary of State; and
- (b) deduct from the aggregate amount of the block grant for that year, such amount, not exceeding the total of the expenditure so defrayed, as appears to him to be appropriate;

and any regulations made under section 2(7) of the <sup>M34</sup>Local Government Act 1974 shall have effect for the purposes of this subsection as if they had been made under it.

(10) Before <sup>F163</sup> exercising his powers under subsection (9) above, the Secretary of State shall consult such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to him to be desirable.

(11)

<sup>F164</sup>(12) Regulations under subsection (9) above shall be made by statutory instrument, and a statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(13) The reference to hereditaments in subsection (8) above includes a reference to a notional hereditament which a body is treated as occupying by virtue of any enactment.

(14) A Rate Support Grant Report may provide that for the year to which it relates the rateable value of hereditaments falling within any class of hereditaments shall be ascertained for the purposes of this Part of this Act otherwise than by reference to the values ascribed to them in the valuation list.

#### Textual Amendments

**F156** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

**F157** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 16 para. 9**

**F158** [S. 56\(4\)](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**

**F159** Words substituted by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), s. 11, **Sch. 4 para. 2(2)**

**F160** Word inserted by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), s. 11, **Sch. 4 para. 2(3)**

**F161** Words repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 38, **Sch. 6 Pt. III**

**F162** Definition of “total expenditure” repealed and superseded by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), ss. 3(7)(8)(9), 11, **Sch. 5**

**F163** Words repealed by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), s. 11, **Sch. 5**

**F164** [Ss. 56\(11\), 68\(4\)](#) repealed by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), s. 11, **Sch. 5**

#### Marginal Citations

**M33** [1967 c. 9 \(103:1,2\)](#).

**M34** [1974 c. 7 \(81:1\)](#).



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## 57 Determination of grant-related poundage and grant-related expenditure.

- (1) [<sup>F165</sup>A local authority's grant-related poundage shall be calculated and their grant-related expenditure shall be determined by the Secretary of State in accordance with principles to be applied to all local authorities or to all local authorities belonging to the appropriate class]
- (2) Subject to subsection (3) below, [<sup>F166</sup>the principles on which the grant-related poundage is calculated and the grant-related expenditure is determined] shall be specified in the Rate Support Grant Report.
- (3) The principles set out in section 58 need not be specified in the Rate Support Grant Report.

### Textual Amendments

**F165** S. 57(1) substituted retrospectively by [Rate Support Grants Act 1986 \(c. 54, SIF 103:1\)](#), s. 3, [Sch. 1 para. 1\(2\)](#)

**F166** Words substituted retrospectively by [Rate Support Grants Act 1986 \(c. 54, SIF 103:1\)](#), s. 3, [Sch. 1 para. 1\(3\)](#)

### Modifications etc. (not altering text)

**C46** S. 57(1) amended retrospectively by [Rate Support Grant Act 1987 \(c. 5, SIF 81:1\)](#), s. 2

## 58 Principles for determination of grant-related poundage.

- (1) The principles set out in subsections (2) and (3) below shall apply to all authorities belonging to the appropriate class.
- (2) Where an authority's total expenditure is at a level equal to or less than their grant-related expenditure, a given decrease in their total expenditure must produce the same decrease in their grant-related poundage as would be produced by the same decrease in their total expenditure if it were at any other level which is less than their grant-related expenditure.
- (3) Where an authority's total expenditure is at a level equal to or more than their grant-related expenditure, a given increase in their total expenditure must produce an increase in their grant-related poundage not less than the increase that would have been produced by the same increase in their total expenditure if it were at any lower level.
- (4) References in this section to an increase or decrease in grant-related poundage are references to an increase or decrease in absolute terms.
- (5) References in this section to an increase or decrease in an authority's total expenditure may be construed either as references to an increase or decrease in absolute terms in their [<sup>F167</sup>total] expenditure per head of the population of their area or as references to an increase or decrease in the ratio between their total expenditure and the grant-related expenditure; but such references shall be construed in the same way in relation to all authorities.

### Textual Amendments

**F167** Word inserted by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), s. 11, [Sch. 4 para. 3](#)

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#### Modifications etc. (not altering text)

C47 S. 58 amended by Rate Support Grants Act 1988 (c. 51, SIF 81:1), s. 1(4)

C48 S. 58(1) amended retrospectively by Rate Support Grants Act 1987 (c. 5, SIF 81:1), s. 2

### 59 Adjustments of distribution of block grant.

- (1) Subject to the following provisions of this section, the Secretary of State may provide in a Rate Support Grant Report that the amount of block grant payable to a local authority for a year shall be calculated by deducting from their total expenditure, instead of the product of their grant-related poundage and the gross rateable value of their area, the product of those sums multiplied by a multiplier determined by the Secretary of State.
- (2)
- <sup>F168</sup>(4) The power conferred by subsection (1) above may be exercised so as to determine different multipliers for different authorities.
- (5) Except as provided by subsection (7) below, the power—
- (a) may only be exercised—
    - (i) in accordance with principles to be applied to all local authorities; or
    - (ii) in accordance with principles to be applied to all local authorities belonging to the appropriate class; and
  - (b) may only be exercised for any such purpose as is specified [<sup>F169</sup>in paragraphs (b) to (d) of subsection (6) below or in section 2(2) of the Rate Support Grants Act 1986]
- (6) The purposes mentioned in subsection (5) above are—
- (a)
  - <sup>F170</sup>(b) taking account of less than the gross rateable value of an authority or group of authorities in calculating the amount of block grant payable;
  - (c) reducing, whether in whole or in part, disparities in the rates levied in different rating areas of Greater London other than the Temples; and
  - <sup>F171</sup>(cc) making, in the amount of block grant payable to an authority, adjustments by reference to guidance issued by the Secretary of State and designed to achieve any reduction in the level of local authority expenditure (or any restriction on increase in that level) which he thinks necessary having regard to general economic conditions; and]
  - (d) any other such purposes as the Secretary of State may determine.
- <sup>F172</sup>(6A) A multiplier may be subject to a maximum determined by the Secretary of State]
- (7) The power may also be exercised in accordance with principles to be applied to the councils to whose police expenses section 57 of the <sup>M35</sup>Police Act 1964 applies (counties falling partly within the Metropolitan Police District).
- (8) If the Secretary of State exercises that power, the principles on which he exercises it shall be specified in the Rate Support Grant Report.
- (9) In this Part of this Act “the appropriate class”, in relation to a local authority, means the class specified in subsection (10) below to which that authority belongs.

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- (10) Subject to subsection (11) below, any local authority of a description specified in any of the paragraphs of section 53(5) above belongs to a class consisting of all the authorities of that description.
- (11) Section 53(5) above shall be treated for the purposes of this section—
- (a)
- <sup>F173</sup>(b) as if paragraph (d) referred to two classes, namely—
- (i) councils of the metropolitan districts; and
- (ii) councils of non-metropolitan districts; and
- <sup>F174</sup>(c) as if paragraph (e) referred to two classes, namely—
- (i) councils of inner London boroughs; and
- (ii) councils of outer London boroughs;]
- <sup>F175</sup>; and
- (d) as if paragraph (ff) referred to four classes, namely—
- (i) metropolitan county passenger transport authorities and the Northumbria Police Authority;
- (ii) metropolitan county passenger transport authorities;
- (iii) metropolitan county fire and civil defence authorities; and
- (iv) the London Fire and Civil Defence Authority.]
- <sup>F176</sup>(11A) Any guidance issued for the purposes of subsection (6)(cc) above shall be framed by reference to principles applicable to all local authorities, and before issuing any guidance for those purposes the Secretary of State shall consult such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to him to be desirable.]
- (12) In their application to block grant payable to a local authority for the commencing year subsections (3) and (6)(a) above shall have effect as if references to an amount determined by the Secretary of State were substituted for the reference to the amount of block grant payable to the authority for the previous year.

#### Textual Amendments

- F168** S. 59(2)(3) repealed and superseded by Local Government Finance Act 1982 (c. 32, SIF 81:1), ss. 8(3)(5)(10)(11), 38, **Sch. 6 Pt. II**
- F169** Words substituted by Rate Support Grants Act 1986 (c. 54, SIF 103:1), s. 3, **Sch. 1 para. 4(2)**
- F170** S. 59(6)(a) repealed (and Superseded in part) by Rate Support Grants Act 1986 (c. 54, SIF 103:1). s. 2(1)(3), Sch. 1 para. 4(3), Sch. 2
- F171** S. 59(6)(cc) inserted by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. **8(1)(10)(11)**
- F172** S. 59(6A) inserted by Rate Support Grants Act 1986 (c. 54, SIF 103:1), s. 3, **Sch. 1 para. 4(4)**
- F173** S. 59(11)(a) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F174** S. 59(11)(c) substituted by Rate Support Grants Act 1986 (c. 54, SIF 103:1), s. 3, **Sch. 1 para. 4(5)**
- F175** S. 59(11)(d) inserted by Local Government Act 1985 (c. 51, SIF 81:1), **ss. 69(5)(b)**, 82(1)
- F176** S. 59(11A) inserted by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. **8(2)(10)(11)**

#### Modifications etc. (not altering text)

- C49** S. 59 modified by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. **8(3)(10)(11)**; Rates Support Grants Act 1986 (c. 54, SIF 103:1), s. **1** and Local Government Finance Act 1988 (c. 41, SIF 81:1), s. **126(2)(3)(4)(6)**
- C50** S. 59(1) amended by Rates Support Grants Act 1986 (c. 54, SIF 103:1), **ss. 2, 4(2)–(4)**

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- C51** S. 59(5)(a)(ii), (7) excluded by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), **s. 8(6)(10)(11)**
- C52** S. 59(6)(b) amended by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 10, **Sch. 2 para. 5(2)**
- C53** S. 59(6)(cc) power to exclude conferred by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), **s. 8(4)(10)(11)**
- C54** S. 59(12) amended by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), **s. 8(5)(10)(11)**

#### Marginal Citations

- M35** 1964 c. 48 (95).

## 60 The Rate Support Grant Report.

- (1) In this section and section 61 below “the relevant grants” means rate support grants payable under this Part of this Act and grant payable under section 6 or 7 of the <sup>M36</sup>Local Government Act 1974 (supplementary grants for transport and National Parks).
- (2) Subject to subsection (3) below, the Secretary of State shall make for each year a report (in this Part of this Act called a “Rate Support Grant Report”) relating to the relevant grants.
- (3) In so far as a Rate Support Grant Report relates to payments of grants under section 6 of the <sup>M37</sup>Local Government Act 1974 it shall be made for England by the Minister of Transport.
- (4) A Rate Support Grant Report shall be made with the consent of the Treasury.
- (5) Before making a Rate Support Grant Report the Secretary of State and the Minister of Transport shall consult such associations of local authorities as appear to them to be concerned and any local authority with whom consultation appears to them to be desirable.
- (6) A Rate Support Grant Report shall specify—
  - (a) all the determinations relating to the relevant grants which are required by any provision of this Part of this Act; and
  - (b) [<sup>F177</sup>such explanation as the Secretary of State thinks desirable of the main features of any such determination]
- (7) A Rate Support Grant Report shall be laid before the House of Commons.
- (8) No payment of any of the relevant grants for the year shall be made until the Rate Support Grant Report is approved by a resolution of the House of Commons and (subject to section 61 below) any payment may be made only in accordance with the Rate Support Grant Report as so approved.
- (9) The Secretary of State shall send a copy of every Rate Support Grant Report to each local authority as soon as practicable after it has been approved.

#### Textual Amendments

- F177** Words substituted by [Rate Support Grants Act 1986 \(c. 54, SIF 103:1\)](#), s. 3, **Sch. 1 para. 8(1)**

#### Modifications etc. (not altering text)

- C55** S. 60 modified (19.9.1995) by 1995 c. 25, **ss. 74(2)**, 125(2) (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C56** S. 60(5) amended by [Rate Support Grants Act 1988 \(c. 51, SIF 81:1\)](#), **s. 4(2)–(6)**

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- C57** S. 60(5) modified by Local Government Finance Act 1987 (c. 6, SIF 81:1, 2), s. 10, **Sch. 3 para. 1(3)(6)**
- C58** S. 60(6)(a)(9) amended by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 10, **Sch. 2 para. 6**

#### Marginal Citations

- M36** 1974 c. 7 (81:1).  
**M37** 1974 c. 7 (81:1).

## 61 Supplementary reports.

- (1) Subject to subsection (2) below, after a Rate Support Grant Report has been made for any such year the Secretary of State may, at such time or times as he thinks fit, make one or more supplementary reports for that year.
- (2) Section 60(3) to (5), (7) and (9) above shall apply to a supplementary report as they apply to a Rate Support Grant Report.
- (3) Subject to subsections (4) and (5) below, a supplementary report may specify fresh determinations in place of all or any of those specified by the Rate Support Grant Report.
- (4) The Secretary of State may not in a supplementary report vary the aggregate amount of domestic rate relief grant determined by him for any year in the Rate Support Grant Report for that year.
- (4A)
- <sup>F178</sup>(5) The power conferred by subsections (3) above shall be exercisable only in accordance with principles applicable to all local authorities and specified in the supplementary report.
- (6) In addition to specifying any fresh determinations a supplementary report shall specify [<sup>F179</sup>such explanation as the Secretary of State thinks desirable of their main features]
- <sup>F180</sup>(6A) A supplementary report may specify fresh principles for the calculation of a grant-related poundage in place of those specified in the Rate Support Grant Report and in that event that poundage shall be recalculated on fresh principles.]
- (7) If a supplementary report is approved by a resolution of the House of Commons, any payment of any of the relevant grants for the year may be made inly in accordance with the Rate Support Grant Report for the year (as so approved, as varied by the supplementary report for the year (as so approved)).

#### Textual Amendments

- F178** S. 61(4A) inserted by Rate Support Grants Act 1986 (c. 54, SIF 103:1), s. 3, **Sch. 1 para. 10** and repealed by Local Government Finance Act 1988 (c. 41, SIF 81:1), **s. 126(1)(6)**
- F179** Words substituted retrospectively by Rate Support Grants Act 1986 (c. 54, SIF 103:1), s. 3, **Sch. 1 para. 8(2)**
- F180** S. 61(6A) inserted retrospectively by Rate Support Grants Act 1986 (c. 54, SIF 103:1), s. 3, **Sch. 1 para. 2**

#### Modifications etc. (not altering text)

- C59** S. 61 modified by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 10, **Sch. 2 para. 7**

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**C60** S. 61 modified (19.9.1995) by 1995 c. 25, **ss. 74(2)**, 125(2) (with ss. 7(6),115, 117, Sch. 8 para. 7)

<sup>F181</sup>**62** .....

**Textual Amendments**

**F181** S. 62 substituted by Rate Support Grants Act 1986 (c. 54, SIF 81:1), s. 3, **Sch. 1 para. 11** and repealed with saving by Rate Support Grants Act 1987 (c. 5, SIF 81:1), **ss. 1(5), 2**

**63 Adjustment of block grant in connection with education etc.**

Block grant shall be subject to the adjustments arising out of expenditure by local authorities on education and for connected purposes specified in Schedule 10 to this Act.

[<sup>F182</sup>**63A Adjustment of block grant for rates equalisation contribution.**

- (1) Where in any year a local authority is entitled to receive a contribution under a scheme made by virtue of section 66 of the London Government Act 1963 (equalisation of rates) the amount of any block grant payable to the authority for that year shall, of the Secretary of State so determines, be reduced by an amount equal to that contribution or such lesser amount as he may determine.
- (2) Subsection (5) of section 61 above shall not apply to any exercise of the power conferred by subsection (3) of that section in respect of a determination under this section.]

**Textual Amendments**

**F182** S. 63A added by Local Government Act 1985 (c. 51, SIF 81:1), **s. 83(2)(3)**

<sup>F183</sup>**64** .....

**Textual Amendments**

**F183** S. 64 repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38, **Sch. 6 Pt. III**

[<sup>F184</sup>**65 Information.**

- (1) Each local authority shall submit to the Secretary of State in respect of each year, in such form and by such date as he may specify, such of the information mentioned in subsection (2) below as he may from time to time require for the purposes of this Part of this Act, section 8 of the Local Government Finance Act 1982, section 2 of the Rate Support Grants Act 1986 and sections 1 and 2 of the Local Government Finance Act 1987.
- (2) The information is information as to the following matters—



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- (a) the expenditure incurred, or to be incurred, by the authority during the year,
  - (b) their relevant expenditure in relation to the year,
  - (c) their total expenditure in relation to the year, and
  - (d) their accounts for the year.
- (3) The information required under subsection (1) above may include any of the following—
  - (a) what the authority calculate as the amount of the expenditure incurred, or likely to be incurred, by them during the year,
  - (b) what the authority calculate as the amount, or likely amount, of their relevant expenditure in relation to the year,
  - (c) what the authority calculate as the amount, or likely amount, of their total expenditure in relation to the year,
  - (d) what the authority calculate as the amount of any addition or subtraction to be made in relation to the year by virtue of any specification under section 3(1) or (7) of the Local Government Finance Act 1987, and
  - (e) information about the items of account which are likely to be (as well as those which have been) debited or credited to the authority's accounts for the year.
- (4) Where no or no sufficient information as to the matters mentioned in subsection (2) above has been submitted to the Secretary of State in respect of a year, whether under subsection (1) above or otherwise, he may for the purpose of making a supplementary report, an adjustment under section 62 above or an estimate under section 66(1) below make such assumptions as to those matters as he thinks appropriate.
- (5) Where any information as to any of the matters mentioned in subsection (2) above is submitted to the Secretary of State under subsection (1) above after the date specified by him, or otherwise than under that subsection, he may for any of the purposes mentioned in subsection (4) above disregard it if he considers that it is not reasonably practicable to take it into account for that purpose.]

#### Textual Amendments

**F184** S. 65 substituted by Local Government Finance Act (c. 6, SIF 81:1), s. 11, Sch. 4 para. 4

#### Modifications etc. (not altering text)

**C61** S. 65 amended by Education Reform Act 1988 (c. 40, SIF 41:1), ss. **186(2)**, 231(7), 235(6)

**C62** S. 65 amended by S.I. 1990/1024, art. **4(3)**

**C63** S. 65 modified by S.I. 1988/2114, art. **5(3)**

**C64** S. 65 modified by Local Government Act 1985 (c. 51, SIF 81:1), s. **81(1)(2)**

**C65** S. 65(4) restricted by Rate Support Grants Act 1988 (c. 51, SIF 81:1), s. **1(6)**

**C66** S. 65(4) excluded by Rate Support Grants Act 1988 (c. 51, SIF 81:1), s. **3(6)**

## 66 Estimates and calculations.

- (1) The Secretary of State shall, upon the best information available to him, estimate and notify each local authority the amounts of domestic rate relief grant and block grant which will become payable to the authority for a year; and he may make and notify to an authority such further estimates of the said amounts, taking into account information not previously available, as he may think fit.



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- (2) As soon as practicable after he has received what appears to him to be sufficient information for the purpose, the Secretary of State shall make a conclusive calculation if the said amounts and notify the result of that calculation to each local authority.
- (3) The amounts of domestic rate relief grant and block grant payable to a local authority shall each be calculated to the nearest pound.
- (4) Where it appears to the Secretary of State from any estimate or calculation made under this section that sum in excess of the amount of the estimate or calculation has already been paid to a local authority in respect of rate support grants for the year, he may recover that sum by deduction from any amount due to that authority in respect of those grants, whether for the year or for any subsequent year, or by issuing a demand for it to the authority or partly by such deduction and partly by such a demand, as he thinks fit.

**Modifications etc. (not altering text)**

**C67** Ss. 66, 67 amended by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 186(2)**, 231(7), 235(6)

**C68** Ss. 66, 67 amended by [S.I. 1990/1024](#), **art. 4(3)**

**C69** Ss. 66, 67 modified by [S.I. 1988/2114](#), **art. 5(3)**

**C70** S. 66 modified by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **s. 81(2)(3)**

**C71** S. 66 amended by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 10, **Sch. 2 para. 10**

**67 Changes in rateable value.**

- (1) After the amount of the block grant payable to a local authority for any year has been conclusively calculated under this Part of this Act, the authority may by notice in writing request the Secretary of State to give a direction under this section if—
  - (a) the rateable value of hereditaments in the authority's area has been reduced with effect from the date on or before that which is relevant for determining the gross rateable value of the hereditaments in the authority's area for that year under this Part of this Act; and
  - (b) the effect of those and any other alterations of rateable values made before the date of the notice would, had they been made on the dates as from which they took effect, have been to produce a reduction on the gross rateable value of those hereditaments which is of such a magnitude that, expressed as a percentage of their gross rateable value, it exceeds such percentage as may be specified for the purposes of this section in regulations made by the Secretary of State.
- (2) On the receipt of such a notice the Secretary of State shall direct that the amount of the block grant payable to the authority for that year shall be recalculated in accordance with the following provisions of this section and a further payment on account of that grant shall be made to the local authority accordingly.
- (3) The power to specify a percentage for the purposes of paragraph (b) of subsection (1) above includes power to specify, in relation to the second and subsequent notices given by a local authority in respect of any year, percentages higher than that specified in relation to the first notice given by the authority in respect of that year.
- (4) Where subsection (1) above applies, the amount of the block grant payable to the authority for the year shall be recalculated by treating the gross rateable value of the

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hereditaments in their area as reduced by the difference between the reduction referred to in subsection (1)(b) above and the percentage specified for the purpose of that paragraph or, where more than one percentage is so specified, the lowest of them.

- (5) The further payment shall be an amount equal to the difference between the amount previously paid to the authority for the year concerned on account of block grant and the amount recalculated as specified in subsection (2) above.
- (6) Any amount payable under this section shall be payable without the making of any report under this Part of this Act and notwithstanding the contents of any such report previously made in respect of the year for which the grant is payable.
- (7) Before making regulations under this section the Secretary of State shall consult such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to him to be desirable.
- (8) The power to make such regulations shall be exercisable by statutory instrument.
- (9) A statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Modifications etc. (not altering text)**

**C72** Ss. 66, 67 amended by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 186(2), 231(7), 235(6)

**C73** Ss. 66, 67 amended by S.I. 1990/1024, art. 4(3)

**C74** Ss. 66, 67 modified by S.I. 1988/2114, art. 5(3)

**C75** S. 67 modified Local Government Act 1985 (c. 51, SIF 81:1), s. 81(2)(3)

**68 Rate support grant– supplementary.**

(1) In this Part of this Act “year” means a period of twelve months beginning with 1st April [ <sup>F185</sup> and “joint authority” means a joint authority established by Part IV of the <sup>M38</sup>Local Government Act 1985]

(2) In section 10(2) of the <sup>M39</sup>Local Government Act 1974 the following definition shall be substituted for the definition of “prescribed”:

““prescribed” means prescribed by a Rate Support Grant Report made under section 60 of the Local Government, Planning and Land Act 1980 or by a supplementary report made under section 61 of that Act ;.”

(3)

<sup>F186</sup>(4)

<sup>F187</sup>(5)

<sup>F188</sup>(6)

<sup>F186</sup>(7) Any power to amend regulations made under Part I of the <sup>M40</sup>Local Government Act 1974 or section 32 of the Education Act 1980 shall include power to make any such amendments in the regulations as appear to the Secretary of State to be necessary or expedient in consequence of the provisions of sections 53 to 68 above.

(8) The amendments made by subsections (2) to (6) above shall come into force on such date as the Secretary of State may by order made by statutory instrument appoint.

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(9) This Part of this Act extends to England and Wales only.

#### Textual Amendments

- F185** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **ss. 69(6)**, 82(1)
- F186** [Ss. 68\(3\)\(6\)](#) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), **ss. 3, 6, Sch. 1 Pt. 1**
- F187** [Ss. 56\(11\), 68\(4\)](#) repealed by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), **s. 11, Sch. 5**
- F188** [S. 68\(5\)](#) repealed by [Education \(No. 2\) Act 1986 \(c. 61, SIF 41:1\)](#), **ss. 66, 67(6), Sch. 6 Pt. 1**

#### Modifications etc. (not altering text)

- C76** The text of [ss. 24, 25\(1\)–\(3\)\(5\), 26\(4\), 27, 32, 46 61\(4A\), 68\(2\), 69\(3\), 92\(1\)–\(4\)\(6\)–\(8\), 112, 114, 118, 131\(3\), 145, 155\(1\), 173, 174, 175\(1\), 176, 180, 181\(1\)–\(3\), 183, 92\(1\)–\(4\)\(6\)–\(8\), 184\(1\)\(2\), 186, 191, 193, 194](#) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C77** 11.12.1980 appointed under [s. 68\(8\)](#) by [S.I. 1980/1893](#), **art. 4**

#### Marginal Citations

- M38** [1985 c. 51 \(81:1\)](#).
- M39** [1974 c. 7 \(81:1\)](#).
- M40** [1974 c. 7 \(81:1\)](#).

## PART VII

### MISCELLANEOUS GRANTS

#### *Grants in respect of rate rebates for disabled*

#### **69 Grants in respect of rebates under the Rating (Disabled Persons) Act 1978.**

- (1) For the year beginning with 1st April 1979 and each subsequent year the Secretary of State shall pay out of money provided by Parliament to any authority granting rebates under the <sup>M41</sup>Rating (Disabled Persons) Act 1978 in that year a grant equal to 90 per cent. of the aggregate amount of the rebates so granted, excluding any additional amount granted by virtue of. . . <sup>F189</sup> section 4(7) of that Act. . . <sup>F189</sup>.
- [<sup>F190</sup>(1A) Subject to subsection (1B) below, no grant shall be paid to any authority in respect of any rebates granted by that authority on or after 1st April 1995.
- (1B) A grant shall be payable to any authority granting rebates under the said Act of 1978 in respect of non-domestic water and sewerage rates for the year beginning with 1st April 1995.]
- (2) Payments of grant under this section shall be made at such times as the Secretary of State may with the consent of the Treasury determine.
- [<sup>F190</sup>(2A) Subsections (1A) and (1B) above extend to Scotland only.]
- (3) In section 1(2) of the <sup>M42</sup>Local Government Act 1974 (amount available for grants to local authorities) after the words “section 8 below”, in each place where they occur,

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there shall be inserted the words “ or section 69 of the Local Government, Planning and Land Act 1980 ”.

#### Textual Amendments

**F189** Words repealed (E.W.) by S.I. 1990/776, art. 3(1), **Sch. 1**

**F190** S. 69(1A)(1B)(2A) inserted (S.) (1.4.1995) by 1994 c. 39, s. 158(a)(b); S.I. 1994/3150, art. 4(a), **Sch. 1**

#### Modifications etc. (not altering text)

**C78** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M41** 1978 c. 40.

**M42** 1974 c. 7

### *Grants for caravan sites*

#### [<sup>F191</sup>70 Grants in respect of caravan sites for gipsies

- (1) This section applies to expenditure of a capital nature incurred by any local authority under section 24 of the <sup>M43</sup>Caravan Sites and Control of Development Act 1960 (provision of caravan sites by local authorities) in respect of caravan sites provided for the accommodation of [<sup>F192</sup>gipsies][<sup>F192</sup>persons to whom subsection (8A) of that section applies]
- (2) The Secretary of State may, with the approval of the Treasury, make out money provided by Parliament grants in respect of expenditure which, in his opinion, is expenditure to which this section applies.
- (3) Any grants under this section shall be made on such terms and conditions (if any) as the Secretary of State may, with the approval of the Treasury, determine.
- (4) In this section—
  - “caravan” has the meaning assigned to it by the <sup>M44</sup>Caravan Sites and Control of Development Act 1960 [<sup>F193</sup>]; and
  - “gipsy” has the meaning assigned to it by the <sup>M45</sup>Caravan Sites Act 1968.]

#### Textual Amendments

**F191** S. 70 repealed (E.W.) (3.11.1994) by 1994 c. 33, ss. 80(5), 172(4) (with s. 80(5))

**F192** Words from “persons” to “applies” substituted (S.) for “gipsies” by **Local Government and Planning (Scotland) Act 1982** (c. 43, SIF 81:2), s. 66(1), **Sch. 3 para. 41(a)**

**F193** Definition of “gipsy” and the word “and” immediately preceding it repealed (S.) by **Local Government and Planning (Scotland) Act 1982** (c. 43, SIF 81:2), s. 66(1), **Sch. 3 para. 41(b)**, Sch. 4 Pt. 1

#### Modifications etc. (not altering text)

**C79** S. 70 amended (28.11.1994) by S.I. 1994/2825, **reg. 54**

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**Marginal Citations**

- M43 1960 c. 62 (46:3).
- M44 1960 c. 62 (46:3).
- M45 1968 c. 52 (46:3).

**PART VIII**

CAPITAL EXPENDITURE OF LOCAL AUTHORITIES ETC.

F194 **71** .....  
—**80B.**

**Textual Amendments**

**F194** Ss. 71–80B and 82–85 repealed (with savings for s. 72(3)(c) in S.I. 1990/431, art. 4, **Sch. 1 para. 1A** as inserted by S.I. 1990/762 art. 4(b)) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 39(8), 194(2), **Sch. 12 Pt. I**

F195 **81** .....

**Textual Amendments**

**F195** Ss. 81, 86(7) repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

F196 **82** .....  
—**85.**

**Textual Amendments**

**F196** Ss. 71–80B and 82–85 repealed (with savings for s. 72(3)(c) in S.I. 1990/431, art. 4, **Sch. 1 para. 1A** as inserted by S.I. 1990/762 art. 4(b)) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 39(8), 194(2), **Sch. 12 Pt. I**

**PART IX**

TOWN AND COUNTRY PLANNING

*Allocation of planning functions*

**86**     **Distribution of planning functions between planning authorities.**

F197 (1) .....

F197 (2) .....

*Status: Point in time view as at 01/04/2002.*

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- F198(3) .....
  - F197(4) .....
  - F198(5) .....
  - F198(6) .....
  - (7)
  - F199(8) Subject to subsection (10) below, the provisions to which this subsection applies shall come into operation on the commencement date.
  - (9) The provisions to which subsection (8) above applies are—
    - (a) the general transfer provisions;
    - (b)
    - F200(c) paragraph 4 of Schedule 15 below.
  - (10) A development order required to be made for the purposes of any of the provisions to which subsection (8) above applies may be made before the commencement date.
  - (11) In this section—
    - “the commencement date” means the date on which there expires the period of two months beginning with the day on which this Act is passed;
    - “the general transfer provisions” means—
      - (a) subsections (1) to (4) above; and
      - (b) paragraphs 12, 13, 15, 16 and 20 of Schedule 15 below;
- F201“transferred matter” means a matter which before the commencement date is a county matter, as defined in paragraph 32 of Schedule 16 to the M46Local Government Act 1972, but which ceases to be a county matter in consequence of the provisions of this Part of this Act.

**Textual Amendments**

- F197 Ss. 86(1)(2)(4), 89, 91(1) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**
- F198 S. 86(3)(5)(6) repealed (E.W.) by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**
- F199 Ss. 81, 86(7) repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F200 S. 86(9)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F201 Definition repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

**Marginal Citations**

- M46 1972 c. 70

*Planning fees*

F20287 .....

*Status: Point in time view as at 01/04/2002.*

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**Textual Amendments**

**F202** S. 87 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

<sup>F203</sup>**88** .....

**Textual Amendments**

**F203** S. 88 repealed by Housing and Planning Act 1986 (c. 63, SIF 123:1), s. 49, **Sch. 12 Pt. III**

<sup>F204</sup>**89** .....

**Textual Amendments**

**F204** Ss. 86(1)(2)(4), 89, 91(1) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

<sup>F205</sup>**90** .....

**Textual Amendments**

**F205** S. 90 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

*Compulsory acquisition*

**91 Amendments relating to compulsory acquisition.**

[<sup>F206</sup>(1).....]

(2) Where a compulsory purchase order has been made, or a binding contract has been entered into to acquire land, before the passing of this Act, sections 112 and 119 of the <sup>M47</sup>Town and Country Planning Act 1971 shall apply as they applied immediately before the passing of this Act, which shall for this purpose be treated as not having been passed.

**Textual Amendments**

**F206** Ss. 86(1)(2)(4), 89, 91(1) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

**Marginal Citations**

**M47** 1971 c. 78.



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## Amendments of Town and Country Planning (Scotland) Act 1972

### 92 Town and Country Planning – Scotland.

- F207 (1) .....
- F207 (2) .....
- F207 (3) .....
- F207 (4) .....
- F207 (5) .....
- F207 (6) .....
- F207 (7) .....
- F207 (8) .....
- (9) <sup>F208</sup> . . . , This Part of this Act does not extend to Scotland.

#### Textual Amendments

**F207** S. 92(1)-(8) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

**F208** Words in s. 92(9) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

## PART X

### LAND HELD BY PUBLIC BODIES

#### Modifications etc. (not altering text)

**C80** Pt. X (ss. 93-100): power to apply conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4** para. (d)(ii); S.I. 1997/1930, **art. 3**

### 93 Public bodies to whom Part X applies.

- (1) This Part if this Act applies to any body for the time being specified in Schedule 16 to this Act.
- (2) The Secretary of State may by order made by statutory instrument amend Schedule 16 to this Act—
  - (a) by adding an entry naming a public body not for the time being specified in Schedule 16;
  - (b) by amending or delting any entry for the time being contained in the Schedule.
- (3) A statutory instrument containing an order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Before making an order under subsection (2) above, the Secretary of State shall send written notification that he proposes to make the order to any body to whom this Part of this Act would apply by virtue of the order.

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- (5) Any body specified in a notification under subsection (4) above may make representations to the Secretary of State within a period of 42 days from the date of the notification.
- (6) Where the Secretary of State has sent a notification under subsection (4) above to a body, he may not make the order to which the notification relates until the expiration of the period specified in subsection (5) above.

#### **94 Areas in which Part X is to operate.**

- (1) This Part of this Act shall come into operation in accordance with subsection (2) below.
- (2) The Secretary of State may by order made by statutory instrument direct that this Part of this Act shall come into operation in the area of any district council or London borough council specified in the order.
- (3) A statutory instrument containing an order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The City of London shall be treated for the purposes of this section as if it were a London borough and as if the Common Council were the council of that borough.

#### **Modifications etc. (not altering text)**

**C81** Power of appointment conferred by s. 94(2) fully exercised as regards England by [S.I. 1981/194](#), 1251, 1618 and fully exercised as regards Wales by [S.I. 1983/94](#) and [S.I. 1984/1493](#)

#### **95 Registration of land holdings.**

- (1) The Secretary of State may compile and maintain a register, in such form as he may think fit, of land which satisfies the conditions specified in subsection (2) below.
- (2) The conditions mentioned in subsection (1) above are—
  - (a) that a freehold or leasehold interest in the land is owned by a body to which this Part of this Act applies or a subsidiary of such a body;
  - (b) that it is situated in an area in relation to which this Part of this Act is in operation or is not so situated but adjoins other land which is so situated and in which a freehold or leasehold interest is owned by a body to which this Part of this Act applies or a subsidiary of such a body; and
  - (c) that in the opinion of the Secretary of State the land is not being used or not being sufficiently used for the purposes of performance of the body's functions or of carrying on their undertaking.
- (3) The Secretary of State may enter on the register any such land satisfying the conditions specified in subsection (2) above as he may think fit.
- (4) The Secretary of State may also enter on the register any Crown land situated in an area in relation to which this Part of this Act is on operation or not so situated but adjoining other Crown land which is so situated.
- (5) The information to be included in the register in relation to any land entered on it shall be as the Secretary of State thinks fit.

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- (6) In this section “Crown land” means land belonging to a government department or to a body who perform their functions on behalf of the Crown or held on trust for Her Majesty for the purposes of a government department; and in this subsection “government department” includes any Minister of the Crown.

## **96 Public access to information.**

- (1) The Secretary of State shall send to a council in respect of whose area a register is maintained under section 95 above—
- (a) a copy of that register; and
  - (b) such amendments to it as he may from time to time consider appropriate.
- (2) It shall be the duty of a council to whom amendments to a register are sent under subsection (1)(b) above to incorporate the amendments in their copy of the register,
- (3) A copy of the register sent to a council under this section shall be available at the council’s principal office for inspection by any member of the public at all reasonable hours.
- (4) If any member of the public requires a council to supply him with a copy of the information contained in such a copy of a register, the council shall supply him with a copy of that information on payment of such reasonable charge for making it as the council may determine.

## **[<sup>F209</sup>96A Information about entries.**

- (1) Where land is entered on a register under section 95(3) above, the Secretary of State shall as soon as is reasonably practicable after entering the land send a copy of the information included in the register in relation to the land to any body to whom this Part of this Act applies, if it appears from the register that the body or a subsidiary of the body owns a freehold or leasehold interest in the land.
- (2) Where land is entered on a register under section 95(3) above and the Secretary of State amends the information included in the register in relation the land, he shall soon as is reasonably practicable after amending the information send a copy of the amended information to any body to whom this Part of this Act applies, if it appears from the register that the body or a subsidiary of the body owns a freehold or leasehold interest in the land.
- (3) The fact that the Secretary of State must send anything to a council under section 96 above does not displace any duty of his to send anything to the council under subsection (1) or (2) above.
- (4) Subsection (5) below applies where a copy sent under subsection (1) or (2) above has been received by a body.
- (5) If at any time the body becomes aware that any information in the only or the latest copy received by them is or has become inaccurate, they shall as soon as is reasonably practicable after becoming so aware inform the Secretary of State that the information is inaccurate and give him (so far as they are able) the corrected information.
- (6) Subsection (5) above does not apply if, when the body becomes so aware, the land concerned is no longer entered on a register under section 95(3) above.]

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#### Textual Amendments

**F209** S. 96A inserted (*prosp.*) by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(3), **Sch. 5 para. 2**

#### Modifications etc. (not altering text)

**C82** S. 96A(1) modified (*prosp.*) by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(3), **Sch. 5 para. 2(2)**

### [<sup>F210</sup>97 Secretary of State's power to require information.

- (1) The Secretary of State may direct a body to whom this Part of this Act applies to inform him whether the body or a subsidiary of the body holds a freehold or leasehold interest in land which is specified or is of a description specified, in the direction.
- (2) A body need only to comply with a direction under subsection (1) above as regards land which is situated in an area in relation to which this Part of this Act is in operation.
- (3) Where a body to whom this Part of this Act applies or a subsidiary of such a body holds a freehold or leasehold interest in land situated in an area in relation to which this Part of this Act is in operation, the Secretary of State may direct the body to whom this Part of this Act applies to give him such information about the land as he may specify.]

#### Textual Amendments

**F210** S. 97 substituted by Local GOvernment Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), **Sch. 5 para. 3**

### 98 Disposal of land at direction of Secretary of State.

- (1) The Secretary of State may direct a body to whom this Part of the is Act for the time being applies—
  - (a) to take steps for the disposal of the interest held by them in any land which [<sup>F211</sup>for the time being satisfies the conditions specified in section 95(2) above] or any lesser interest in such land; or
  - (b) to ensure that a subsidiary of theirs takes steps for the disposal of the interest held by the subsidiary in any land which [<sup>F212</sup>for the time being satisfies those conditions] or any lesser interest in such land,
 being, in either case, steps which it is necessary to take to dispose of the interest and which it is in their power to take.
- (2) A direction under this section may specify the steps to be taken for the disposal of an interest in land and the terms and conditions on which an offer to dispose of it is to made.
- [<sup>F213</sup>(2A) A direction under this section may include provision that no disposal of an interest to which the direction relates shall, while the direction remains unrevoked, be made in favour of a person or body who—
  - (a) is specified, or is of a description specified, in the direction, and
  - (b) is at the date the disposal is proposed to be made associated with the body to whom the direction is given.]
- (3) A direction under this section may be varied or revoked by a further direction.

*Status: Point in time view as at 01/04/2002.*

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- (4) The power to give directions conferred by this section is in addition to and not in derogation from any such power to the grant of an interest in land.
- (5) In this section and section 99 below references to the disposal of an interest in land include references to the grant of an interest in land.
- [<sup>F214</sup>(6) In subsection (2A) above references to a disposal of interest include references to a contract to dispose of an interest, and references to making a disposal include references to entering into such a contract.
- (7) For the purposes of subsection (2A) above a person is associated with a body if (but only if)—
  - (a) he is a member of the body or of a subsidiary of the body, or
  - (b) he is a nominee of the body or of a subsidiary of the body.
- (8) For the purposes of subsection (2A) above a body is associated with another body if (but only if)—
  - (a) the other body, or a subsidiary of the other body, is a member of it,
  - (b) any of its members is also a member of the other body or of a subsidiary of the other body, or
  - (c) any of its members is a nominee of the other body or of a subsidiary of the other body
- (9) Notwithstanding section 100(1) below, in subsections (7) and (8) above “subsidiary” has the same meaning as in section 736(1) of the <sup>M48</sup>Companies Act 1985.]

#### Textual Amendments

- F211** Words in s. 98(1)(a) substituted (11.10.1993) by 1993 c. 28, s. 176(1)(a); S.I. 1993/2134, art.4  
**F212** Words in s. 98(1)(b) substituted (11.10.1993) by 1993 c. 28, s. 176(1)(b); S.I. 1993/2134, art. 4  
**F213** S. 98(2A) inserted by Local Government Act 1988 (c. 9, SIF 81:1), s. 31(2), Sch. 5 para. 4(2)  
**F214** S. 98(6)–(9) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), Sch. 5 para. 4(3)

#### Modifications etc. (not altering text)

- C83** S. 98(3) restricted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), Sch. 5 para. 4(4)

#### Marginal Citations

- M48** 1985 c. 6 (27).

## 99 Directions to dispose of land– supplementary.

- (1) Before giving a direction to a body under section 98 above, the Secretary of State shall give them notice of his proposal to give the direction and of its proposed contents.
- (2) A body who receives a notice under subsection (1) above may make representations to the Secretary of State as to why the proposed direction should not be given or as to its proposed contents.
- (3) If the body do not make such representations within a period of 42 days from the date of the notice or within such longer period as the Secretary of State may in any particular case allow, the Secretary of State may give the direction as proposed.
- (4) If—

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- (a) a county council;
- [<sup>F215</sup>(aa) a county borough council;]
- (b) a district council;
- (c)
- <sup>F216</sup>(d) a London borough council or the Common Council of the City of London;
- [<sup>F217</sup>(da)
- <sup>F218</sup>(db) a joint authority established by Part IV of the Local Government Act 1985;]
- [<sup>F219</sup>(dbb) the London Fire and Emergency Planning Authority;]
- [<sup>F220</sup>(dc) a police authority established under [<sup>F221</sup>section 3 of the Police Act 1996];]
- [<sup>F222</sup>(dcc) the Metropolitan Police Authority;]
- (dd) .....
- (e) the Commission for the New Towns, a development corporation established under the [<sup>F223M49</sup>New Towns Act 1981] or an urban development corporation established under this Act; or
- (f) any authority, body or undertakers in relation to whom the Secretary of State is the appropriate Minister,

have made representations under subsection (2) above, the Secretary of State may not give a direction unless he is satisfied that the interest to which the direction would relate can be disposed of in the manner in which and on the terms and conditions on which he proposes that it shall be disposed of without serious detriment to the performance of their functions or the carrying out of their undertaking.

- (5) If any other body to whom this Part of this Act applies have made such representations, the Secretary of State may not give a direction unless the appropriate Minister certifies that the interest to which the direction would relate can be disposed of in the manner in which and on the terms and conditions on which he proposes that it shall be disposed of without serious detriment to the performance of their functions of the carrying on of their undertaking.
- [<sup>F224</sup>(5A) The Secretary of State need not give notice under subsection (1) above as regards a further direction revoking a previous direction given under section 98 above;
- (5B) The Secretary of State need not give notice under subsection (1) as regards a further direction varying a previous direction given under section 98 above if—
    - (a) the variation consists only of one which omits part of the land to which the previous direction relates, or
    - (b) the variation is stated in the further direction to consist only of one which is made to take account of a representation of the body to whom the previous direction was given.
  - (5C) The contents of a direction under section 98 above may differ from its proposed contents contained in a notice given under subsection (1) above if—
    - (a) the difference consists only of a variation which omits part of the land referred to in the proposed contents, or
    - (b) the difference is stated in the direction to consist only of a variation which is made to take account of a representation of the body to whom the notice was given;
 and the words “as proposed” in subsection (3) above shall have effect accordingly.
  - (5D) The Secretary of State may by order made by statutory instrument substitute a period specified in the order for the period of 42 days specified in subsection (3) above or

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for such other period as is for the time being in specified in that subsection by virtue of an order under this subsection.

(5E) No order under subsection (5D) above may substitute a period as regards a notice given before the coming into force of the order.]

(6) In this section “the appropriate Minister”—

(a) in relation to any body who are statutory undertakers for the purposes of any provision of Part XI of [<sup>F225</sup>the Town and Country Planning Act 1990], shall have the same meaning as in that Part of that Act, and

(b) in relation to any other body, shall have the meaning given by an order under this [<sup>F226</sup>subsection] section made by statutory instrument by the Secretary of State with the concurrence of the Treasury.

(7) A statutory instrument containing an order under subsection [<sup>F227</sup>(5D) or] (6) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F215** S. 99(4)(aa) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 57(5)** (with ss. 54(5)(7), 55(5), Sch. 7 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**

**F216** S. 99(4)(c) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

**F217** S. 99(4)(da),(db) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 59(f)**

**F218** S. 99(4)(da) repealed (1.4.1990) by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237, **Sch. 13 Pt. I**

**F219** S. 99(4)(dbb) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 31** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**

**F220** S. 99(4)(dc) inserted (1.10.1994 for certain purposes and 1.4.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 21**; S.I. 1994/2025, **art. 6(1)(2)(6)**; S.I. 1994/3262, art. 4, **Sch.**

**F221** Words in s. 99(4)(dc) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. I para. 1(2)(p)**

**F222** S. 99(4)(dcc) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 44(1)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

**F223** Words substituted by New Towns Act 1981 (c. 64, SIF 123), s. 81, **Sch. 12 para. 28(c)**

**F224** S. 99(5A)–(5E) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), **Sch. 5 para. 5(2)(5)**

**F225** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(2)**

**F226** Word substituted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), SSch. 5 para. 5(3)

**F227** Words inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), **Sch. 5 para. 5(4)**

#### Modifications etc. (not altering text)

**C84** S. 99(4) extended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 15**

**C85** S. 99(4) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 25(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

**C86** S. 99(4)(db) amended by S.I. 1985/1884, art 10, **Sch. 3 para. 4(5)**

**C87** “Appropriate Minister” explained S.I. 1981/15

#### Marginal Citations

**M49** 1981 c. 64. (123:3).



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### [<sup>F228</sup>99A Power of entry.

(1) A person duly authorised in writing by the Secretary of State may at any reasonable time enter any land for the purpose of helping the Secretary of State to decide whether to give a direction under section 98 above in relation to the land.

<sup>F229</sup>(2) .....

(3) A person may not enter land under this section unless at least 21 clear days' notice in writing of the intended entry has been given to every person who is an owner or occupier.

(4) In this section "owner", in relation to any 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 land, whether in possession or in reversion, and includes also a person holding, or entitled to the rents and profits of, the land under a lease or agreement.]

#### Textual Amendments

**F228** S. 99A inserted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\), s. 31\(2\), Sch. 5 para. 6](#)

**F229** S. 99A(2) repealed (11.10.1993) by [1993 c. 28, ss. 176\(2\), 187\(2\), Sch.22; S.I. 1993/2134, art.4](#)

## 100 Interpretation and extent of Part X.

(1) In this Part of this Act—

“subsidiary”, in relation to a body to whom this Part of this Act applies, means a wholly-owned subsidiary of that body; and

“wholly-owned subsidiary” [<sup>F230</sup>as defined by section 736][<sup>F231</sup>of the <sup>M50</sup>Companies Act 1985].

(2) This Part of this Act extends to England and Wales only.

#### Textual Amendments

**F230** Words substituted by [Companies Act 1989 \(c. 40, SIF 27\), s. 144\(4\), Sch. 18 para. 24](#)

**F231** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\), s. 30, Sch. 2](#)

#### Marginal Citations

**M50** [1985 c. 6 \(27\)](#).

## PART XI

### COMMUNITY LAND ACT

## 101 Repeal.

(1) The <sup>M51</sup>Community Land Act 1975 shall cease to have effect in accordance with Schedule 17 below.

*Status: Point in time view as at 01/04/2002.*

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(2) This section and Schedule 17 below shall not extend to Northern Ireland (except so far as they repeal any enactment so extending).

**Marginal Citations**

**M51** 1975 c. 77.

**PART XII**

THE LAND AUTHORITY FOR WALES

**Modifications etc. (not altering text)**

- C88** Pt. XII (ss. 102-111) extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xxviii)**; S.I. 1996/218, **art. 2**
- C89** Pt. XII extended by Gas Act 1986 (c. 44, SIF 44), s. 67(1)(3), Sch. 7 para. 2(1)(xxxix), **Sch. 8 para. 33**
- C90** Pt. XII (ss. 102-111) extended (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 1(2)(xxiv)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- C91** Pt. XII (ss. 102-111), Pt. XVI (ss. 134-172) extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 1(1)(xxxiv)** (with s. 112(3), Sch. 17 paras. 33, 35(1))

*The Authority*

<sup>F232</sup>**102** .....

**Textual Amendments**

**F232** S. 102 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**

*Functions*

<sup>F233</sup>**103** .....

**Textual Amendments**

**F233** S. 103 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

*Acquisition of land*

<sup>F234</sup>**104** .....

*Status: Point in time view as at 01/04/2002.*

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**Textual Amendments**

**F234** S. 104 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

**F235** **105** .....

**Textual Amendments**

**F235** Ss. 105, 158 repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

*Miscellaneous*

**F236** **106** .....

**Textual Amendments**

**F236** S. 106 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**

**F237** **107** .....

**Textual Amendments**

**F237** S. 107 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**

**F238** **108** .....

**Textual Amendments**

**F238** S. 108 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

**F239** **109** .....

*Status: Point in time view as at 01/04/2002.*

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**Textual Amendments**

**F239** S. 109 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

**F240** **110** .....

**Textual Amendments**

**F240** S. 110 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

**F241** **111** .....

**Textual Amendments**

**F241** S. 111 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

**PART XIII**

LAND COMPENSATION

**112 Claims for compensation for depreciation.**

- (1) Part I of the Act of 1973 and Part I of the Scottish Act of 1973 shall be amended as follows.
- (2) In section 3(2) of each Act (no claim under Part I shall be made otherwise than in the claim period, that is to say, the period of two years beginning on the expiration of twelve months from the relevant date) for the words from “otherwise than” onwards there shall be substituted the words “before the expiration of twelve months from the relevant date; and the day next following the expiration of the said twelve months is in this Part of this Act referred to as “the first claim day”. ”.
- (3) In section 1(1)(b) of each Act for the words “within the time limited” there shall be substituted the words “after the time provided”.
- (4) In sections 3(3), 4(1) and (2), 12(4) and (5), 16(2) and 18(1) of the Act of 1973 and sections 3(3), 4(1) and 92) and 16 of the Scottish Act of 1973 for the words “the beginning of the claim period” or “the first day of the claim period” wherever they occur, there shall be substituted the words “the first claim day” and in section 16(2) of the Act of 1973 and section 14(2) of the Scottish Act of 1973 for the words “the beginning of that period” there shall be substituted the words “that day”.
- (5) In section 19(1) of the Act of 1973 and section 17(1) of the Scottish Act of 1973 the definition of “the claim period” shall be omitted and immediately before the definition of “highway” there shall be inserted the following definition—

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““the first claim day” has the meaning given in section 3(2) above;”.

(6) After section 19(2) of the Act of 1973 there shall be inserted the following subsection—

“(2A) For the purposes of the Limitation Act 1939, a person’s right of action to recover compensation under this Part of this Act shall be deemed to have accrued on the first claim day.”.

(7) After section 17(2) of the Scottish Act of 1973 there shall be inserted the following subsection—

“(2A) Section 6 of the Prescription and Limitation (Scotland) Act 1973 (extinction of obligations by prescriptive periods of five years) shall apply to an obligation to make compensation under this Part of this Act, and in relation to such an obligation the appropriate date for the purposes of subsection (1) of the said section 6 shall be the first claim day.”.

(8) In section 19(3) of the Act 1973 and section 17(3) of the Scottish Act of 1973 the words from “but, if it does” onwards shall be omitted.

(9) Part I of each Act shall have effect without amendments made by the preceding provisions of this section in cases where the relevant date was more than three years before the passing of this Act.

**Modifications etc. (not altering text)**

**C92** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**113 Claims for compensation for depreciation which are out of time on commencement date.**

(1) This section applies to any claim which is made under Part I of the Land Compensation Act on or after the commencement date where—

- (a) the claim period for the claim has expired, or an event before which the claim should have been made has occurred, before that date; and
- (b) the public works to which the claim relates are a highway in respect of which the Minister or, in England, the Secretary of State was the appropriate highway authority; and
- (c) the Minister is satisfied that the publicity given to the right to claim compensation in respect of those works and to the period within which and the events before which claims should be made was not such as to make potential claimants sufficiently aware of those matters.

(2) Where the claim period for a claim to which this section applies has expired before the commencement date, the Minister shall direct that Part I of the Land Compensation Act shall have effect—

- (a) as if the claim had been made on the first day of the last twelve months of that period; and

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- (b) where the claimant's qualifying interest was acquired as mentioned in section 11 of the Land Compensation Act (interests acquired by inheritance) on or after that day, as if it had been so acquired before that day.
- (3) Where the person who makes a claim to which this section applies has on or after 23rd June 1973 and before the commencement date—
- (a) disposed of the qualifying interest in respect of which the claim is made; or
- (b) in the case of a qualifying interest in land which is not a dwelling, granted a tenancy of the land so that the interest remaining to him is not a qualifying interest; or
- (c) in the case of a qualifying interest which is a qualifying tenancy within the meaning of section 12 of the Act of 1973, disposed of the freehold or extended lease acquired by him under Part I of the <sup>M52</sup>Leasehold Reform Act 1967,
- the Minister shall direct that Part I of the Land Compensation Act shall have effect as if the claim had been made on the day before the disposal or, as the case may be, the granting of the tenancy.
- (4) Where the person who makes a claim to which this section applies has on or after 17th October 1972 and before 23rd June 1973—
- (a) disposed of the qualifying interest in respect of which the claim is made; or
- (b) in the case of a qualifying interest in land which is not a dwelling, granted a tenancy of the land so that the interest remaining to him is not a qualifying interest,
- the Minister shall direct that Part I of the Land Compensation Act shall have effect as if the claim had been made on 23rd December 1973.
- (5) Where the qualifying interest in respect of which a claim to which this section applies is made is a tenancy granted or extended for a term of years certain or, in Scotland, for a period of which—
- (a) three years or more remained unexpired on the first day of the claim period or, as the case may be, the first claim day; and
- (b) less than three years remains unexpired on the commencement date,
- the Minister shall direct that Part I of the Land Compensation Act shall have effect as if the claim had been made on the day on which three years of that term or period remained unexpired.
- (6) In the case of a claim to which both subsection (2) and subsection (3) or subsection (5) above apply, the Minister shall direct that Part I of the Land Compensation Act shall have effect as if the claim had been made on whichever of the days mentioned in those two subsections is the earlier.
- (7) Any notice of a claim to which subsection (3), (4) or (5) above applies shall specify, in addition to the matters mentioned in section 3 of the Land Compensation Act, the date of the disposal, the date of the granting of the tenancy or, as the case may be, the date on which three years of the term or period remained unexpired.
- (8) Section 8(1) of the Land Compensation Act (compensation payable once only in respect of the same works and the same land) shall have effect in relation to any claim to which this section applies as if any ex gratia payment made by the Minister or, as the case may be, the Secretary of State in respect of a claim which—
- (a) was made before the commencement date in relation to the same works and the same land; and

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- (b) was disallowed on the ground that the claim period for the claim had expired, or an event before which the claim should have been made had occurred, before the day on which the claim was made, had been a payment of compensation on that claim.
- (9) Where compensation is payable on a claim to which this section applies, the compensation shall not carry interest under section 18(1) of the Act of 1973 or, as the case may be, section 16 of the Scottish Act of 1973 for the period beginning with the commencement date and ending with the date on which the claim is made unless either that period is a period of not more than six months or—
- (a) the claimant had made a similar claim before the commencement date; and
- (b) that claim was disallowed on the ground that the claim period for the claim had expired, or an event before which the claim should have been made had occurred, before the day on which the claim was made.
- (10) For the purposes of the <sup>M53</sup>Limitation Act 1939, a person’s right of action to recover compensation under Part I of the Act of 1973 on a claim to which this section applies shall be deemed to have accrued on the commencement date, and not, in any case to which section 19(2A) of the Act of 1973 applies, the first claim day.
- (11) Section 6 of the <sup>M54</sup>Prescription and Limitation (Scotland) Act 1973 (extinction of obligations by prescriptive periods of five years) shall apply to an obligation to make compensation under Part I of the Scottish Act of 1973 arising on a claim to which this section applies, and in relation to such an obligation the appropriate date for the purposes of subsection (1) of the said section 6 shall be the commencement date, and not, in any case to which section 17(2A) of the said Scottish Act of 1973 applies, the first claim day.
- (12) In this section—
- “commencement date” means the date of the passing of this Act;
- “the Minister” means the Minister of Transport in relation to England and the Secretary of State in relation to *Scotland and Wales*.
- (13) This section—
- (a) in its application to England and Wales, shall be construed as one with Part I of the Act of 1973; and
- (b) in its application to Scotland, shall be construed as one with Part I of the Scottish Act of 1973.

#### Marginal Citations

**M52** 1967 c. 88(75:1).

**M53** 1939 c. 21.

**M54** 1973 c. 52.

## 114 Claims for home loss payments.

- (1) Section 32 of the Act of 1973 and section 29 of the Scottish Act of 1973 (home loss payments) shall be amended as follows.

<sup>F242</sup>(2) .....



*Status: Point in time view as at 01/04/2002.*

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- (3) In subsection (4) of each section for the words from the beginning to “expiration of that period” there shall be substituted the words “ Where a person (“the deceased”) entitled to a home loss payment dies without having claimed it, a claim to the payment may be made ”.
- (4) After subsection (7) of the said section 32 there shall be inserted the following subsection—
- “(7A) For the purposes of the Limitation Act 1939 a person’s right of action to recover a home loss payment shall be deemed to have accrued on the date of the displacement.”.
- (5) After subsection (7) of the said section 29 there shall be inserted the following subsection—
- “(7A) Section 6 of the Prescription and Limitation (Scotland) Act 1973 (extinction of obligations by prescriptive periods of five years) shall apply to an obligation to make a home loss payment, and in relation to such an obligation the appropriate date for the purposes of subsection (1) of the said section 6 shall be the date of the displacement.”.
- (6) Each section shall have effect without the amendments made by the preceding provisions of this section in cases where the date of displacement was more than six months before the passing of this Act.

#### Textual Amendments

**F242** S. 114(2) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1, 123:2\)](#), s. 84(6), [Sch. 19](#), Pts. III,IV (with s. 84(5)); S.I. 1991/2092, [art.3](#), [Sch](#); S.I. 1991/2067, [art.3](#)

#### Modifications etc. (not altering text)

**C93** The text of s. 114 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 115 Interpretation of Part XIII.

In this Part of this Act—

“the Act of 1973” means the <sup>M55</sup>Land Compensation Act 1973;

“the Scottish Act of 1973” means the <sup>M56</sup>Land Compensation (Scotland) Act 1973;

“the Land Compensation Act” means the Act of 1973 in relation to England and Wales and the Scottish Act of 1973 in relation to Scotland.

#### Marginal Citations

**M55** 1973 c. 26 (28:1).

**M56** 1973 c. 56 (28:2).

*Status: Point in time view as at 01/04/2002.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**PART XIV**

LAND—MISCELLANEOUS

*Development land*

**116 Assessment of development land.**

- (1) If the Secretary of State directs an authority to do so, it shall make an assessment of land which is in its area and which is in its opinion available and suitable for development for residential purposes.
- (2) In connection with any assessment under subsection (1) above, the authority shall comply with such directions as the Secretary of State may give.
- (3) In particular, he may give directions about any consultations to be made prior to the assessment (whether with other authorities or with builders or developers or other persons), about the way any consultation is to be made, and about producing reports of assessments and making copies of the reports available to the public, and directions that an authority is to make the assessment alone or jointly with another authority or authorities.
- (4) The following are authorities for the purposes of this section, namely—
  - (a) (in the application of the section to England <sup>F243</sup>. . .) the councils of counties, districts and London boroughs <sup>F244</sup>
  - <sup>F245</sup>(aa) (in the application of the section to Wales) the councils of counties and county boroughs;]
  - (b) (in the application of the section to Scotland) regional, general and district planning authorities.

**Textual Amendments**

**F243** Words in s. 116(4)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 59(1), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F244** Words repealed by Local Government Act 1985 (c. 51, SIF 81), s. 102, **Sch. 17**

**F245** S. 116(4)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 59(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

<sup>F246</sup>**117** .....

**Textual Amendments**

**F246** S. 117 repealed by Derelict Land Act 1982 (c. 42, SIF 81:1), s. 5, **Sch.**

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*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Miscellaneous provisions about land

#### 118 Land miscellaneous amendments.

Schedule 23 to this Act (which contains miscellaneous amendments about land, including amendments to relax controls) shall have effect.

##### Modifications etc. (not altering text)

**C94** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>F247</sup>119 .....

##### Textual Amendments

**F247** Ss. 119, 149(5), 150 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I

#### 120 Compulsory acquisition: exclusion of special parliamentary procedure.

- (1) The [<sup>F248</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947] shall apply to any compulsory acquisition of an interest in land where—
  - (a) the notice of the making or preparation in draft of a compulsory purchase order is first duly published on or after [<sup>F249</sup>6th April 1976 (or, in the application of this section to Scotland,] 1st September 1976), and
  - (b) the person acquiring the interest is a [<sup>F248</sup>regional, islands or district council], [<sup>F249</sup>the Peak Park Joint or Lake District Special Planning Board,] any statutory undertakers [<sup>F250</sup>, the Scottish Ministers] or a Minister,  
subject to the modifications made by this section.
- (2) Paragraph 9 of Schedule 1 to [<sup>F249</sup>the Act of 1946 or, as the case may be] the Scottish Act of 1947 (special parliamentary procedure for acquisitions from local authorities, statutory undertakers and National Trust) shall not apply to the acquisition except where the interest belongs to [<sup>F249</sup>the National Trust or] the National Trust for Scotland.
- (3) [<sup>F249</sup>In this section—

“the Acquisition of Land Acts” means the <sup>M57</sup>Acquisition of Land (Authorisation Procedure) Act 1946 and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, and “the Act of 1946” and “the Scottish Act of 1947” mean those Acts respectively;

“local authority” means—

  - (a) in relation to England, the council of a county or district, the council of a London borough, the Common Council of the City of London and the Greater London Council,
  - (b) in relation to Wales, the council of a county or district,

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- (c) in relation to Scotland, a [<sup>F251</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994],  
and this section applies to the Isles of Scilly, as if the Council of those Isles were the council of a county;]  
“statutory undertakers” means—
- (a) persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of <sup>F252</sup>, <sup>F253</sup> hydraulic power or water,
- (b) . . . <sup>F254</sup>, the Civil Aviation Authority, <sup>F255</sup> . . . , [<sup>F256</sup>a universal service provider (within the meaning of the Postal Services Act 2000) in connection with the provision of a universal postal service (within the meaning of that Act)] and any other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for the purposes of [<sup>F249</sup>the <sup>M58</sup>Town and Country Planning Act 1971 or [<sup>F257</sup>the Town and Country Planning (Scotland) Act 1997], and]
- (c) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph.
- (4) An order under paragraph (c) of the definition of “statutory undertakers” in subsection (3) above shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) This section (which re-enacts section 41 of the <sup>M59</sup>Community Land Act 1975 with modifications) shall be taken to have come into force on 12 November 1975 but (in relation to the period before the passing of this Act) shall have effect as if the persons mentioned in subsection (1)(b) above included a new town authority (that is, a development corporation as defined [<sup>F249</sup>in section 2 of the New Towns Act 1965, or] in section 2 of the <sup>M60</sup>New Towns (Scotland) Act 1968) and a joint board established under section 2 of the <sup>M61</sup>Community Land Act 1975, and as if “local authority” meant (in relation to Scotland) a regional, general or district planning authority within the meaning of Part IX of the <sup>M62</sup>Local Government (Scotland) Act 1973.

#### Textual Amendments

- F248** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 4 para. 30(4)**
- F249** Words repealed (E.W) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**
- F250** Words in s. 120(1)(b) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 67** (with art. 5)
- F251** S. 120(3): words in para.(c) in definition of “local authority” substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(5)**; S.I. 1996/323, **art. 4(1)(c)**
- F252** Word repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(4), **Sch. 18** (with s. 112(3), Sch. 17 para. 35(1))
- F253** Words repealed by [Gas Act 1986 \(c. 44, SIF 44\)](#), s. 67(4), **Sch. 9 Pt. I**
- F254** Words repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. I**
- F255** S. 120(3): words in para. (b) in definition of “statutory undertakers” repealed (31.10.1994) by 1994 c. 21, s. 67, Sch. 9 para. 25(1), **Sch. 11 Pt. II**; S.I. 1994/2553, **art. 2**
- F256** S. 120(3)(b): words in definition of “statutory undertakers” substituted (26.3.2001) by S.I. 2001/1149, art. art. 3(1), Sch. 1 para. 48(2)

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**F257** S. 120(3): words in para. (b) in definition of “statutory undertakers” substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 31(2)**

#### **Modifications etc. (not altering text)**

**C95** S. 120 extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 2(2)(e)(9)** (with s. 112(3), Sch. 17 paras. 33, 35(1))

**C96** S. 120 extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xxviii)**; S.I. 1996/218, **art. 2**

**C97** S. 120(1)(b) extended (1.4.1996) by 1994 c. 39, **s. 99(2)**; S.I. 1996/323, art. 4(1)(a), **Sch. 1**  
S. 120(1)(b) extended (S.) (1.4.2002) by 2002 asp 3, **s. 47(3)(5)** (subject to s. 67(4)); S.S.I. 2002/118, **art. 2** (subject to art. 3)

#### **Marginal Citations**

**M57** 1946 c. 49 (28:1).

**M58** 1971 c. 78 (123:1).

**M59** 1975 c. 77.

**M60** 1968 c. 16 (123:4).

**M61** 1975 c. 77.

**M62** 1973 c. 65 (81:2).

## **121 Certification of appropriate alternative development.**

- (1) This section re-enacts section 47 of the Community Land Act 1975 and accordingly shall have effect only in relation to applications, and certificates issued in pursuance of applications, made after 12 December 1975.
- (2) Section 17 of the <sup>M63</sup>Land Compensation Act 1961 and section 25 of the <sup>M64</sup>Land Compensation (Scotland) Act 1963 (certification of appropriate alternative development) shall each continue to be amended in accordance with subsections (2) to (5) of section 47 of the Community Land Act 1975 and, as amended by those subsections, section 49(3) of the said Act of 1963 and section 172(2) of the Local Government (Scotland) Act 1973, shall have effect as set out in Schedule 24 below.

#### **Marginal Citations**

**M63** 1961 c. 33 (28:1).

**M64** 1963 c. 51(28:2).

## **122 Acquisition and disposal of land by the Crown.**

- (1) Where, in exercise of the power conferred by section 2 of the <sup>M65</sup>Commissioners of Works Act 1852, <sup>F258</sup>. . . (acquisition of land necessary for the public service) the Secretary of State has acquired, or proposes to acquire, any land (the “public service land”) and in his opinion other land ought to be acquired together with the public service land—
  - (a) in the interests of the proper planning of the area concerned; or
  - (b) for the purpose of ensuring that the public service land can be used, or developed and used, (together with that other land) in what appears to the Secretary of State to be the best, or most economic, way; or
  - (c) where the public service land or any land acquired, or which the Secretary of State proposes to acquire, by virtue of paragraph (a) or (b) above, forms part

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of a common or open space or fuel or field garden allotment, for the purpose of being given in exchange therefor,  
the said [<sup>F259</sup>section] 2, <sup>F258</sup> . . . , shall apply to that other land as if its acquisition were necessary for the public service.

In the application of this subsection to Scotland the words “or fuel or field garden allotment” shall be omitted.

- (2) The said [<sup>F259</sup>section] 2, <sup>F260</sup> . . . shall be construed and have effect as if references to land necessary for the public service included land which it is proposed to use not only for the public service but also—
  - (a) to meet the interests of proper planning of the area, or
  - (b) to secure the best, or most economic, development or use of the land.
 for other purposes.
- (3) The said [<sup>F259</sup>section] 2, <sup>F260</sup> . . . shall be construed and have effect as if references to the public service included the service in the United Kingdom—
  - (a) of any international organisation or institution whether or not the United Kingdom or Her Majesty’s Government in the United Kingdom is or is to become, a member;
  - (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty (whether or not the United Kingdom is or is to become a party to the treaty);
  - (c) of a foreign sovereign Power or the Government of such a power;
 and for the purposes of paragraph (b) above “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.
- (4) Where the Secretary of State proposes to dispose of any of his land and is of the opinion that it is necessary, in order to facilitate that disposal, to acquire adjoining land, then, notwithstanding that the acquisition of that adjoining land is not necessary for the public service, the said section 2 shall apply as if it were necessary for the public service.
- (5) Where the Secretary of State is authorised by the said section 2 to acquire land by agreement for a particular purpose, he may acquire that land notwithstanding that it is not immediately required for that purpose; and any land acquired by virtue of this subsection may, until required for the purpose for which it was acquired, be used for such purpose as the Secretary of State may determine.
- (6) The Secretary of State may dispose of land held by him and acquired by him or any other Minister under the said [<sup>F259</sup>section] 2, <sup>F260</sup> . . . to such person, in such manner and subject to such conditions as may appear to the Secretary of State to be expedient, and in particular may under this subsection dispose of land held by him for any purpose in order to secure the use of the land for that purpose.
- (7) Any expenditure of the Secretary of State attributable to this section shall be paid out of money provided by Parliament.
- (8) This section (which re-enacts section 37 of the <sup>M66</sup>Community Land Act 1975 with modifications) shall be taken to have come into force on 12 December 1975 but, in relation to the period before the passing of this Act, shall have effect as if for subsection (3) there were substituted:—

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- (3) The said [<sup>F259</sup>section]2, <sup>F260</sup>. . . shall be construed and have effect as if references to the public service included the service in the United Kingdom—
- (a) of any international organisation or institution of which the United Kingdom, or Her Majesty’s Government in the United Kingdom, is, or is to become, a member;
  - (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty to which the United Kingdom is, or is to become, a party;
- and for the purposes of paragraph (b) above “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.

#### Textual Amendments

- F258** Words in s. 122(1) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)
- F259** Word in s. 122(1)(2)(3)(6)(8) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 31(3)**
- F260** Words in s. 122(2)(3)(6)(8) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

#### Marginal Citations

- M65** 1852 c. 28 (29:7).
- M66** 1975 c. 77.

### 123 Acquisition of land by the Crown in Northern Ireland.

- (1) The provisions of the law of Northern Ireland mentioned below (acquisition of land necessary for the public service) shall be construed and have effect as if references to the public service included the service in the United Kingdom—
- (a) of any international organisation or institution whether or not the United Kingdom or Her Majesty’s Government in the United Kingdom is or is to become a member;
  - (b) of any office or agency established by such an organisation or institution for its purposes, or established in pursuance of a treaty (whether or not the United Kingdom is or is to become a party to the treaty);
  - (c) of a foreign sovereign Power or the Government of such a Power;
- and for the purposes of paragraph (b) above “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.
- (2) The said provisions are section 5(1) of the <sup>M67</sup>Stormont Regulation and Government Property Act (Northern Ireland) 1933 and Article 65 of the <sup>M68</sup>Land Acquisition and Compensation (Northern Ireland) Order 1973.
- (3) This section (which re-enacts section 38 of the Community Land Act 1975 with modifications) shall be taken to have come into force on 12 December 1975 but, in relation to the period before the passing of this Act, shall have effect as if for subsection (1) there were substituted:—
- (1) The provisions of the law of Northern Ireland mentioned below (acquisition of land necessary for the public service) shall be construed and have effect as if references to the public service included the service in the United Kingdom—



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- (a) of any international organisation or institution of which the United Kingdom, or Her Majesty's Government in the United Kingdom, is, or is to become, a member;
- (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty to which the United Kingdom is, or is to become, a party;

and for the purposes of paragraph (b) above "treaty" includes any international agreement, and any protocol or annex to a treaty or international agreement.

- (4) This section extends to Northern Ireland only.

#### Marginal Citations

**M67** 1933 c. 6 (N.I.).

**M68** 1973 No. 1896 (N.I. 21).

### 124 Town development functions.

- (1) Subject to subsections (2) and (3) below, the functions under the <sup>M69</sup>Town Development Act 1952 which the <sup>M70</sup>Local Government Act 1972 conferred on county councils shall cease to be exercisable by such councils.
- (2) Nothing in this section shall affect—
- (a) any undertaking under section 4 or 10(3) of the Town Development Act 1952; or
  - (b) any agreement under section 8 of that Act,
- which a county council have given or made before the passing of this Act.
- (3) The repeal of section 11 of the Town Development Act 1952 (modification of enactments consequential on participation by county council) shall not affect any orders under that section which are in force at the passing of this Act; and any such order may accordingly be varied or revoked under that section as if this Act had not been passed.

#### Marginal Citations

**M69** 1952 c. 54 (123:1).

**M70** 1972 c. 70. (81:1).

### 125 Extent of Part XIV.

In this Part of this Act, only sections 116, 118, and 120 to 122 extend to Scotland.

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## PART XV

### NEW TOWNS

#### *Payments to Secretary of State*

<sup>F261</sup>126 .....  
—130.

#### Textual Amendments

**F261** Ss. 126–130 repealed by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), s. 81, [Sch. 13](#)

#### *Licensing*

### 131 Off-licences: special provisions to cease.

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

<sup>F262</sup>(5) .....

#### Textual Amendments

**F262** [S. 131\(5\)](#) repealed (1.10.1998) by [1998 c. 38, s. 152, Sch. 18 Pt. IV](#) (with [ss. 137\(1\), 139\(2\), 143\(2\)](#)); [S.I. 1998/2244, art. 4](#)

#### Modifications etc. (not altering text)

**C98** The text of [ss. 24, 25\(1\)–\(3\)\(5\), 26\(4\), 27, 32, 46 61\(4A\), 68\(2\), 69\(3\), 92\(1\)–\(4\)\(6\)–\(8\), 112, 114, 118, 131\(3\), 145, 155\(1\), 173, 174, 175\(1\), 176, 180, 181\(1\)–\(3\), 183, 92\(1\)–\(4\)\(6\)–\(8\), 184\(1\)\(2\), 186, 191, 193, 194](#) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 132 Power to end special licensing provisions.

- (1) If a development corporation for a new town and the committee constituted for the new town under section 108 of the 1964 Act jointly apply to the Secretary of State for him to make an order under this section, he may make such an order.

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

#### *Miscellaneous*

### 133 Interpretation, amendments and extent.

- (1) In this Part of this Act—
  - [<sup>F263</sup>“development corporation” has the same meaning as in the <sup>M71</sup>New Towns Act 1981]
  - <sup>F264</sup>“the 1964 Act” means the <sup>M72</sup>Licensing Act 1964;
  - <sup>F264</sup>“the 1968 Act” means the <sup>M73</sup>New Towns (Scotland) Act 1968.
- (2) The amendments to <sup>F265</sup> the 1968 Act, the <sup>M74</sup>Land Compensation Act 1961 and the <sup>M75</sup>Land Compensation (Scotland) Act 1963 mentioned in Schedule 25 below shall have effect.
- (3)
- <sup>F266</sup>(4) This Part of this Act does not extend [<sup>F267</sup>to Scotland (apart from this section) or] to Northern Ireland.

#### Textual Amendments

- F263** Words substituted by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), s. 81, [Sch. 12 para. 29\(a\)\(i\)](#)
- F264** Words repealed by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), s. 81, [Sch. 12 para. 29\(a\)\(ii\)](#), Sch. 13
- F265** Words repealed by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), s. 81, [Sch. 12 para. 29\(b\)](#), Sch. 13
- F266** [S. 133\(3\)](#) repealed by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), s. 81, [Sch. 12 para. 29\(c\)](#), Sch. 13
- F267** Words inserted by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), s. 81, [Sch. 12 para. 29\(d\)](#)

#### Marginal Citations

- M71** [1981 c. 64 \(123:3\)](#).
- M72** [1964 c. 26 \(68A:1\)](#).
- M73** [1968 c. 16 \(123:4\)](#).

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**M74** 1961 c. 33 (28:1).

**M75** 1963 c. 51 (28:2).

## PART XVI

### URBAN DEVELOPMENT

#### Modifications etc. (not altering text)

- C99** Pt. 16 (ss. 134–172) extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xxviii)**; S.I. 1996/218, **art. 2**  
Pt. 16 (ss. 134–172) applied (27.5.1997) by 1997 c. 8, **ss. 116(3)(a)**, 278(2)
- C100** Pt. 16 (ss. 134–172) extended (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 1(2)(xxiv)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- C101** Pt. 16 (ss. 134–172) extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 1(1)(xxxiv)** (with s. 112(3), Sch. 17 paras. 33, 35)
- C102** Pt. 16 extended by Gas Act 1986 (c. 44, SIF 44), s. 67(1)(3), Sch. 7 para. 2(1)(xxxix), **Sch. 8 para. 33**
- C103** Pt. 16 amended by S.I. 1988/900, **art. 2**
- C104** Pt. 12 (ss. 102–111), Pt. 16 (ss. 134–172) extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 1(1)(xxxiv)** (with s. 112(3), Sch. 17 paras. 33, 35(1))

#### *Urban development areas*

### 134 Urban development areas.

- (1) . . . <sup>F268</sup> if the Secretary of State is of opinion that it is expedient in the national interest to do so, he may by order made by statutory instrument designate any area of land as an urban development area.
- (2)
- <sup>F269</sup>(3) Separate parcels of land may be designated as one urban development area.
- [<sup>F270</sup>(3A) The Secretary of State may by order alter the boundaries of any urban development area so as to exclude any area of land.
- (3B) Before making an order under subsection (3A) above, the Secretary of State shall consult any local authority the whole or any part of whose area is included in the area of land to be excluded by the order.]
- (4) No order under [<sup>F271</sup>subsection (1) above] shall have effect until approved by a resolution of each House of Parliament.
- [<sup>F272</sup>(5) The power to make an order under subsection (3A) above—
- (a) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and
  - (b) shall include power to make such incidental, consequential, transitional or supplementary provision as the Secretary of State thinks fit.]

*Status: Point in time view as at 01/04/2002.*

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#### Textual Amendments

**F268** Words repealed by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\)](#), s. 49(2), Sch. 12 Pts. III, IV

**F269** S. 134(2) repealed by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\)](#), s. 47, **Sch. 12 Pt. III**

**F270** s. 134(3A)(3B) inserted (11.10.1993) by [1993 c. 28, s. 179\(1\)](#); S.I. 1993/2134, **art.4**

**F271** Words in s. 134(4) substituted (11.10.1993) by [1993 c. 28, s. 179\(2\)](#); S.I. 1993/2134, **art.4**

**F272** S. 134(5) inserted (11.10.1993) by [1993 c. 28, s. 179\(3\)](#); S.I. 1993/2134, **art.4**

### *Urban development corporations*

#### **135 Urban development corporations.**

- (1) For the purposes of regenerating an urban development area, the Secretary of State shall by order made by statutory instrument establish a corporation (an urban development corporation) for the area.
- (2) An order under this section may be made at the same time as an order under <sup>F273</sup>section 134(1) above.
- (3) No order under this section shall have effect until approved by a resolution of each House of Parliament.
- (4) An urban development corporation shall be a body corporate by such name as may be prescribed by the order establishing it.
- (5) Schedule 26 below shall have effect with respect to urban development corporations.
- (6) It is hereby declared that an urban development corporation is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and that the corporation's property is not to be regarded as the property of, or property held on behalf of, the Crown.

#### Textual Amendments

**F273** Words in s. 135(2) substituted (11.10.1993) by [1993 c. 28, s. 179\(4\)](#); S.I. 1993/2134, **art.4**

#### **136 Objects and general powers.**

- (1) The object of an urban development corporation shall be to secure the regeneration of its area.
- (2) The object is to be achieved in particular by the following means (or by such of them as seem to the corporation to be appropriate in the case of its area), namely, by bringing land and buildings into effective use, encouraging the development of existing and new industry and commerce, creating an attractive environment and ensuring that housing and social facilities are available to encourage people to live and work in the area.
- (3) Subject to sections 137 and 138 below, for the purpose of achieving the object an urban development corporation may—
  - (a) acquire, hold, manage, reclaim and dispose of land and other property;
  - (b) carry out building and other operations;

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- (c) seek to ensure the provision of water, electricity, gas, sewerage and other services;
  - (d) carry on any business or undertaking for the purposes of the object; and
  - (e) generally do anything necessary or expedient for the purposes of the object or for purposes incidental to those purposes.
- (4) No provision of this Part of this Act by virtue of which any power is exercisable by an urban development corporation shall be construed as limiting the effect of subsection (3) above.
- (5) Without prejudice to the generality of the powers conferred on urban development corporations by this Act, such a corporation, for the purpose of achieving the object,—
- (a) may, with the consent of the Secretary of State, contribute such sums as he with the Treasury's concurrence may determine towards expenditure incurred or to be incurred by any local authority or statutory undertakers in the performance of any statutory functions of the authority or undertakers, including expenditure so incurred in the acquisition of land; and
  - (b) may, with the like consent, contribute such sums as the Secretary of State with the like concurrence may determine by way of assistance towards the provision of amenities.
- (6) To avoid doubt it is declared that subsection (3) above relates only to the capacity of an urban development corporation as a statutory corporation; and nothing in this section authorises such a corporation to disregard any enactment or rule of law.
- (7) A transaction between a person and an urban development corporation shall not be invalidated by reason of any failure by the corporation to observe the object in subsection (1) above or the requirement in subsection (3) above that the corporation shall exercise the powers conferred by that subsection for the purpose of achieving that object.

**Modifications etc. (not altering text)**

C105 S. 136: exercise of powers continued (31.12.1995) by [S.I. 1995/3098](#), [art. 4](#)

**137 Exclusion of functions.**

- (1) An order under section 135 above may provide that any functions which may be exercisable by an urban development corporation by virtue of this Part of this Act and which are specified in the order are not to be exercised by the corporation established by the order, either as regards the whole of its area or as regards a portion of that area; and this Part of this Act shall apply to the corporation accordingly.
- (2) An order under section 135 above may amend any provision of a previous order under that section which was included in that order by virtue of subsection (1) above.
- (3) Nothing in subsection (2) above shall prejudice the operation of section 14 of the <sup>M76</sup>Interpretation Act 1978 (power to amend orders etc.).

**Marginal Citations**

M76 1978 c. 30(115:1).

*Status: Point in time view as at 01/04/2002.*

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### 138 Restrictions on powers.

- (1) Without prejudice to any provision of this Act requiring the consent of the Secretary of State to be obtained for anything to be done by an urban development corporation, he may give directions to such a corporation for restricting the exercise by it of any of its powers under this Act or for requiring it to exercise those powers in any manner specified in the directions.
- (2) Before giving a direction under subsection (1) above, the Secretary of State shall consult the corporation, unless he is satisfied that because of urgency consultation is impracticable.
- (3) A transaction between a person and an urban development corporation acting in purported exercise of its powers under this Act shall not be void by reason only that it was carried out in contravention of a direction given under subsection (1) above, and such a person shall not be concerned to see or enquire whether a direction under that subsection has been given or complied with.

#### Modifications etc. (not altering text)

- C106** S. 138 applied (16.3.1992) by [Avon Weir Act 1992 \(c. v\)](#), [s.64](#) (with [s. 61](#)).  
S. 138 applied (21.7.1994) by [1994 c. xiii](#), [s. 38](#)

### 139 Allocation or transfer of functions.

- (1) If it appears to the Secretary of State, in the case of an urban development area, that there are exceptional circumstances which render it expedient that the functions of an urban development corporation under this Part of this Act should be performed by the urban development corporation established for the purposes of any other area instead of by a separate corporation established for the purpose, he may, instead of establishing such a separate corporation, by order direct that those functions shall be performed by the urban development corporation established for the other area.
- (2) If it appears to the Secretary of State that there are exceptional circumstances which render it expedient that the functions of an urban development corporation established for one area should be transferred to the urban development corporation established for the purposes of another area, or to a new urban development corporation to be established for the first-mentioned area, he may, by order, provide for the dissolution of the first-mentioned corporation and for the transfer of its functions, property, rights and liabilities to the urban development corporation established for the purposes of the other area or (as the case may be) to a new corporation established for the purposes of the first-mentioned area by the order.
- (3) Without prejudice to section 14 of the <sup>M77</sup>Interpretation Act 1978, an order under this section providing for the exercise of functions in relation to an area by the urban development corporation established for the purposes of another area, or for the transfer of such functions to such a corporation, may modify the name and constitution of that corporation in such manner as appears to the Secretary of State to be expedient, and for the purposes of this Act that corporation shall be treated as having been established for the purposes of each of those areas.
- (4) Before making an order under this section providing for the transfer of functions from or to an urban development corporation or for the exercise of any functions by such a corporation, the Secretary of State shall consult that corporation.



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- (5) An order under this section shall make, with regard to a corporation on which functions are conferred by the order, the same provision as that which may be made with regard to a corporation under section 137 above.
- (6) An order under this section shall be made by statutory instrument.
- (7) No order under this section shall have effect until approved by a resolution of each House of Parliament.

#### **Marginal Citations**

**M77** 1978 c. 30 (115:1).

### **140 Consultation with local authorities.**

- (1) An urban development corporation shall prepare a code of practice as to consultation with the relevant local authorities about the exercise of its powers.
- (2) In this section “the relevant local authorities” means local authorities the whole or any part of whose area is included in the urban development area.
- (3) Preparation of the code shall be completed not later than the expiration of the period of 12 months from the date of the establishment of the corporation.
- (4) A corporation may from time to time revise the whole or any part of its code.
- (5) A corporation shall prepare and revise its code in consultation with the relevant local authorities.

### *Land*

### **141 Vesting by order in corporation.**

- (1) Subject to subsection (2) below, the Secretary of State may by order made by statutory instrument provide that land specified in the order which is vested in a local authority, statutory undertakers or other public body or in a subsidiary of a public body shall vest in an urban development corporation established or to be established by an order under section 135 above for an area in which the land is situated.
- (2) An order under subsection (1) above may not specify land vested in statutory undertakers which is used for the purpose of carrying on their undertakings or which is held for that purpose.
- (3) In the case of land vested in statutory undertakers the Secretary of State and the appropriate Minister shall make any order under this section.
- (4) An order under this section shall have the same effect as a declaration under <sup>[F274]</sup>the <sup>M78</sup>Compulsory Purchase (Vesting Declarations) Act 1981] or, in Scotland, <sup>[F275]</sup>section 195 of the Town and Country Planning (Scotland) Act 1997] (both of which relate to general vesting declarations) except that, in relation to such orders, the enactments mentioned in Schedule 27 shall have effect subject to the modifications specified in that Schedule.

*Status: Point in time view as at 01/04/2002.*

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- (5) Compensation under the <sup>M79</sup>Land Compensation Act 1961 or, in Scotland, the <sup>M80</sup>Land Compensation (Scotland) Act 1963, as applied by subsection (4) above and Schedule 27 to this Act, shall be assessed by reference to values current on the date the order under this section comes into force.
- [<sup>F276</sup>(5A) No compensation is payable, by virtue of an order under this section, under Part IV of the <sup>M81</sup>Land Compensation Act 1961.]
- [<sup>F277</sup>(5B) No compensation is payable, by virtue of an order under this section, under Part V of the Land Compensation (Scotland) Act 1963]
- (6) No order under this section shall have effect until approved by a resolution of each House of Parliament.
- [<sup>F278</sup>(6A) No order shall be made under this section in relation to a universal service provider (within the meaning of the Postal Services Act 2000.)]
- (7) In this section—
- “subsidiary”, in relation to a public body, means a wholly-owned subsidiary of that body; and
- “wholly-owned subsidiary” [<sup>F279</sup>as defined by section 736][<sup>F280</sup>of the <sup>M82</sup>Companies Act 1985]

#### Textual Amendments

- F274** Words substituted (E.W.) by [Compulsory Purchase \(Vesting Declarations\) Act 1981 \(c. 66, SIF 28:1\)](#), s. 16(1), [Sch. 3 para. 4](#)
- F275** Words in s. 141(4) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 31\(4\)](#)
- F276** [S. 141\(5A\)](#) inserted after s. 141(5) (E.W.) (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 70, [Sch. 15, Pt. II, para. 25](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (with art. 4, Sch. 2 Pt. II para. 5)
- F277** [S. 141\(5B\)](#) inserted after s. 141(5) (S.) (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 79, [Sch. 17, Pt. II, para. 22](#) (with s. 84(5)); S.I. 1991/2092, [art. 3](#)
- F278** [S. 141\(6A\)](#) inserted (26.3.2001) by S.I. 2001/1149, [art. 3\(1\)](#), [Sch. 1 para. 48\(3\)](#)
- F279** Words substituted as provided by [Companies Act 1989 \(c. 40, SIF 27\)](#), s. 144(4), [Sch. 18 para. 24](#)
- F280** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#)

#### Marginal Citations

- M78** [1981 c. 66 \(28:1\)](#).
- M79** [1961 c. 33 \(28:1\)](#).
- M80** [1963 c. 51 \(58:2\)](#).
- M81** [1961 c. 33](#).
- M82** [1985 c. 9 \(27\)](#).

## 142 Acquisition by corporation.

- (1) An urban development corporation may acquire (by agreement or, on being authorised to do so by the Secretary of State, compulsorily)—
- land in the urban development area;
  - land adjacent to the area which the corporation requires for purposes connected with the discharge of the corporation’s functions in the area;

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- (c) land, whether or not in or adjacent to the area, which the corporation requires for the provision of services in connection with the discharge of the corporation's functions in the area.
- (2) Where a corporation exercises its powers under subsection (1) above in relation to land which forms part of a common or open space or fuel or field garden allotment, the corporation may acquire (by agreement or, on being authorised to do so by the Secretary of State, compulsorily) land for giving in exchange for the land acquired. In the application of this subsection to Scotland the words "or fuel or field garden allotment" shall be omitted.
- [<sup>F281</sup>(2A) The 1981 Act shall apply (subject to section 144(2) below) to the compulsory acquisition of land in pursuance of subsection (1) or (2) above.]
- (3) [<sup>F282</sup>The 1946 Act and,] in Scotland, the 1947 Act shall apply (subject to section 144(2) below) in relation to the compulsory acquisition of land in pursuance of subsection (1) or (2) above as if—
- (a) this section were contained in an Act in force immediately before the commencement of [<sup>F282</sup>the 1946 Act or (as the case may be)] the 1947 Act,
- (b) an urban development corporation were a local authority.
- (4) An urban development corporation which may be authorised by the Secretary of State, by means of a compulsory purchase order, to purchase any land compulsorily for any purpose may be authorised by him, by means of such an order, to purchase compulsorily for that purpose such new rights over the land as are specified in the order: and in this subsection "new rights" means rights which are not in existence when the order specifying them is made.
- (5) In subsection (4) above "compulsory purchase order" has the same meaning as in the [<sup>F283</sup>1981 Act, and Schedule 3 to that Act shall apply to the compulsory purchase of a right by virtue of subsection (4) above]
- (6) Subsection (5) above does not apply to Scotland.
- (7) In relation to Scotland, in subsection (4) above "compulsory purchase order" has the same meaning as in the 1947 Act, and section 63 of the <sup>M83</sup>Land Compensation (Scotland) Act 1973 shall apply to any compulsory purchase order made by virtue of that subsection.

#### Textual Amendments

**F281** S. 142(2A) inserted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 30\(5\)](#)

**F282** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 6 Pt. 1](#)

**F283** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 30\(6\)](#)

#### Marginal Citations

**M83** [1973 c. 56.](#)

### 143 Acquisition by local highway authority.

- (1) This section applies where the appropriate Minister is satisfied that the construction or improvement of a road is needed—

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- (a) outside an urban development area, for the purpose of securing the development of land in that area in accordance with proposals approved by the Secretary of State under section 148 below, or
  - (b) for the purpose of providing means of access to such an area.
- (2) In that case, a local highway authority may, on being authorised to do so by the appropriate Minister acquire compulsorily any land as to which he is satisfied that its acquisition by the authority is requisite—
- (a) for the construction or improvement of the road, or
  - (b) for carrying out the improvement, or controlling the development, of frontages to the road or of land abutting on or adjacent to the road.
- (3) Where a local highway authority has been authorised under subsection (2) above to acquire compulsorily land forming part of a common or open space or fuel or field garden allotment, the authority may be authorised under that subsection to acquire compulsorily land for giving in exchange for the land acquired. In the application of this subsection to Scotland the words “or fuel or field garden allotment” shall be omitted.
- [<sup>F284</sup>(3A) The <sup>M84</sup>1981 Act shall apply (subject to section 144(2) below) to the compulsory acquisition of land under this section]
- (4) [<sup>F285</sup>The 1946 Act and,] in Scotland, the 1947 Act shall apply (subject to section 144(2) below) in relation to the compulsory acquisition of land in pursuance of this section as if this section were contained in an Act in force immediately before the commencement of [<sup>F285</sup>the 1946 Act or (as the case may be, the 1947 Act.)]
- (5) In this section—
- “the appropriate Minister” means—
  - (a) in England, the Minister of Transport; and
  - (b) in Scotland or Wales, the Secretary of State; and
- “local highway authority” means a highway authority other than the appropriate Minister.

#### Textual Amendments

**F284** S. 143(3A) inserted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 4 para. 30(7)**

**F285** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**

#### Marginal Citations

**M84** [1981 c. 66 \(28:1\)](#).

### 144 Vesting and acquisition: supplementary.

- (1) Schedule 28 below (land) shall have effect.
- (2) Part I of the Schedule modifies the [<sup>F286</sup>1981 Act] and the 1947 Act as applied by section [<sup>F286</sup>142 and 143] above.
- (3) Part II relates to the acquisition of land by agreement under section 142 above.
- (4) Part III contains supplementary provisions about land vested in or acquired by an urban development corporation or local highway authority under this Part of this Act.

*Status: Point in time view as at 01/04/2002.*

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- (5) Part IV (which does not apply to Scotland) contains supplementary provisions about the acquisition by an urban development corporation of rights over land under section 142(4) above.

#### Textual Amendments

**F286** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 30\(8\)](#)

### 145 Land compensation.

- (1) The following paragraph shall be inserted after paragraph 4 of Schedule 1 to the <sup>M85</sup>Land Compensation Act 1961 (descriptions of actual or prospective development of which account is not to be taken in assessing compensation or the effect of which is to reduce compensation payable in respect of adjacent land in the same ownership which has benefited by the development) and after paragraph 4 of Schedule 1 to the <sup>M86</sup>Land Compensation (Scotland) Act 1963 (which makes similar provision for Scotland):—

“4A. Where any of the relevant land forms part of an area designated as an urban development area by an order under section 134 of the Local Government, Planning and Land Act 1980.

Development of any land other than the relevant land, in the course of the development or redevelopment of that area as an urban development area.”

- (2) At the end of Part II of Schedule 1 to the Land Compensation Act 1961 there shall be added:—

### “PART III

#### SPECIAL PROVISIONS AS TO URBAN DEVELOPMENT AREAS

- 10 For the avoidance of doubt it is hereby declared—
- (a) that, in assessing in the circumstances described in paragraph 4A in the first column of Part I of this Schedule the increase or diminution in value to be left out of account by virtue of section 6 of this Act, no increase or diminution in value is to be excluded from being left out of account; and
  - (b) that, in assessing in those circumstances the increase in value to be taken into account by virtue of section 7 of this Act, no increase in value is to be excluded from being taken into account, merely because it is attributable—
    - (i) to any development of land which was carried out before the area was designated as an urban development area;
    - (ii) to any development or prospect of development of land outside the urban development area;
    - (iii) to any development or prospect of development of land by an authority other than the acquiring authority, possessing compulsory purchase powers.

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- 11 Paragraph 10 of this Schedule shall have effect in relation to any increase or diminution in value to be left out of account by virtue of any rule of law relating to the assessment of compensation in respect of compulsory acquisition as it has effect in relation to any increase or diminution in value to be left out of account by virtue of section 6 of this Act.”.
- (3) In section 6 of the <sup>M87</sup>Land Compensation Act 1961—
- (a) in subsection (1)(b), for “4” substitute “ 4A ”; and
  - (b) add at the end of subsection (2) the words “ and the provisions of Part III of that Schedule shall have effect with regard to paragraph 4A. ”.
- (4) At the end of Part II of Schedule 1 to the <sup>M88</sup>Land Compensation (Scotland) Act 1963 there shall be added:—

### “PART III

#### SPECIAL PROVISIONS AS TO URBAN DEVELOPMENT AREAS

- 6 For the avoidance of doubt it is hereby declared—
- (a) that, in assessing in the circumstances described in paragraph 4A in the first column of Part I of this Schedule the increase or diminution in value to be left out of account by virtue of section 13 of this Act no increase or diminution of value is to be excluded from being left out of account; and
  - (b) that, in assessing in those circumstances the increase in value to be taken into account by virtue of section 14 of this Act, no increase in value is to be excluded from being taken into account, merely because it is attributable—
    - (i) to any development of land which was carried out before the area was designated as an urban development area;
    - (ii) to any development or prospect of development of land outside the urban development area;
    - (iii) to any development or prospect of development of land by an authority, other than the acquiring authority, possessing compulsory purchase powers.
- 7 Paragraph 6 of this Schedule shall have effect in relation to any increase or diminution in value to be left out of account by virtue of any rule of law relating to the assessment of compensation in respect of compulsory acquisition as it has effect in relation to any increase or diminution in value to be left out of account by virtue of section 13 of this Act.”.
- (5) In section 13 of the <sup>M89</sup>Land Compensation (Scotland) Act 1963—
- (a) in subsection (1)(b), for “4”, where it first occurs, substitute “ 4A ”; and
  - (b) add at the end of subsection (2A) the words “ and the provisions of Part III of that Schedule shall have effect with regard to paragraph 4A. ”.

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#### **Modifications etc. (not altering text)**

**C107** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **Marginal Citations**

**M85** 1961 c. 33.

**M86** 1963 c. 51.

**M87** 1961 c. 33.

**M88** 1963 c. 51.

**M89** 1963 c. 51.

### **146 Disposal by corporation.**

- (1) Subject to this section and to any directions given by the Secretary of State under this Act, an urban development corporation may dispose of any land vested in or acquired by it to such persons, in such manner, and subject to such covenants or conditions, as it considers expedient for securing the regeneration of the corporation's area or for purposes connected with the regeneration of the area.
- (2) The powers of an urban development corporation with respect to the disposal of land vested in or acquired by it under this Act shall be so exercised as to secure (so far as practicable) that persons who were living or carrying on business or other activities on land so acquired shall, if they desire to obtain accommodation on land belonging to the corporation and are willing to comply with any requirements of the corporation as to its development and use, have (subject to subsection (3) below) an opportunity to obtain on it accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.
- (3) An urban development corporation shall not have any duty to afford to a person who was carrying on a business of selling intoxicating liquor or alcoholic liquor by retail on land acquired by the corporation an opportunity of obtaining alternative accommodation for such a business.
- (4) Nothing in this Act enables an urban development corporation to dispose of land by way of gift, mortgage or charge or (in Scotland) by way of gift or in security.
- (5) References in this section to disposing of land include references to granting an interest in or right over land.
- (6) In this section "intoxicating liquor" has the meaning assigned by section 201 of the <sup>M90</sup>Licensing Act 1964 and "alcoholic liquor" has the meaning assigned by section 139 of the <sup>M91</sup>Licensing (Scotland) Act 1976.

#### **Marginal Citations**

**M90** 1964 c. 26 (68A:1).

**M91** 1976 c. 66 (68A:2).



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### *Planning blight*

<sup>F287</sup>147 .....

#### **Textual Amendments**

**F287** S. 147 repealed (27.5.1997) by 1997 c. 11, s. 3, **Sch. 1 Pt. I** (with s. 5, Sch. 3)

### *Planning functions*

#### **148 Planning control.**

- (1) An urban development corporation may submit to the Secretary of State proposals for the development of land within the urban development area, and the Secretary of State, after consultation with the local planning authority within whose area (or in Scotland the [<sup>F288</sup>planning authority within whose area]) the land is situated and with any other local authority which appears to him to be concerned, may approve any such proposals either with or without modification.
- (2) Without prejudice to the generality of the powers conferred by [<sup>F289</sup>section 59 of the 1990 Act] or [<sup>F290</sup>sections 30 and 31 of the 1997 Act], a special development order made by the Secretary of State under that section with respect to an urban development area may grant permission for any development of land in accordance with proposals approved under subsection (1) above, subject to such conditions, if any, (including conditions requiring details of any proposed development to be submitted to the local planning authority, or in Scotland the planning authority <sup>F291</sup> . . . within the meaning of section 172 of the <sup>M92</sup>Local Government (Scotland) Act 1973, as may be specified in the order.
- (3) The Secretary of State shall give to an urban development corporation such directions with respect to the disposal of land vested in or acquired by it under this Act and with respect to the development by it of such land, as appear to him to be necessary or expedient for securing, so far as practicable, the preservation of any features of special architectural or historic interest, and in particular of buildings included in any list compiled or approved or having effect as if compiled or approved under [<sup>F292</sup>section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990] (which relates to the compilation or approval by the Secretary of State of lists of buildings of special architectural or historic interest) or under [<sup>F290</sup>section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997] (which makes similar provision for Scotland).
- (4) [<sup>F293</sup>Except in relation to land in Wales, references] in this section to the local planning authority are—
  - (a) in relation to land outside Greater London, references to the district planning authority and also (in relation to proposals for any development which is a county matter, as defined in [<sup>F294</sup>paragraph 1 of Schedule 1 to the 1990 Act]) to the county planning authority; and
  - (b) in relation to land in Greater London, references to the authority which is the local planning authority as ascertained in accordance with [<sup>F295</sup>Part I of the 1990 Act].

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#### Textual Amendments

- F288** Words in s. 148(4) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(6)(a)**; S.I. 1996/323, **art. 4**
- F289** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(5)(a)**
- F290** Words in s. 148(2)(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 31(5)**
- F291** Words in s. 148(2) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), **Sch. 13 para. 120(6)(b)**, **Sch. 14**; S.I. 1996/323, **art. 4**
- F292** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(5)(b)**
- F293** Word in s. 148(4) substituted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 16(1)** (with ss. 54(5)(7), 55(5), **Sch. 17** paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F294** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(5)(c)(i)**
- F295** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(5)(c)(ii)**

#### Marginal Citations

- M92** 1973 c. 65 (81:2).

### 149 Corporation as planning authority.

- (1) If the Secretary of State so provides by order, an urban development corporation shall be the local planning authority for the whole or any portion of its area<sup>F296</sup> for such purposes of [<sup>F297</sup>Part III of the 1990 Act], and in relation to such kinds of development, as may be prescribed.
- (2) The order may provide—
  - (a) that any enactment relating to local planning authorities shall not apply to the corporation; and
  - (b) that any such enactment which applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- (3) If the Secretary of State so provides by order—
  - (a) an urban development corporation specified in the order shall have, in the whole or any portion of its area and<sup>F296</sup>, the functions conferred by such of the provisions of [<sup>F298</sup>the 1990 Act and the Planning (Listed Buildings and Conservation Areas) Act 1990] mentioned in Part I of Schedule 29 to this Act as are specified in the order;
  - (b) such of the provisions of [<sup>F299</sup>those Acts] specified in Part II of that Schedule as are mentioned in the order shall have effect, in relation to an urban development corporation specified in the order and to land in that corporation's area, subject to the modifications there specified.
- (4) An order under subsection (3) above may provide—
  - (a) that any enactment relating to local planning authorities shall apply to the urban development corporation specified in the order for the purposes of any of the provisions specified in Schedule 29 to this Act which relate to land in the urban development area by virtue of the order; and

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- (b) that any such enactment which so applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- (5)
- <sup>F300</sup>(6) In Scotland, if the Secretary of State so provides by order, an urban development corporation shall be the planning authority for the whole or any portion of its area <sup>F301</sup> . . . for such purposes of [<sup>F302</sup>Part III of the 1997 Act]), and in relation to such kinds of development, as may be prescribed.
- (7) An order under subsection (6) above may provide—
- (a) that any enactment relating to planning authorities shall not apply to the corporation; and
- (b) that any such enactment which applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- (8) If the Secretary of State so provides by order—
- (a) an urban development corporation specified in the order shall have, in the whole or any portion of its area and <sup>F301</sup> . . . , the functions conferred by such of the provisions of [<sup>F302</sup>the 1997 Act and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997] mentioned in Part I of Schedule 30 to this Act as are specified in the order;
- (b) such of the provisions of [<sup>F302</sup>those Acts] specified in Part II of that Schedule as are mentioned in the order shall have effect, in relation to an urban development corporation specified in the order and to land in that corporation’s area, subject to the modifications there specified.
- (9) An order under subsection (8) above may provide—
- (a) that any enactment relating to planning authorities shall apply to the urban development corporation specified in the order for the purposes of any of the provisions specified in Schedule 30 to this Act which relate to land in the urban development area by virtue of the order; and
- (b) that any such enactment which so applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- <sup>F303</sup>(10) . . . . .
- (11) An order under this section shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.
- (12) The power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) In this section “prescribed” means prescribed by an order under this section.

#### Textual Amendments

**F296** Words repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1 Pt. I**

**F297** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 44(6)(a)**

**F298** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 44(6)(b)**

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- F299** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(6\)\(c\)](#)
- F300** Ss. 119, 149(5), 150 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)
- F301** Words in s. 149(6)(8)(a) repealed (27.5.1997) by [1997 c. 11, ss. 3, 6\(2\), Sch. 1 Pt. I \(with s. 5, Sch. 3\)](#)
- F302** Words in s. 149(6)(8)(a)(b) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 31\(6\)](#)
- F303** S. 149(10) repealed (27.5.1997) by [1997 c. 11, ss. 3, 6\(2\), Sch. 1 Pt. I \(with s. 5, Sch. 3\)](#)

**Modifications etc. (not altering text)**

- C108** S. 149(3)(a) extended by [Electricity Act 1989 \(c. 29, SIF 44:1\), s. 36\(8\), Sch. 8 para. 8\(2\)\(a\) \(with s. 112\(3\), Sch. 17 para. 35\(1\)\)](#)
- C109** S. 149(3)(a) extended by [Housing and Planning Act 1986 \(c. 63, SIF 123:1\), s. 44\(3\)](#)
- C110** S. 149(8)(a) extended by [Electricity Act 1989 \(c. 29, SIF 44:1\), s. 36\(8\), Sch. 8 para. 8\(2\)\(b\), \(with s. 112\(3\), Sch. 17 para. 35\(1\)\)](#)

**150**

- <sup>F304</sup>(1) The reference to the local planning authority in paragraph 17 of Schedule 16 to the <sup>M93</sup>Local Government Act 1972 (duty to include in a development order under section 24 of the 1971 Act provision enabling a local highway authority to impose restrictions on the grant by the local planning authority of planning permission for certain descriptions of development) shall not be construed as including a reference to an urban development corporation who are the local planning authority by virtue of an order under section 149 above, and no provision of a development order which is included in it by virtue of that paragraph is to be construed as applying to such a corporation.
- (2) The Secretary of State may include in a development order under section 24 of the 1971 Act provision enabling a local highway authority to impose restrictions on the grant by an urban development corporation who are the local planning authority of planning permission under the 1971 Act for such descriptions of development as may be specified in the order.

**Textual Amendments**

- F304** Ss. 119, 149(5), 150 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)

**Marginal Citations**

- M93** [1972 c. 70.\(81:1\).](#)

*Building control etc.*

**151 Building control.**

- (1) The Secretary of State may make an order under this section directing that, subject to the provisions of the order, building control functions in an urban development area or in any portion of such an area shall be exercisable by the urban development corporation.

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- (2) An order under this section shall identify by reference to a map the area to which the order relates.
- (3) In this section “building control functions” means—
- (a) as regards England and Wales other than inner London boroughs, functions under or in connection with building regulations or any enactment (including a local Act) relating to such regulations;
  - (b) as regards inner London boroughs, functions exercisable under the London building legislation or, as the case may be, under or in connection with building regulations and any enactment relating to such regulations;
  - (c) as regards Scotland, the jurisdiction and functions conferred, in such a case, on local authorities by the Building (Scotland) Acts 1959 and 1970.
- (4) An order under this section may provide that the London building legislation shall not have effect in the area to which the order relates but that building regulations and any enactment relating to such regulations shall have effect instead.
- (5) An order under this section may provide for all or any of the following, namely—
- (a) that the corporation shall have only such of the building control functions as may be specified in the order;
  - (b) that any building legislation under which the corporation is to exercise building control functions (or, in Scotland, that any of the jurisdiction and functions referred to in subsection (3)(c) above) shall apply, in relation to the corporation, as modified by the order,
- and this section shall have effect accordingly.
- (6) An order under this section shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.
- (7) The power to make an order under this section shall be exercisable by statutory instrument.
- (8) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section—
- “building legislation” means—
- (a) the London building legislation;
  - (b) any other enactments under which the corporation is to exercise building control functions; and
  - (c) building regulations;
- “the London building legislation” means—
- (a) The London Building Acts 1930 to 1978;
  - (b) any byelaws made under those Acts;
  - (c) subsections (2) and (3) of section 70 of the <sup>M94</sup>Health and Safety at Work etc. Act 1974 and any regulations made under the said subsection (3).

**Marginal Citations**

**M94** 1974 c. 37 (43:3).

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## 152 Fire precautions and home insulation.

- (1) The Secretary of State may make an order under this section directing that, subject to the provisions of the order, an urban development corporation shall have in its area (or in such part of its area as may be specified in the order)—
  - (a) the functions of a fire authority under the <sup>M95</sup>Fire Precautions Act 1971;
  - (b) the power of a local authority under section 36 of that Act (power to make loans to meet expenditure on certain alterations to buildings occasioned by the Act); and
  - (c) the functions of a local authority under any scheme made by virtue of [<sup>F305</sup>section 521 of the <sup>M96</sup>Housing Act 1985][<sup>F305</sup>section [<sup>F306</sup>252 of the <sup>M97</sup>Housing (Scotland) Act 1987]] (schemes for the making of grants towards the cost of works undertaken to improve the thermal insulation of dwellings).
- (2) On the order coming into force, the corporation shall have the functions conferred in relation to the area (or part) instead of or concurrently with any such authority, depending on the terms of the order.
- (3) The order may provide that any enactment under which the corporation is to exercise functions by virtue of the order shall have effect in relation to the corporation and, where the corporation is to have any function concurrently with another authority, in relation to that authority, as modified by the order.
- (4) The order shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.
- (5) The power to make an order under this section shall be exercisable by statutory instrument.
- (6) No order under this section shall have effect until approved by a resolution of each House of Parliament.

### Textual Amendments

**F305** Words “section 521 of the Housing Act 1985” substituted (E.W.) for the words from “section” up to but not including “(schemes” by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 46\(2\)](#)

**F306** Words substituted (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\), s. 339, Sch. 23 para. 25\(1\)](#)

### Marginal Citations

**M95** 1971 c. 40 (50).

**M96** 1985 c. 68 (61).

**M97** 1987 c. 26 (61).

*Housing, etc.*

## 153 Corporation as housing authority.

- (1) If the Secretary of State so provides by order, an urban development corporation shall have in its area (or in such part of its area as may be specified in the order)—
  - (a) the functions conferred on a local authority by [<sup>F307</sup>the <sup>M98</sup>Housing Act 1985 or the <sup>M99</sup>Housing Associations Act 1985][<sup>F308</sup>or section 22 of the Housing



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Act 1996] or by the <sup>F309</sup>Housing Associations Act 1985 and the <sup>M100</sup>Housing (Scotland) Act 1987]; and

- (b) the functions conferred on the authority who are the relevant authority for the purposes of sections 39 to 41 of the <sup>M101</sup>Land Compensation Act 1973 or sections 36 to 38 of the <sup>M102</sup>Land Compensation (Scotland) Act 1973 (which relate to the rehousing of displaced residential occupiers);

or such of those functions as the order may specify.

- (2) On the order coming into force, the corporation shall have the functions concerned in relation to the area (or part) instead of or concurrently with any such authority, depending on the terms of the order.
- (3) The order may provide that any enactment under which the corporation is to exercise functions by virtue of the order shall have effect in relation to the corporation and, where the corporation is to have any function concurrently with any other authority, in relation to that authority, as modified by the order.
- (4) The order shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.
- (5) The power to make an order under this section shall be exercisable by statutory instrument.
- (6) No order under this section shall have effect until approved by a resolution of each House of Parliament.

#### Textual Amendments

**F307** Words substituted (E.W.) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 46(3)**

**F308** Words in s. 153(1)(a) inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 10**

**F309** Words substituted (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), s. 339, **Sch. 23 para. 25(2)**

#### Marginal Citations

**M98** 1985 c. 68 (61).

**M99** 1985 c. 69 (61).

**M100** 1987 c. 26 (61).

**M101** 1973 c. 26 (28:1).

**M102** 1973 c. 56 (28:2).

#### <sup>F310</sup>154 Rent rebates.

- (1) If the Secretary of State so provides by order, such of the provisions of <sup>F311</sup>Part VII of the Social Security Contributions and Benefits Act 1991 and the Social Security Administration Act 1992] relating to rent rebates as may be specified in the order shall have effect in relation to an urban development corporation—
- (a) as if the corporation were a housing authority; and
- (b) with such other modifications (if any) as may be so specified.
- (2) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]



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#### Textual Amendments

**F310** Words substituted by [Social Security and Housing Benefits Act 1982 \(c. 24, SIF 44\)](#), s. 48(5), [Sch. 4 para. 36](#)

**F311** Words in s. 154 substituted (1.7.1992) by virtue of [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 4, 7(2), [Sch. 2 para.61](#).

### 155 Rent.

(1) In section 14 of the <sup>M103</sup>Rent Act 1977 (tenancy not protected when landlord's interest belongs to certain bodies), there shall be inserted after paragraph (f) “or

(g) an urban development corporation within the meaning of Part XVI of the Local Government, Planning and Land Act 1980;”.

(2)<sup>F312</sup>

#### Textual Amendments

**F312** S. 155(2) repealed (S.) by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 39:4\)](#), s. 117(3), [Sch. 10](#)

#### Modifications etc. (not altering text)

**C111** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M103** 1977 c. 42.

### 156 Other provisions relating to corporation as landlords.

(1)

<sup>F313</sup>(3)

<sup>F314</sup>(4) [<sup>F315</sup>Part III of the <sup>M104</sup>Housing (Scotland) Act 1987] shall have effect as if a reference to an urban development corporation were included in any reference in those provisions to a development corporation established by an order made, or having effect as if made, under the <sup>M105</sup>New Towns (Scotland) Act 1968.

#### Textual Amendments

**F313** S. 156(1)(2) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)

**F314** S. 156(3) repealed by [Housing Act 1986 \(c. 63, SIF 75:3\)](#), ss. 18, 24(3), Sch. 4 para. 8, [Sch. 12 Pt. I](#)

**F315** Words substituted (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 339, [Sch. 23 para. 25\(3\)](#)

#### Marginal Citations

**M104** 1987 c. 26 (61).

**M105** 1968 c. 16.

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[<sup>F316</sup> *Private streets*]

**Textual Amendments**

**F316** Ss. 157, 157A, 157B and cross heading substituted (11.10.1993) for s. 157 by 1993 c. 28, s.178; S.I. 1993/2134, art. 4(b) (with Sch. 1 para. 8)

[<sup>F317</sup> **157 Adoption of private streets.**

- (1) Where any street works have been executed on any land in an urban development area which was then or has since become a private street (or part of a private street), the urban development corporation may serve a notice (an “adoption notice”) on the street works authority requiring the authority to declare the street (or part) to be a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense.
- (2) Within the period of two months beginning with the date on which the adoption notice was served, the street works authority may appeal against the notice to the Secretary of State.
- (3) After considering any representations made to him by the corporation and the street works authority, the Secretary of State shall determine an appeal under subsection (2) above by setting aside or confirming the adoption notice (with or without modifications).
- (4) Where, under subsection (3) above, the Secretary of State confirms the adoption notice—
  - (a) he may at the same time impose conditions (including financial conditions) upon the corporation with which it must comply in order for the notice to take effect; and
  - (b) with effect from such date as the Secretary of State may specify, the street (or part) shall become a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense.
- (5) Where a street works authority neither complies with the adoption notice, nor appeals under subsection (2) above, the street (or part) shall become, upon the expiry of the period of two months referred to in subsection (2) above, a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense.
- (6) In this section—
 

“highway” has the same meaning as in the Highways Act 1980;

“private street”, “street works” and “street works authority” have the same meanings as in Part XI of that Act.
- (7) This section does not extend to Scotland.]

**Textual Amendments**

**F317** Ss. 157, 157B substituted (11.10.1993) for s. 157 by 1993 c. 28, s.178; S.I. 1993/2134, art. 4(b) (with Sch. 1 para. 8)

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[<sup>F318</sup>157A] **Connection of private streets to highway.**

- (1) An urban development corporation may serve a notice (a “connection notice”) on the local highway authority requiring the authority to connect a private street in the urban development area to an existing highway (whether or not it is a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense).
- (2) A connection notice must specify—
  - (a) the private street and the existing highway;
  - (b) the works which appear to the corporation to be necessary to make the connection; and
  - (c) the period within which those works should be carried out.
- (3) Before serving a connection notice an urban development corporation shall consult the local highway authority about the proposed contents of the notice.
- (4) Within the period of two months beginning with the date on which the connection notice was served, the local highway authority may appeal against the notice to the Secretary of State.
- (5) After considering any representations made to him by the corporation and the local highway authority, the Secretary of State shall determine an appeal under subsection (4) above by setting aside or confirming the connection notice (with or without modifications).
- (6) A connection notice becomes effective—
  - (a) where no appeal is made within the period of two months referred to in subsection (4) above, upon the expiry of that period;
  - (b) where an appeal is made within that period but is withdrawn before it has been determined by the Secretary of State, on the date following the expiry of the period of 21 days beginning with the date on which the Secretary of State is notified of the withdrawal;
  - (c) where an appeal is made and the connection notice is confirmed by a determination under subsection (5) above, on such date as the Secretary of State may specify in the determination.
- (7) Where a connection notice becomes effective, the local highway authority shall carry out the works specified in the notice within such period as may be so specified and may recover from the corporation the expenses reasonably incurred by them in doing so.
- (8) If the local highway authority do not carry out the works specified in the notice within such period as may be so specified, the corporation may themselves carry out or complete those works or arrange for another person to do so.
- (9) In this section—

“highway” and “local highway authority” have the same meanings as in the Highways Act 1980;

“private street” has the same meaning as in Part XI of that Act.
- (10) This section does not extend to Scotland.]

*Status: Point in time view as at 01/04/2002.*

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**Textual Amendments**

**F318** Ss. 157, 157A, 157B substituted (11.10.1993) for s. 157 by 1993 c. 28, s.178; S.I. 1993/2134, art. 4(b) (with Sch. 1 para. 8)

[<sup>F319</sup>**157B** **Traffic regulation orders for private streets.**

(1) Where—

- (a) an urban development corporation submits to the Secretary of State that an order under this section should be made in relation to any road in the urban development area which is a private street; and
- (b) it appears to the Secretary of State that the traffic authority do not intend to make an order under section 1 or, as the case may be, section 6 of the Road Traffic Regulation Act 1984 (orders concerning traffic regulation) in relation to the road,

the Secretary of State may by order under this section make in relation to the road any such provision as he might have made by order under that section if he had been the traffic authority.

(2) The Road Traffic Regulation Act 1984 applies to an order under this section as it applies to an order made by the Secretary of State under section 1 or, as the case may be, section 6 of that Act in relation to a road for which he is the traffic authority.

(3) In this section—

“private street” has the same meaning as in Part XI of the Highways Act 1980;

“road” and “traffic authority” have the same meanings as in the Road Traffic Regulation Act 1984.

(4) This section does not extend to Scotland.]

**Textual Amendments**

**F319** Ss. 157, 157A, 157B substituted (11.10.1993) for s. 157 by 1993 c. 28, s.178; S.I. 1993/2134, art. 4(b) (with Sch. 1 para. 8)

*Sewerage etc.*

[<sup>F320</sup>**158** .....

**Textual Amendments**

**F320** Ss. 105, 158 repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), Sch. 27 Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

*Status: Point in time view as at 01/04/2002.*

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## 159 Public health etc.

- (1) The Secretary of State may by order provide that an urban development corporation shall have in its area (or in such part of its area as may be specified in the order) the functions conferred on a local authority—
  - (a) by sections 83 and 84 of the <sup>M106</sup>Public Health Act 1936 and sections 35 to 37 of the <sup>M107</sup>Public Health Act 1961 (all of which relate to filthy or verminous premises or articles) or in relation to Scotland by section 40 of the <sup>M108</sup>Public Health (Scotland) Act 1897 (which makes similar provision for Scotland);
  - (b) by any enactment contained in Part III (nuisances and offensive trades) [<sup>F321</sup> or IX (common lodging houses)] of the Public Health Act 1936 or in relation to Scotland by Parts II or V of the Public Health (Scotland) Act 1897 (which respectively make similar provision for Scotland);
  - (c) by so much of Part XII of the Public Health Act 1936 as relates to any of the enactments mentioned in paragraphs (a) and (b) above; and
  - (d) by Part I of the <sup>M109</sup>Prevention of Damage by Pests Act 1949 (rats and mice) [<sup>F322</sup>, and
  - (e) sections 39 to 42 of the <sup>M110</sup>Public Health (Control of Disease) Act 1984, and so much of Part VI of that Act as relates to those sections.]
- (2) On the order coming into force, the corporation shall have the functions conferred in relation to the area (or part) instead of or concurrently with any such authority, depending on the terms of the order.
- (3) The order may provide that any enactment under which the corporation is to exercise functions by virtue of the order shall have effect in relation to the corporation and, where the corporation is to have any function concurrently with another authority, in relation to that authority, as modified by the order.
- (4) The order shall have effect, subject to such savings and transitional and supplementary provisions as may be specified in the order.
- (5) The power to make an order under this section shall be exercisable by statutory instrument.
- (6) No order under this section shall have effect until approved by a resolution of each House of Parliament.

### Textual Amendments

**F321** Words repealed (E.W.) by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. 1**

**F322** [S. 159\(e\)](#) inserted (E.W.) by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 2 para. 8**

### Marginal Citations

**M106** 1936 c. 49 (100:1).

**M107** 1961 c. 64 (100:1).

**M108** 1897 c. 38 (100:2).

**M109** 1949 c. 55 (100:3).

**M110** 1984 c. 22 (100:1).

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### *Loans for building*

#### **160 Loans for building.**

- (1) For the purpose of enabling any person to whom an urban development corporation has sold or let any land to erect a building on the land, the corporation may, subject to this section, lend money to that person.
- (2) A loan made under this section, together with interest on the loan, shall be secured by a mortgage of the land (or in Scotland a standard security over the land) in respect of which the loan is made.
- (3) The amount of the principal of a loan made under this section shall not exceed whichever of the following is less:—
  - (a) three quarters of the value of the mortgaged security (or in Scotland the security subjects) at the time the loan is made.
  - (b) one half of the value which it is estimated the mortgaged security (or in Scotland the security subjects) will bear when the building for the erection of which the loan is made has been erected.
- (4) A loan made under this section shall carry interest at such rate as may be specified by the Treasury.
- (5) The mortgage deed (or in Scotland standard security) securing a loan made under this section shall provide—
  - (a) for repayment being made, subject to paragraphs (c) and (d) below, within such period, not exceeding 30 years, as may be specified in the deed (or standard security);
  - (b) for repayment being made, subject to paragraphs (c) and (d) below, either by instalments of principal or by an annuity of principal and interest combined;
  - (c) that, in the event of any of the conditions subject to which the loan is made not being complied with, the balance for the time being unpaid shall become repayable on demand by the corporation;
  - (d) that the said balance, or such part of it as may be provided for in the mortgage (or standard security), may, in any event other than that specified in paragraph (c) above, be repaid on any such conditions as may be specified in the mortgage (or standard security) after one month's written notice of intention to repay has been given to the corporation;
  - (e) where repayment is to be made by an annuity of principal and interest combined, for determining the amount by which the annuity or the life of the annuity is to be reduced when a part of the loan is paid off otherwise than by way of an instalment of the annuity.

#### **161 Loans in pursuance of building agreements.**

- (1) This section applies where an urban development corporation enters into an agreement with a person ("the builder") by which provision is made—
  - (a) authorising the builder to enter on land belonging to the corporation for the purpose of the builder erecting a building on the land;
  - (b) for the sale of the land to the builder, if the building is erected to the satisfaction of the corporation, or, as the agreement may provide, for the grant of a lease to him if the building is so erected;

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- (c) for the corporation to lend money to the builder for the purpose of enabling him to erect the building;
  - (d) for securing that, on such a sale or, as the case may be, grant of a lease, any amount lent as mentioned in paragraph (c) above will, together with the interest on the loan, be secured by a mortgage of the land (or in Scotland standard security over the land).
- (2) In that case the corporation may, subject to this section, lend money to the builder for the purpose mentioned in subsection (1)(c) above.
- (3) The amount of the principal of a loan made under this section shall not exceed whichever of the following is less:—
- (a) three quarters of the value of the land at the time the agreement mentioned in subsection (1) above is made;
  - (b) one half of the amount which it is estimated will be the value of the security for the mortgage (or in Scotland of the security subjects) for which the agreement provides when the building for the erection of which the loan is made has been erected.
- (4) Subsections (4) and (5) of section 160 above apply to a loan made under this section as to one made under that.

#### *Inner urban areas*

### **162 Inner urban areas.**

- (1) In this section “the 1978 Act” means the <sup>M111</sup>Inner Urban Areas Act 1978, and “designated district” and “designated district authority” have the same meanings as in that Act.
- (2) In this section “relevant land” means an area of land which is at the same time situated in both an urban development area and a designated district.
- (3) An urban development corporation shall have (as regards relevant land) the same power as the designated district authority has (as regards the designated district) under the provisions of the 1978 Act mentioned in subsection (4) below; and the sections which are or contain those provisions shall apply accordingly (with the necessary modifications).
- (4) The provisions are:—
- section 2(1) (loans for acquiring land etc.)
  - section 3(1) (loans and grants for co-operative enterprises etc.)
  - sections 4 to 6 (loans and grants in improvement areas)
  - sections 8 to 11 (loans and grants in special areas).
- (5) Subsections (6) and (7) below apply where—
- (a) the Secretary of State or Ministers wish to enter into arrangements under subsection (1) of section 7 of the 1978 Act as respects any district [<sup>F323</sup>or Welsh county or county borough] (arrangements to determine action in case of special social need), and



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- (b) any area of land is situated both in an urban development area and that district [<sup>F323</sup>or (as the case may be) Welsh county or county borough].
- (6) In that case, arrangements under that subsection may be entered into with—
- (a) the urban development corporation, or
  - (b) the council or councils mentioned in paragraph (a) [<sup>F323</sup>or (aa)]of that subsection, or
  - (c) subject to subsection (7) below, both the urban development corporation and the council or councils mentioned in that paragraph.
- (7) Arrangements under that subsection which are entered into by virtue of subsection (6) (c) above may not be entered into jointly with the urban development corporation and the council or councils.
- (8) Where arrangements under that subsection are entered into by virtue of subsection (6) above, they may also be entered into with such other person or persons (if any) as may appear to the Secretary of State or the Ministers appropriate.

#### Textual Amendments

**F323** Words in s. 162(5)(a)(b)(6)(b) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 59(2)(a)(b)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**

#### Marginal Citations

**M111** 1978 c. 50 (81:4).

### *Supply of goods, etc, to Urban Development Corporations*

#### **163 Supply of goods etc. by local authorities.**

- (1) Subject to subsection (2) below, in the <sup>M112</sup>Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) “public body” shall include any urban development corporation.
- (2) The provisions of subsection (1) above shall have effect as if made by an order under section 1(5) of the <sup>M113</sup>Local Authorities (Goods and Services) Act 1970 (power to provide that a person or description of persons shall be a public body for the purposes of that Act).
- (3) An order under the said section 1(5) may accordingly vary or revoke the provisions of subsection (1) above as they apply to an urban development corporation specified in the order.

#### Marginal Citations

**M112** 1970 c. 39 (81:4).

**M113** 1970 c. 39 (81:4).

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*Finance, accounts, reports, etc.*

**164 Finance, accounts, reports, etc.**

- (1) Schedule 31 below (finance, accounts, reports, etc. in relation to urban development corporations) shall have effect.
- (2) The expenses of the Secretary of State in respect of the administration of this Part of this Act shall be paid out of money provided by Parliament.

*Transfer of corporations' undertakings*

**165 Power to transfer undertaking.**

- (1) Subject to this section, an urban development corporation may, by an agreement made with any local authority [<sup>F324</sup>or other body] or any statutory undertakers and approved by the Secretary of State with the Treasury's concurrence:—
  - (a) transfer to the local authority [<sup>F324</sup>or other body] the whole or any part of the corporation's undertaking, or
  - (b) transfer to the statutory undertakers the whole or any part of the corporation's undertaking which consists of a statutory undertaking,upon such terms as may be prescribed by the agreement.
- (2) Subsection (1) above is without prejudice to the powers of an urban development corporation under this Act to dispose of any of its property, including any trade or business carried on by it.
- <sup>F325</sup>(3) .....
- (4) Before approving an agreement under this section the Secretary of State shall consult each local authority in whose area all or part of the urban development area is situated (except, in the case of an agreement made with such an authority, the authority with whom it is made).
- (5) Before approving an agreement under this section for the transfer of a statutory undertaking, the Secretary of State shall publish in the London Gazette (or, in the case of an urban development area in Scotland, the Edinburgh Gazette) and in one or more newspapers circulating in the urban development area, a notice stating that the agreement has been submitted for approval and describing the general effect of the agreement.
- (6) If within 28 days from publication of the notice in the London Gazette or Edinburgh Gazette in accordance with subsection (5) above any objection to the agreement is made by any statutory undertakers who, within the urban development area or any area adjacent to it, are carrying on or authorised to carry on a statutory undertaking similar to that proposed to be transferred by the agreement, subsection (1) above shall apply in relation to the agreement as if for the reference to the Secretary of State there were substituted a reference to him and the appropriate Minister.
- (7) If the Secretary of State is satisfied that it is expedient, having regard to any agreement made or proposed to be made under this section, that the liability of the urban development corporation in respect of advances made to it by the Secretary of State under this Part of this Act should be reduced, he may, by order made with the consent of the Treasury, reduce that liability to such extent as may be specified in the order.

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- (8) An order under subsection (7) above shall be of no effect until it is approved by a resolution of the House of Commons.
- (9) The following are local authorities for the purposes of this section [<sup>F326</sup>and [<sup>F327</sup>sections 165A to 166] below], namely—
- (a) (in the application of [<sup>F328</sup>the sections] to England <sup>F329</sup>. . .) a county council, a district council, a London borough council, <sup>F330</sup> and the Common Council of the City of London;
  - <sup>F331</sup>(aa) (in the application of the sections to Wales) a county council or county borough council;
  - (b) (in the application of [<sup>F328</sup>the sections] to Scotland) [<sup>F332</sup>any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 other than the councils for Orkney Island, Shetland Island and Western Isles].

#### Textual Amendments

- F324** Words in s. 165(1) inserted (11.10.1993) by 1993 c. 28, s. 180(1); S.I. 1993/2134, art. 4(a)
- F325** S. 165(3) repealed (11.10.1993) by 1993 c. 28, ss. 180(2), 187(2), Sch. 22; S.I. 1993/2134, art. 4(a)
- F326** Words in s. 165(9) inserted (11.10.1993) by 1993 c. 28, s. 180(3)(a); S.I. 1993/2134, art. 4(a)
- F327** Words in s. 165(9) substituted (24.9.1996) by 1996 c. 53, ss. 143(2), 150(2)
- F328** Words in s. 165(9) substituted (11.10.1993) by 1993 c. 28, s. 180(3)(b); S.I. 1993/2134, art. 4(a)
- F329** Words in s. 165(9)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 59(3), Sch. 18 (ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
- F330** Words repealed by Local Government Act 1985 (c. 51, SIF 81), s. 102, Sch. 17
- F331** S. 165(9)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 59(3) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
- F332** Words in s. 165(9)(b) inserted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 120(7) (with s. 128(8)); S.I. 1996/323, art. 4

#### Modifications etc. (not altering text)

- C112** S. 165 modified (5.11.1993) by 1993 c. 42, s. 27 (with s. 30(1), Sch. 2 para. 9)

#### <sup>F333</sup>165A Transfer of property, rights and liabilities by order.

- (1) Subject to this section, the Secretary of State may at any time by order transfer to himself, upon such terms as he thinks fit, any property, rights or liabilities which—
- (a) are for the time being vested in an urban development corporation, and
  - <sup>F334</sup>(b) are not proposed to be transferred under section 165 above or 165B below.]
- (2) An order under this section may terminate—
- (a) any appointment of the corporation under subsection (1) of section 177 of the Leasehold Reform, Housing and Urban Development Act 1993 (power of corporations to act as agents of the Urban Regeneration Agency); and
  - (b) any arrangements made by the corporation under subsection (2) of that section.
- (3) Before making an order under this section, the Secretary of State shall consult each local authority in whose area all or part of the urban development area is situated.

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- (4) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F333** S. 165A inserted (11.10.1993 except in relation to the insertion of s. 165A(2) and 10.11.1993 so far as not already in force) by 1993 c. 28, s. 180(2); S.I. 1993/2134, art. 4(a); S.I. 1993/2762, art. 3

**F334** S. 165A(1)(b) substituted (24.9.1996) by 1996 c. 53, ss. 143(4), 150(2)

#### [<sup>F335</sup>165B] Transfer of property, rights and liabilities to statutory bodies.

- (1) Subject to this section, the Secretary of State may at any time by order transfer to a statutory body, upon such terms as he thinks fit, any property, rights or liabilities which—
- (a) are for the time being vested in an urban development corporation, and
  - (b) are not proposed to be transferred under section 165 or 165A above.
- (2) An order under this section may terminate—
- (a) any appointment of the corporation under subsection (1) of section 177 of the Leasehold Reform, Housing and Urban Development Act 1993 (power of corporations to act as agents of the Urban Regeneration Agency); and
  - (b) any arrangements made by the corporation under subsection (2) of that section.
- (3) An order under this section may—
- (a) establish new bodies corporate to receive any property, rights or liabilities to be transferred by an order under this section;
  - (b) amend, repeal or otherwise modify any enactment for the purpose of enabling any body established under any enactment to receive such property, rights or liabilities.
- (4) An order under this section—
- (a) may contain such incidental, consequential, transitional or supplementary provision as the Secretary of State thinks necessary or expedient (including provisions amending, repealing or otherwise modifying any enactment); and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Before making an order under this section, the Secretary of State shall consult each local authority in whose area all or part of the urban development area is situated.
- (6) In this section—
- “enactment” includes any instrument made under any enactment;
  - “statutory body” means any body established under this section or any other enactment.]

#### Textual Amendments

**F335** S. 165B inserted (24.9.1996) by 1996 c. 53, ss. 143(1), 150(2)

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### *Dissolution of corporations*

#### **166 Dissolution of corporations.**

[<sup>F336</sup>(1) Where all property, rights and liabilities of an urban development corporation have been transferred under or by one or more relevant instruments, the Secretary of State may make an order by statutory instrument under this section.]

[<sup>F337</sup>(1A) Any property, rights and liabilities retained by an urban development corporation for the purpose of preparing its final accounts and report and winding up its affairs shall be disregarded for the purposes of subsection (1) above.]

(2) Before making such an order the Secretary of State shall consult each local authority in whose area all or part of the urban development area is situated.

(3) On the order coming into force, the corporation shall cease to act except for the purpose of preparing its final accounts and report and winding up its affairs.

(4) The corporation shall (without more) be dissolved on a date specified in, or ascertained by reference to the provisions of, the order.

[<sup>F338</sup>(5) In this section “relevant instrument” means an agreement made under section 165 above or an order made under section 165A [<sup>F339</sup>or 165B]] above.

#### **Textual Amendments**

**F336** S. 166(1) substituted (11.10.1993) by 1993 c. 28, s. 180(4); S.I. 1993/2134, art. 4(a)

**F337** S. 166(1A) inserted (1.4.1998) by S.I. 1998/85, art. 4(1)

**F338** S. 166(5) substituted (11.10.1993) by 1993 c. 28, s. 180(5); S.I. 1993/2134, art. 4(a)

**F339** Words in s. 166(5) inserted (24.9.1996) by 1996 c. 53, ss. 143(5), 150(2)

#### **Modifications etc. (not altering text)**

**C113** S. 166 extended (21.7.1994) by 1994 c. xiii, s. 39

### *Miscellaneous*

#### **167 Power to survey land etc.**

(1) A person to whom this subsection applies may at any reasonable time:—

- (a) survey any land, or estimate its value, in connection with a proposal by an urban development corporation to acquire the land compulsorily;
- (b) for the purpose of surveying, or estimating the value of, any land in pursuance of paragraph (a) above, enter on the land and other land.

(2) Subsection (1) above applies—

- (a) to a person authorised in writing by the urban development corporation; and
- (b) to an officer of the Valuation Office.

(3) The power to survey land conferred by subsection (1) above includes power for a person to whom that subsection applies by virtue of subsection (2)(a) above to search and bore on and in the land for the purpose of ascertaining the nature of the subsoil or whether minerals are present in the subsoil, and the power to enter on land conferred by that subsection includes power for such a person to place and leave, on or in the

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land, apparatus for use in connection with the survey in question and to remove the apparatus.

- (4) A person authorised by an urban development corporation to enter on land in pursuance of subsection (1) above—
- (a) shall, if so required before or after entering on the land, produce evidence of his authority to enter;
  - (b) may take with him on to the land such other persons and such equipment as are necessary for the survey in question;
  - (c) shall not (if the land is occupied) demand admission to the land as of right unless notice of the intended entry has been served by the corporation on the occupier not less than 28 days before the demand;
  - (d) shall (if the land is unoccupied when he enters or the occupier is then temporarily absent) leave the land as effectually secured against trespassers as he found it;
  - (e) shall not place or leave apparatus on or in the land or remove apparatus from the land—
    - (i) unless notice of his intention to do so has been served by the corporation on an owner of the land, and if the land is occupied on the occupier, not less than 28 days before he does so, and
    - (ii) If the land is held by local authority or statutory undertakers who within that period serve on the corporation a notice stating that they object to the placing or leaving or removal of the apparatus on the ground that to do so would be seriously detrimental to the performance of any of their functions or, as the case may be, the carrying on of their undertakings unless he has a written Ministerial authorisation to do so;
  - (f) shall not search or bore on or in the land which is the subject of the survey in question if the land is held by a local authority or statutory undertakers—
    - (i) unless notice of his intention to do so has been served by the corporation on the authority or undertakers not less than 28 days before he does so, and
    - (ii) if within that period the authority or undertakers serve on the corporation a notice stating that they object to the searching or boring on the ground that do so would be seriously detrimental to the performance of any of their functions or, as the case may be, the carrying on of their undertaking, unless he has a written Ministerial authorisation to do so.
- (5) In subsection (4) above “Ministerial authorisation” means—
- (a) in relation to land held by a local authority, the authorisation of the Secretary of State; and
  - (b) in relation to land held by statutory undertakers, the authorisation of the Secretary of State and the appropriate Minister.
- (6) In exercising the powers of this section to survey land held by a local authority or statutory undertakers a person to whom subsection (1) above applies shall comply with all reasonable conditions imposed by the authority or undertakers with regard to the entry on, surveying of, searching or boring on or in the land, or placing or leaving on, or removal of apparatus from land.

*Status: Point in time view as at 01/04/2002.*

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- [<sup>F340</sup>(7) Where it is proposed to search or bore in pursuance of this section in a street within the meaning of Part III of the New Roads and Street Works Act 1991 or, in Scotland, a road within the meaning of Part IV of that Act—
- (a) section 55 or 114 of that Act (notice of starting date of works), so far as it requires notice to be given to a person having apparatus in the street or road which is likely to be affected by the works,
  - (b) section 69 or 128 of that Act (requirements to be complied with where works likely to affect another person's apparatus in the street or road), and
  - (c) section 82 or 141 of that Act (liability for damage or loss caused),
- have effect in relation to the searching or boring as if they were street works within the meaning of the said Part III or, in Scotland, road works within the meaning of the said Part IV.]
- (8) If, in connection with such a proposal of a corporation as is mentioned in subsection (1) (a) above, a person interested in any land suffers damage in consequence of the exercise of a power conferred by subsection (1) or (4)(b) above or a failure to perform the duty imposed by subsection (4)(d) above in respect of the land, he shall be entitled to recover compensation for the damage from the corporation.
- (9) Any dispute as to a person's entitlement to compensation in pursuance of subsection (8) above or as to the amount of the compensation shall be determined by the Lands Tribunal, and sections 2(2) to (5) and 4 of the <sup>M114</sup>Land Compensation Act 1961 (which relate to the conduct of certain proceedings before the Tribunal and costs) shall with the necessary modifications apply in relation to the determination by the Tribunal of such a dispute.
- (10) If a person—
- (a) wilfully obstructs another person in the exercise of a power conferred on the other person by subsection (1) or (4)(b) above; or
  - (b) while another person is on any land in pursuance of the said subsection (4)(b), wilfully obstructs him in doing things connected with the survey in question; or
  - (c) removes or otherwise interferes with apparatus left on or in land in pursuance of this section,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F341</sup>level 3 on the standard scale]
- (11) If a person who has entered on any land in pursuance of this section discloses to another person information obtained by him there about a manufacturing process or trade secret, then, unless the disclosure is made in the course of performing his duty in connection with the purposes for which he was authorised to enter on the land, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.
- (12) It is hereby declared that references to surveying in this section include references to surveying from the air.
- (13) In the application of this section to Scotland, for the reference in subsection (9) to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland, and for the reference in that subsection to sections 2(2) to (5) and 4 of the Land Compensation Act 1961 there shall be substituted a reference to sections 9(2) to



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(5) and 11 of the <sup>M115</sup>Lands Compensation (Scotland) Act 1963 (which make similar provision for Scotland).

(14) In this section—

<sup>F342</sup>

“the Valuation Office” means the Valuation Office of the Inland Revenue Department.

<sup>F343</sup>(15) . . . . .

**Textual Amendments**

- F340** S. 167(7) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), **Sch. 8 para. 109**; (E.W.) [S.I. 1992/2984](#), art. 2(2), **Sch. 2**; (S.) [S.I. 1992/2990](#), art. 2(2), **Sch. 2**.
- F341** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G
- F342** Definition in s. 167(14) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. XIV** Group 2
- F343** S. 167(15) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. XIV** Group 2.

**Modifications etc. (not altering text)**

- C114** S. 167 applied (with modifications) (27.7.1998) by [1998 c. iv](#), s. 11
- C115** S. 167 applied (5.11.1993) by [1993 c. 42](#), ss. 5, 6, [Sch. 4 para. 5](#), **Sch. 5 para.3** (with s. 30(1), [Sch. 2 para. 9](#))

**Marginal Citations**

- M114** [1961 c. 33 \(28:1\)](#).
- M115** [1963 c. 51](#).

**168 Service of notices.**

- (1) This section has effect in relation to any notice required or authorised by this Part of this Act to be served on any person by an urban development corporation.
- (2) Any such notice may be served on the person in question either by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.
- (3) Any such notice may—
  - (a) in the case of a body corporate, be given to or served on the secretary or clerk of that body;
  - (b) in the case of a partnership, be given to or served on a partner or a person having the control or management of the partnership business.
- (4) For the purposes of this section and of section 7 of the <sup>M116</sup>Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person to or on whom a notice is to be given or served shall be his last known address, except that—
  - (a) in the case of a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of that body;
  - (b) in the case of a partnership or a person having the control or management of the partnership business, it shall be that of the principal office of the partnership;

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and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be its principal office within the United Kingdom.

- (5) If the person to be given or served with any notice mentioned in subsection (1) above has specified an address within the United Kingdom other than his proper address within the meaning of subsection (4) above as the one at which he or someone on his behalf will accept documents of the same description as that notice, that address shall also be treated for the purposes of this section and section 7 of the <sup>M117</sup>Interpretation Act 1978 as his proper address.
- (6) If the name or address of any owner, lessee or occupier of land to or on whom any notice mentioned in subsection (1) above is to be served cannot after reasonable inquiry be ascertained, the document may be served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land.

**Modifications etc. (not altering text)**

C116 S. 168 modified (5.11.1993) by 1993 c. 42, s. 28 (with s. 30(1), Sch. 2 para. 9)

**Marginal Citations**

M116 1978 c. 30 (115:1).

M117 1978 c. 30 (115:1).

**169 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 Part of 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 Part of 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.
- (3) This section does not extend to Scotland.

**170 Interpretation: statutory undertakers etc.**

- (1) In this Part of this Act, unless the context otherwise requires, “statutory undertakers” means—
- (a) persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of <sup>F344</sup>, <sup>F345</sup> <sup>F346</sup> or hydraulic power]
- (b) . . . <sup>F347</sup> the Civil Aviation Authority, <sup>F348</sup> . . . , [<sup>F349</sup> a universal service provider in connection with the provision of a universal postal service] and any other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for any of the purposes of [<sup>F350</sup> the 1990 Act] or of [<sup>F351</sup> the 1997 Act].

*Status: Point in time view as at 01/04/2002.*

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- (c) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph, and
  - (d) any wholly-owned subsidiary [<sup>F352</sup>as defined by section 736][<sup>F353</sup>of the <sup>M118</sup>Companies Act 1985] of any person, authority, body or undertakers mentioned in paragraphs (a) and (b) above or specified in an order made under paragraph (c) above,
- and “statutory undertaking” shall be construed accordingly.
- (2) In section 141 above “statutory undertakers” also includes British Shipbuilders <sup>F354F355</sup> and any wholly-owned subsidiary [<sup>F352</sup>as defined by section 736][<sup>F353</sup>of the <sup>M119</sup>Companies Act 1985] of any of them.
- <sup>F356</sup>(2A) The undertaking of a universal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Part of this Act; and references in this Part of this Act to his undertaking shall be construed accordingly.
- (2B) In subsection (1) and (2A) above “universal service provider” has the same meaning as in the Postal Services Act 2000; and references to the provision of a universal postal service shall be construed in accordance with that Act.]
- (3) In this Part of this Act the expression “the appropriate Minister”, and any reference to the Secretary of State and the appropriate Minister—
    - (a) in relation to any statutory undertakers who are also statutory undertakers for the purposes of any provision of Part XI of [<sup>F350</sup>the 1990 Act] or [<sup>F351</sup>Part X of the 1997 Act], shall have the same meanings as in [<sup>F351</sup>the said Part X], and
    - (b) in relation to any other statutory undertakers, shall have the meanings given by an order made by the Secretary of State under this subsection.
  - (4) If, in relation to anything required or authorised to be done under this Part of this Act, any question arises as to which Minister is the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury.
  - (5) An order made under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F344** Word repealed by [Electricity Act 1989](#) (c. 29, SIF 44:1), s. 112(4), **Sch. 18** (with s. 112(3), [Sch. 17 para. 35\(1\)](#))
- F345** Words repealed by [Gas Act 1986](#) (c. 44, SIF 44), s. 67(4), **Sch. 9 Pt. I**
- F346** Words substituted by [Water Act 1989](#) (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 61(4)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\), 58](#))
- F347** Words repealed by [Airports Act 1986](#) (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**
- F348** S. 170: words repealed (13.10.1994) by 1994 c. 21, s. 67, [Sch. 9 para. 25\(1\)](#), **Sch. 11 Pt. II**; S.I. 1994/2553, **art. 2**
- F349** S. 170(1) words substituted (26.3.2001) by S.I. 2001/1149, [art. 3\(1\)](#), **Sch. 1 para. 48(4)**
- F350** Words substituted by [Planning \(Consequential Provisions\) Act 1990](#) (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(7)**
- F351** Words in s. 170(1)(b)(3)(a) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 31(7)**
- F352** Words substituted as provided by [Companies Act 1989](#) (c. 40, SIF 27), ss. 144(4), 213(2), **Sch. 18 para. 24**

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- F353** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#)
- F354** Words repealed by [British Steel Act 1988 \(c. 35, SIF 70\)](#), s. 16(3), [Sch. 2 Pt. I](#)
- F355** Words in s. 170(2) repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. I](#); [S.I. 1991/2721](#), [art. 2](#).
- F356** S. 170(2A)(2B) inserted (26.3.2001) by [S.I. 2001/1149](#), art. 3(1), [Sch. 1 para. 48\(5\)](#)

#### Marginal Citations

- M118** [1985 c. 9 \(27\)](#).  
**M119** [1985 c. 9 \(27\)](#).

## 171 Interpretation: general.

In this Part of this Act, except in so far as the context otherwise requires—

“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;

[<sup>F357</sup>“the 1981 Act” means the <sup>M120</sup>Acquisition of Land Act 1981]

“the 1947 Act” means the <sup>M121</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

“the [<sup>F358</sup>1990] Act” means the Town and Country Planning Act [<sup>F358</sup>1990]

“the [<sup>F359</sup>1997] Act” means the <sup>M122</sup>Town and Country Planning (Scotland) Act [<sup>F359</sup>1997];

[<sup>F360</sup>“urban development area” means so much of an area designated by an order under subsection (1) of section 134 above as is not excluded from it by an order under subsection (3A) of that section;]

“urban development corporation” means a corporation established by an order under section 135 above.

#### Textual Amendments

- F357** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 30\(9\)](#)
- F358** Word substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 44\(8\)](#)
- F359** Words in s. 171 substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 31\(8\)](#)
- F360** Definition in s. 171 substituted (11.10.1993) by [1993 c. 28, s. 179\(5\)](#); [S.I. 1993/2134](#), [art. 4\(a\)](#)

#### Marginal Citations

- M120** [1981 c. 67 \(28:1\)](#).  
**M121** [1947 c. 42 \(28:2\)](#).  
**M122** [1972 c. 52 \(123:2\)](#).

## 172 Extent of Part XVI.

This Part of this Act (except paragraph 18 of Schedule 26) does not extend to Northern Ireland.

*Status: Point in time view as at 01/04/2002.*

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## PART XVII

### CARAVAN SITES

#### 173 Duty of local authorities to provide caravan sites for gipsies.

There are hereby repealed—

- (a) in subsection (2) of section 6 of the Act of 1968 (limitation of duty to provide adequate accommodation for gipsies and provision for exemption), the words from “and the Minister” to the end; and
- (b) section 190(2) of the <sup>M123</sup>Local Government Act 1972 (certain exemptions from the duty mentioned in paragraph (a) above to be continued in force).

#### Modifications etc. (not altering text)

**C117** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M123** 1972 c. 70.

#### 174 Removal of unlawfully parked caravans and their occupants.

For section 11 of this Act of 1968 (removal of unlawful encampments) there is substituted the following section:—

##### “11 Order for removal of unlawfully parked caravans and their occupants.

- (1) In any area to which section 10 of this Act applies, a magistrates’ court may, on a complaint made by a local authority, and if satisfied that a caravan is stationed on land within that Authority’s area in contravention of that section, make an order requiring any caravan (whether or not identified in the order) which is so stationed on the land to be removed together with any person residing in it.
- (2) An order under this section may authorise the local authority to take such steps as are reasonably necessary to ensure that the order is complied with and in particular, may authorise the authority, by its officers and servants—
  - (a) to enter upon the land specified in the order; and
  - (b) to take, in relation to any caravan to be removed pursuant to the order, such steps for securing entry and rendering it suitable for removal as may be so specified.
- (3) The local authority shall not enter upon any occupied land unless they have given to the owner and occupier at least 24 hours notice of their intention to do so, or unless after reasonable inquiries they are unable to ascertain their names and addresses.

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- (4) A person who intentionally obstructs any person acting in the exercise of any power conferred on him by an order under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.
- (5) A constable in uniform may arrest without warrant anyone whom he reasonably suspects to be guilty of an offence under this section.
- (6) Where a complaint is made under this section, a summons issued by the court requiring the person or persons to whom it is directed to appear before the court to answer to the complaint may be directed—
  - (a) to the occupant of a particular caravan stationed on the land in question; or
  - (b) to all occupants of caravans stationed there, without naming him or them.
- (7) Where it is impracticable to serve such a summons on a person named in it, it shall be treated duly served on him if a copy of it is fixed in a prominent place to the caravan concerned ; and where such a summons is directed to the unnamed occupants of caravans, it shall be treated as duly served on those occupants if a copy of it is fixed in a prominent place to every caravan stationed on the land in question at the time when the service is thus effected.
- (8) The local authority shall take such steps as may be reasonably practicable to secure that a copy of any such summons is displayed on the land in question (otherwise than by being fixed to a caravan) in a manner designed to ensure that it is likely to be seen by any person camping on the land.
- (9) Notice of any such summons shall be given by the local authority to the owner of the land in question and to the occupier of that land unless, after reasonable inquiries, the authority is unable to ascertain the name and address of the occupier ; and the owner of any such land and any occupier of any such land shall be entitled to appear and to be heard in the proceedings.
- (10) Section 55(2) of the Magistrates’s Courts Act 1980 (warrant for arrest of defendant failing to appear) does not apply to proceedings on a complaint made under this section.”.

**Modifications etc. (not altering text)**

**C118** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)—(4)(6)—(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)—(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**175 Designation of areas for purpose of making unauthorised camping unlawful.**

- (1) For section 12 of the Act of 1968 (designation of areas of counties and London boroughs as areas to which provisions of section 10 of that Act prohibiting unauthorised camping apply) there is substituted the following section:—

*Status: Point in time view as at 01/04/2002.*

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## “12 Designation of areas.

- (1) Subject to subsection (3) below, the Minister may by order made on the application of a county council or London borough council designate the area of that council as an area to which section 10 of this Act applies.
  - (2) Subject to subsection (3) below, the Minister may by order made on the joint application of a county council and one or more councils of districts within that county designate the area of the district or, as the case may be, the combined areas of the districts, as an area to which section 10 of this Act applies.
  - (3) The Minister shall not make an order under subsection (1) or (2) above in respect of any area unless it appears to him either that adequate provision is made in the area for the accommodation of gipsies residing in or resorting to the area, or that in all the circumstances it is not necessary or expedient to make any such provision.
  - (4) An order under this section may be revoked by an order made by the Minister, either on the application of the authority or authorities which made the original application or without such an application.
  - (5) The power of the Minister to make orders under this section shall be exercisable by statutory instrument ; and any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
  - (6) Where an order under this section is made in respect of any area it shall be the duty of the county council for that area or, as the case may be, the London borough council concerned to take such steps as area reasonably practicable to inform gipsies within the area of the making and effect of the order.”.
- (2) Where by virtue of the <sup>M124</sup>Local Government Act 1972 (which, among other things, reorganised local authority areas) a designation made before 1st April 1974 under section 12 of the 1968 Act as originally enacted (and not revoked) relates to part of only of the area of a county, any order which is made on the application of the council of that county under subsection (1) or (2) of the section substituted for section 12 of the 1968 Act by subsection (1) above shall be made to extend only to an area which does not include the area designated before 1st April 1974.

### **Modifications etc. (not altering text)**

**C119** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### **Marginal Citations**

**M124** 1972 c. 70 (81:1).



*Status: Point in time view as at 01/04/2002.*

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## 176 Site licences: exemption for sites provided for gipsies by county councils of regional councils.

In Schedule 1 to the Act of 1960 (cases where site licence is not required), the following is inserted after paragraph 11:—

### Gipsy sites occupied by county councils or regional councils

“11A A site licence shall not be required for the use of land occupied by a county council, or in Scotland a regional council, as a caravan site providing accommodation for gipsies.”.

#### Modifications etc. (not altering text)

**C120** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)—(4)(6)—(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)—(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 177 Interpretation of Part XVII.

In this Part of this Act—

“the Act of 1960” means the <sup>M125</sup>Caravan Sites and Control of Development Act 1960;

“the Act of 1968” means the <sup>M126</sup>Caravan Sites Act 1968;

“caravan” has the same meaning as in the Act of 1960; and

“gipsy” has the same meaning as in the Act of 1968.

#### Marginal Citations

**M125** 1960 c. 62 (46:3).

**M126** 1968 c. 52 (46:3).

## 178 Commencement and extent of Part XVII.

- (1) Section 174 of this Act shall commence at the expiry of the period of three months beginning with the date on which this Act is passed.
- (2) In section 173 above, the repeal effected by paragraph (b) shall not take effect until the expiry of the period of twelve months beginning with the date on which this Act is passed.
- (3) Subject to subsections (1) and (2) above, this Part of this Act shall commence at the expiry of the period of one month beginning with the date on which this Act is passed.
- (4) Sections 173, 174 and 175 above do not extend to Scotland.

*Status: Point in time view as at 01/04/2002.*

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## PART XVIII

### ENTERPRISE ZONES

#### 179 Enterprise zones.

Schedule 32 below (which makes special provision about planning [<sup>F361</sup>and rates] in zones designated under the Schedule) shall have effect.

#### Textual Amendments

**F361** Words repealed (E.W.) by [S.I. 1990/776, art. 3, Sch. 1](#)

## PART XIX

### MISCELLANEOUS AND SUPPLEMENTARY

#### *Honorary Freemen*

#### 180 Honorary freemen.

In section 249(5) of the <sup>M127</sup>Local Government Act 1972 after “royal borough” where it first occurs insert “ or any parish or community having by grant under the royal prerogative the status of city and any parish or community entitled by such grant to be called and styled a royal town ”, and after ther further references to “royal borough” in that subsection and in section 249(6) insert “ or parish or community as aforesaid. ”.

#### Modifications etc. (not altering text)

**C121** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M127** 1972 c. 70.

#### *Land Drainage*

<sup>F362</sup>**181** .....

#### Textual Amendments

**F362** [S. 181](#) repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3(1), 4(2), [Sch. 3, Pt.I](#) (with [Sch. 2, paras. 10, 14\(1\) and 15](#))

*Status: Point in time view as at 01/04/2002.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F363 182 .....

#### Textual Amendments

**F363** Ss. 182, 187, 190 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

### *Social Services*

#### **183 Relaxation of Ministerial controls over social services.**

- (1) The following section shall be substituted for section 3 of the <sup>M128</sup>Local Authority Social Services Act 1970 (under which no matter, other than a matter which by virtue of section 2 of the that Act stands referred to a local authority's social services committee may be referred to or dealt with by the committee except with the consent of the Secretary of State):—

#### **“3 Business of Social Services Committee.**

- (1) A local Authority may delegate to their social services committee any of the functions matters relating to which stand referred to the committee by virtue of section 2 of this Act (hereafter in this Act referred to as “social services functions”) and, before exercising any of those functions themselves, the authority shall (unless the matter is urgent) consider a report of the committee with respect to the matter in question.
- (2) Nothing in section 2 of this Act prevents a local authority from referring to a committee a matter which by virtue of that section stands referred to the social services committee and which in the authority's opinion ought to be referred to the other committee of the ground that it relates to a general service of the authority; but before referring any such matter the authority shall receive and consider a report of the social services committee with respect to the subject matter of the proposed reference.”.

- (2) The following section shall be inserted after that section:—

#### **“3A Power of local authority to refer or delegate to social services committee.**

A local authority may refer to their social services committee any matter which in their view may appropriately be referred to that committee, but which would not otherwise stand referred to that committee by virtue of this Act, and may delegate to that committee any of their functions relating to a matter so referred.”

- (3) Section 6(3) and (4) of that Act (which give the Secretary of State power to make regulations prescribing the qualifications requisite for a person's appointment as a local authority's director of social services and make provision for his concurrence in such appointments, until regulations are made) shall cease to have effect.

*Status: Point in time view as at 01/04/2002.*

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**Modifications etc. (not altering text)**

**C122** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M128** 1970 c. 42.

*Commissioners for Local Administration*

**184 Disclosure of information to Commissioners for Local Administration.**

- (1) In subsection (3) of section 32 of the <sup>M129</sup>Local Government Act 1974 (which empowers a Minister of the Crown or an authority subject to investigation to give notice to a Local Commissioner that in the opinion of the Minister or authority disclosure of certain documents or information would be contrary to the public interest and which prevents any person from communicating any such document or information to any other person, or for any purpose) for the words “any person” there shall be substituted the words “the Local Commissioner or any member of the staff of a Commission who is allocated to assist him”.
- (2) In subsection (3) of section 30 of the <sup>M130</sup>Local Government (Scotland) Act 1975 (which makes similar provision for Scotland) for the words “any person” there shall be substituted the words “the Commissioner or any member of his staff”.

**Modifications etc. (not altering text)**

**C123** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M129** 1974 c. 7.

**M130** 1975 c. 30.

*Pleasure Boats*

**185 Pleasure boats bye laws.**

- (1) Subject to the provisions of this section, any of the following authorities, namely
  - (i) a district council;
  - (ii) a London borough council;
  - (iii) the Common Council of the City of London,
  - [<sup>F364</sup>(iv) the council of a Welsh county or county borough,]may make byelaws—

*Status: Point in time view as at 01/04/2002.*

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- (a) for regulating the numbering and maning of pleasure boats and vessels which are let for hire to the public and the mooring places for such boats and vessels; and
  - (b) for fixing the qualifications of the boatmen or other persons in charge of such boats or vessels; and
  - (c) for securing their good and orderly conduct while in charge.
- (2) No authority mentioned in subsection (1) above shall have power to make byelaws under that subsection in relation to pleasure boats or vessels operating—
- (a) on any water owned by the British Waterways Board;
  - [<sup>F365</sup>(b) on any inland waters (within the meaning of the Water Resources Act 1991) in respect of which the National Rivers Authority may make byelaws by virtue of paragraph 1 of Schedule 25 to that Act]
  - (c) subject to subsection (3) below, on any canal or other inland navigation which a navigation authority, as defined in section 135(1) of the <sup>M131</sup>Water Resources Act 1963, are required or empowered to manage or maintain under any enactment; or
  - (d) on any harbour maintained or managed by a harbour authority, as defined in section 57(1) of the <sup>M132</sup>Harbours Act 1964.
- (3) Subsection (2)(c) above does not preclude a local authority making byelaws under subsection (1) above in relation to pleasure oats or vessela operating on any canal or inland navigation which they themselves are required or empowered to manage or maintain.

#### Textual Amendments

**F364** S. 185(1)(iv) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 59(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F365** S. 185(2)(b) substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2, 4(2), **Sch. 1**, para. 35(a)

#### Modifications etc. (not altering text)

**C124** Definition in s. 185(2)(c) continued (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2, 4(2), **Sch. 1**, para. 35(b)

#### Marginal Citations

**M131** 1963 c. 38

**M132** 1964 c. 40 (58).

## 186 Amendment of s. 94 of the Public Health Acts (Amendment) Act 1907.

The following subsections shall be added at the end of section 94 of the <sup>M133</sup>Public Health Acts (Amendment) Act 1907—

“(8) No licence under this section shall be required in respect of pleasure boats and pleasure vessels on any canal owned or managed by the British Waterways Board.

(9) In subsections (1) and (3) of this section “let for hire” means let for hire to the public.”.

*Status: Point in time view as at 01/04/2002.*

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**Modifications etc. (not altering text)**

**C125** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M133** 1907 c. 53.

<sup>F366</sup>**187** .....

**Textual Amendments**

**F366** Ss. 182, 187, 190 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

<sup>F367</sup>**188**, .....  
**189**.

**Textual Amendments**

**F367** Ss. 188, 189 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**; S. 189 expressed to be repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), **Sch.6**

<sup>F368</sup>**190** .....

**Textual Amendments**

**F368** Ss. 182, 187, 190 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

**191 Amendments of Inner Urban Areas Act 1978.**

(1) The following subsection shall be substituted for subsection (3) of section 6 of the <sup>M134</sup>Inner Urban Areas Act 1978 (which limits the amount of a grant under that section for converting or improving a building to 50 per cent. of the cost of carrying out the works or a fixed amount for each job which, in the opinion of the authority making the grant, is likely to be created or preserved as a result of the carrying out of the works, whichever is the less):—

“(3) The amount of a grant under this section shall not exceed 50 per cent. of the cost of carrying out the works.”.

(2) The following sub-paragraph shall be substituted for paragraph 2(1) of the Schedule to that Act (Secretary of State’s notification that all or part of an improvement area is no longer to be such an area):—

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- “2 (1) If the area declared to be an improvement area by a resolution under paragraph 1(1) above is wholly or partly included in an area of land designated as an urban development area by an order under section 134 of the Local Government, Planning and Land Act 1980, the Secretary of State, if it appears appropriate to him—
- (a) may at any time before the resolution takes effect send to the authority a notification that the land included in the urban development area is not to be or to be included in the improvement area by virtue of the resolution; and
  - (b) may at any time after the resolution takes effect, send them a notification that the land included in the urban development area is no longer to be or to be included in the improvement area by virtue of it.”

**Modifications etc. (not altering text)**

**C126** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M134** 1978 c. 50.

*Supplementary*

**192 Finance-general.**

There shall be paid out of money provided by Parliament any increase in money so payable under any other Act which is attributable to the provisions of this Act.

**193 Minor and consequential amendments.**

The enactments specified in Schedule 33 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

**Modifications etc. (not altering text)**

**C127** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.



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## 194 Repeals.

The enactments specified in Schedule 34 to this Act (which include enactments which are obsolete or unnecessary before the passing of this Act) are repealed to the extent specified in the third column of that Schedule.

### **Modifications etc. (not altering text)**

**C128** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 195 Scotland.

- (1) Parts IV, V, IX, XII, XIV, XV and XVII of this Act apply to Scotland to the extent specified in sections 27, 47, 92, 111, 125, 133 and 178 respectively.
- (2) Parts VI, VIII and X of this Act do not apply to Scotland.
- (3) In this Part of this Act sections 180, 181, 183, 185, 186 and 190 do not extend to Scotland.

## 196 Northern Ireland.

The following provisions of this Act extend to Northern Ireland, that is to say—  
section 101;

section 123; in Schedule 17, so much of paragraph 5 as relates to section 123;

in Schedule 22, paragraph 15;

in Schedule 26, paragraph 18;

so much of Part XI of Schedule 34 as repeals any enactment which extends to Northern Ireland;

but except as aforesaid, and except so far as it relates to the commencement of those provisions, this Act does not extend to Northern Ireland.

## 197 Citation.

This Act may be cited as the Local Government, Planning and Land Act 1980.

**Status:**

Point in time view as at 01/04/2002.

**Changes to legislation:**

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