



New Towns Act 1981

1981 CHAPTER 64

PART I **E+W**

NEW TOWNS AND THEIR DEVELOPMENT CORPORATIONS

New towns

1 Designation of areas. **E+W**

- (1) If the Secretary of State is satisfied, after consultation with any local authorities who appear to him to be concerned, that it is expedient in the national interest that any area of land should be developed as a new town by a corporation established under this Act, he may make an order designating that area as the site of the proposed new town.
- (2) Subsection (1) above applies, in relation to land within the area for which the Development Board for Rural Wales is for the time being responsible under the ^{M1}Development of Rural Wales Act 1976, as if that subsection referred to the expediency of the Board's developing the area of land designated in the order as a new town.
- (3) An order under this section may include in the area designated as the site of the proposed new town any existing town or other centre of population; and references in this Act to a new town or proposed new town shall be construed accordingly.
- (4) Schedule 1 to this Act has effect with respect to the procedure to be followed in connection with the making of orders under this section and with respect to the validity and date of operation of such orders.
- (5) An order under this section shall, when operative, be a local land charge . . . ^{F1}

Textual Amendments

- F1** Words repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(2), [Sch. 4](#)

Status: Point in time view as at 01/04/1998.

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Marginal Citations

M1 1976 c. 75.

2 Reduction of designated areas. **E+W**

- (1) The Secretary of State may make an order excluding any land specified in the order from the area of a new town if, after consulting—
 - (a) the development corporation for the town, and
 - (b) any county council and district council [^{F2}or, in the case of land in Wales, any county council or county borough council] in whose area the land is situated, he is satisfied that it is expedient to make the order.
- (2) Subject to subsections (3) and (4) below, on the coming into force of an order under subsection (1) above—
 - (a) the land specified in the order shall cease to be contained in the area of the new town; and
 - (b) the order made under section 1 above designating the area shall cease to operate as regards that land.
- (3) The Secretary of State may in an order under this section make such provision by way of savings and transitional provisions (including provisions amending provisions made by or under an enactment) as he thinks fit, and subsection (2) above applies subject to any such savings and transitional provisions.
- (4) Schedule 2 to this Act applies with respect to the effect of an order made under this section.
- (5) Where the Development Board for Rural Wales is responsible under the ^{M2}Development of Rural Wales Act 1976 for the development of a new town, this section and Schedule 2 shall apply as if the Board were the development corporation for the new town.

Textual Amendments

F2 Words in s. 2(1)(b) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 63(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Marginal Citations

M2 1976 c. 75.

Development corporations

3 Establishment of development corporations for new towns. **E+W**

- (1) The Secretary of State shall by order establish a corporation, in this Act called a development corporation, for the purposes of the development of each new town the site of which is designated under section 1 above, subject to section 3(2) of the ^{M3}Development of Rural Wales Act 1976.
- (2) A development corporation shall be a body corporate by such name as may be prescribed by the order, and shall consist of—

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- (a) a chairman;
 - (b) a deputy chairman; and
 - (c) such number of other members, not exceeding 11, as may be prescribed by the order.
- (3) Schedule 3 to this Act has effect with respect to the constitution and proceedings of a development corporation.
- (4) Nothing in this Act (except the express provision relating to stamp duty in section 72(1) below) shall be construed as exempting a development corporation from liability for any tax, duty, rate, levy or other charge whatsoever, whether general or local.

Marginal Citations

M3 1976 c. 75.

4 Objects and general powers of development corporations. **E+W**

- (1) The objects of a development corporation established for the purposes of a new town shall be to secure the laying out and development of the new town in accordance with proposals approved in that behalf under this Act.
- (2) To secure such laying out and development every development corporation shall have power (subject to section 5 below)—
- (a) to acquire, hold, manage and dispose of land and other property,
 - (b) to carry out building and other operations,
 - (c) to provide water, electricity, gas, sewerage and other services,
 - (d) to carry on any business or undertaking in or for the purposes of the new town, and generally to do anything necessary or expedient for the purposes or incidental purposes of the new town.
- (3) In relation to subsection (2) above—
- (a) the power of acquiring land conferred by that subsection on a development corporation includes power to acquire any land within the area of the new town, whether or not it is proposed to develop that particular land; and
 - (b) the power of disposing of land conferred by that subsection on a development corporation includes, in relation to any land within the area of the new town, power to dispose of that land, whether or not the development of that particular land has been proposed or approved under section 7(1) below.
- (4) A development corporation (without prejudice to the generality of the powers conferred on development corporations by this Act)—
- (a) may, with the Secretary of State's consent, contribute such sums as he may, with the Treasury's concurrence, determine towards expenditure incurred or to be incurred by any local authority or statutory undertakers in the performance, in relation to the new town, of any of their statutory functions, 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 for the new town.

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- (5) A transaction between a person and a development corporation shall not be invalidated by reason of any failure by the corporation to observe—
- (a) the objects in subsection (1) above, or
 - (b) the requirement in subsection (2) above that the corporation shall exercise the powers conferred by that subsection for the purpose there mentioned,
- but (it being declared for the avoidance of doubt) nothing in this section shall be construed as authorising the disregard by a development corporation of any enactment or rule of law.

5 Restrictions on powers of development corporations. **E+W**

- (1) A development corporation does not have power to borrow money except in accordance with sections 58 to 60 below.
- (2) The Secretary of State may give directions to any development corporation—
- (a) for restricting the exercise by them of any of their powers under this Act, or
 - (b) for requiring them to exercise those powers in any manner specified in the directions.

..... F3

- (3) Before giving any directions to a development corporation under subsection (2) above, the Secretary of State shall—
- (a) consult with the chairman of the corporation, or
 - (b) if the chairman is not available, consult with the deputy chairman,
- unless he is satisfied that, on account of urgency, such consultation is impracticable.
- (4) A transaction between—
- (a) a person, and
 - (b) a development corporation acting in purported exercise of their powers under this Act,
- shall not be void by reason only that it was carried out in contravention of a direction given by the Secretary of State under subsection (2) above, and such person shall not be concerned to see or enquire whether a direction under that subsection has been given or complied with.
- (5) Nothing in this Act shall be construed as authorising a development corporation to carry on—
- (a) any undertaking for the supply of water, electricity or gas [^{F4}or for the provision of sewerage services], or
 - (b) any railway, light railway, tramway or trolley vehicle undertaking,
- except under the authority of an enactment not contained in this Act specifically authorising them to do so or, in the case of a trolley vehicle undertaking, under the authority of such an enactment or of an order under section 32 below.

Textual Amendments

F3 Words repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(2), [Sch. 4](#)

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F4 Words inserted by Water Act 1989 (c. 15, SIF 130), s. 190(1), Sch. 25 para. 64(1) (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)

6 Allocation or transfer of new town functions. E+W

- (1) If, in the case of the area of any new town—
- (a) it appears to the Secretary of State that there are exceptional circumstances which render it expedient that the functions of a development corporation under this Act should be performed by the development corporation established for the purposes of any other new town instead of by a separate corporation established for the purpose, then
 - (b) instead of establishing such a corporation, he may by order direct that those functions shall be performed by the development corporation established for that other new town.
- (2) If it appears to the Secretary of State that there are exceptional circumstances which render it expedient that the functions of a development corporation established for the purposes of a new town should be transferred—
- (a) to the development corporation established for the purposes of any other new town, or
 - (b) to a new development corporation to be established for the purposes of the first-mentioned new town,
- he may by order provide for the dissolution of the first-mentioned corporation and for the transfer of its functions, property, rights and liabilities—
- (i) to the development corporation established for the purposes of that other new town, or, as the case may be,
 - (ii) to a new corporation established for the purposes of the first-mentioned new town by the order.
- (3) An order under this section—
- (a) providing for the exercise of functions in relation to a new town by the development corporation established for the purposes of another new town, or
 - (b) providing 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 new towns.
- This subsection is without prejudice to the other provisions of this Act with respect to the variation of orders.
- (4) Before making an order under this section—
- (a) providing for the transfer of functions from or to a development corporation, or
 - (b) providing for the exercise of any functions by such a corporation,
- the Secretary of State shall consult with that corporation.

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Planning control in new towns

7 Planning control. **E+W**

- (1) In relation to a new town—
- (a) the development corporation shall from time to time submit to the Secretary of State, in accordance with any directions given by him in that behalf, their proposals for the development of land within the area of the new town; and
 - (b) the Secretary of State, after consultation with the district planning authority within whose area the land is situated, and with any other local authority who appear to him to be concerned, may approve any such proposals either with or without modification.
- (2) A special development order made by the Secretary of State under [F5section 59 of the Town and Country Planning Act 1990] with respect to the area of a new town—
- (a) may grant permission for any development of land in accordance with proposals approved under subsection (1) above; and
 - (b) such permission shall be subject to such conditions, if any (including conditions requiring details of any proposed development to be submitted to the district planning authority) as may be specified in the order.

This subsection is without prejudice to the generality of the powers conferred by [F5sections 59 to 61 of that Act of 1990].

- (3) In this section the references to a district planning authority shall [F6, in relation to proposals for development of land [F7in Wales or]in a metropolitan county, be construed as references to the local planning authority; and] in relation to proposals for any development which is a county matter as defined in [F8paragraph 1 of Schedule 1 to the Town and Country Planning Act 1990][F9and which is of land in a non-metropolitan county], be construed as references to the county planning authority.

Textual Amendments

- F5** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 51\(1\)\(a\)](#)
- F6** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 16, Sch. 8 para. 9\(1\)\(a\)](#)
- F7** Words in s. 7(3) inserted (1.4.1996) by [1994 c. 19, s. 66\(6\), Sch. 16 para. 63\(2\)](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); [S.I. 1996/396, art. 4, Sch. 2](#)
- F8** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 51\(1\)\(b\)](#)
- F9** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 16, Sch. 8 para. 9\(1\)\(b\)](#)

8 Features of special architectural or historic interest. **E+W**

It is the Secretary of State's duty to give to a development corporation such directions—

- (a) with respect to the disposal of land acquired by them under this Act, and
- (b) with respect to the development by them 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

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as if compiled or approved, under [F10section 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 such interest).

Textual Amendments

F10 Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 51\(2\)](#)

9 Frontages and abutments. **E+W**

(1) In the case of land—

- (a) which forms a frontage to a road, or
- (b) which abuts on or is adjacent to a road,

a local highway authority or the Secretary of State may enter into an agreement with any owner of the land imposing on the land, so far as that owner's interest in the land enables him to bind it, restrictions for controlling the development of the land.

(2) Any restrictions imposed by an agreement under subsection (1) above may be enforced by the local highway authority or the Secretary of State, as the case may be, against the owner referred to in that subsection and any person deriving title under him in the like manner and to the like extent—

- (a) as if that authority or the Secretary of State were possessed of, or interested in, adjacent land; and
- (b) as if that agreement had been entered into for the benefit of such land.

Acquisition of land by development corporations and highway authorities

10 Acquisition of land by development corporations. **E+W**

(1) A development corporation may, with the Secretary of State's consent, acquire by agreement, or may, by means of an order made by the corporation and submitted to and confirmed by the Secretary of State in accordance with Part I of Schedule 4 to this Act, be authorised to acquire compulsorily—

- (a) any land within the area of the new town, whether or not it is proposed to develop that particular land;
- (b) any land adjacent to that area which they require for purposes connected with the development of the new town;
- (c) any land, whether adjacent to that area or not, which they require for the provision of services for the purposes of the new town.

(2) A compulsory purchase order under this section shall, in so far as it relates to land—

- (a) which is the property of a local authority, or which is held inalienably by the National Trust, or
- (b) which forms part of a common, open space or fuel or field garden allotment, be subject to the special provisions of Part IV of Schedule 4.

(3) Where a development corporation have been authorised under subsection (1) above to acquire compulsorily land forming part of a common, open space or fuel or field garden allotment, they may be authorised under that subsection to acquire

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compulsorily, or may, with the Secretary of State's consent, acquire by agreement, land for giving in exchange for the land acquired.

- (4) Part V of Schedule 4 has effect with respect to the validity and date of operation of compulsory purchase orders under this section.
- (5) In relation to operational land of statutory undertakers this section has effect subject to section 13 below.

11 Acquisition of land for highways. E+W

- (1) Where the Secretary of State is satisfied that the construction or improvement of a road is needed—
 - (a) outside the area of a new town, for the purpose of securing the development of land in that area in accordance with proposals approved by him under section 7 above, or
 - (b) for the purpose of providing proper means of access to such an area, a local highway authority may be authorised by means of an order made by the authority and submitted to and confirmed by the Secretary of State in accordance with Parts I and II of Schedule 4 to this Act, to acquire compulsorily any land as to which he is satisfied that its acquisition by the authority is requisite—
 - (i) for the construction or improvement of the road, or
 - (ii) for carrying out the improvement, or controlling the development, of frontages to the road or of lands abutting on or adjacent to the road.
- (2) If the Secretary of State—
 - (a) is satisfied that the construction or improvement of a road is needed to supersede a part of [^{F11}a road for which he is the highway authority], and
 - (b) it appears to him that such supersession is expedient for any such purpose as is mentioned in subsection (1)(a) or (b) above,
 he may be authorised, by means of an order made by him in accordance with Part III of Schedule 4, to acquire compulsorily any land as to which he is satisfied that its acquisition by him is requisite as mentioned in subsection (1)(i) or (ii).
- (3) A compulsory purchase order under this section shall, in so far as it relates to land—
 - (a) which is the property of a local authority or which is held inalienably by the National Trust, or
 - (b) which forms part of a common, open space or fuel or field garden allotment, be subject to the special provisions of Part IV of Schedule 4.
- (4) Where an acquiring authority have been authorised under subsection (1) or subsection (2) above to acquire compulsorily land forming part of a common, open space or fuel or field garden allotment, that authority may be authorised under the same subsection to acquire compulsorily land for giving in exchange for the land acquired.
- (5) Part V of Schedule 4 has effect with respect to the validity and date of operation of compulsory purchase orders under this section.
- (6) A local highway authority may, with the Secretary of State's consent, acquire by agreement any land which they could be authorised under subsection (1) to acquire compulsorily.

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- (7) In relation to operational land of statutory undertakers the foregoing provisions of this section have effect subject to section 13 below.

Textual Amendments

F11 Words in s. 11(2)(a) substituted (01. 11. 1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 Pt. IV para. 112](#); S.I. 1991/2288, [art. 3](#), Sch.

12 Local land charges under ss. 10 and 11. **E+W**

A compulsory purchase order under section 10 or section 11 above shall, when operative, be a local land charge.

13 Acquisition of statutory undertakers' operational land. **E+W**

- (1) In the case of operational land of statutory undertakers—

(a) an order—

(i) under section 10(1) above authorising the compulsory acquisition of that land by a development corporation, or

(ii) under section 11(1) above authorising its compulsory acquisition by a local highway authority,

instead of being made and confirmed as provided in section 10(1) or section 11(1), as the case may be, may be made by the Secretary of State and the appropriate Minister in accordance with Part I of Schedule 5 to this Act, on the application of that development corporation or local highway authority,

(b) an order under section 11(2) authorising the compulsory acquisition of that land by the Secretary of State, instead of being made as provided in section 11(2), may be made by the Secretary of State and the appropriate Minister in accordance with Part II of Schedule 5,

and in relation to a compulsory purchase order made as provided in paragraph (a) or paragraph (b) above Parts IV and V of Schedule 4 to this Act shall apply accordingly, subject in the case of Part V to the modifications set out in Part III of Schedule 5.

- (2) If—

(a) any objection to an application for a compulsory purchase order to be made in accordance with subsection (1)(a) above, or to a proposal to make such an order in accordance with subsection (1)(b) above, is duly made by any statutory undertakers, and

(b) any of the land to which the application or the proposal relates is operational land of those undertakers,

then, unless that objection is withdrawn, any order made on the application or proposal shall be subject to special parliamentary procedure.

- (3) Where a compulsory purchase order under section 10 or section 11, not being an order made as provided in subsection (1)(a) or subsection (1)(b), is submitted, or is proposed to be made, in accordance with Schedule 4, and with respect to any land (being the whole or part of the land to which the order relates) statutory undertakers make to the appropriate Minister, in the prescribed manner and within the time within which objections to the order may be made—

(a) a representation that the first-mentioned land is operational land, and

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- (b) a request for that land to be excluded from the order, and it is determined that that land is operational land, then, subject to the following provisions of this section—
- (i) if that land constitutes the whole of the land to which the order relates, the order shall not be confirmed or not be made, as the case may be; and
 - (ii) if that land forms part only of the land to which the order relates, the order shall be modified so as to exclude that land.
- (4) Where it is proposed to make an order under section 1 above, any statutory undertakers may, with respect to any land within the area to be designated by the order as the site of the proposed new town, make to the appropriate Minister, in the prescribed form and within the time allowed for making objections to the order, a representation that that land is operational land.
- (5) Where a representation is made under subsection (4) above with respect to any land, the Secretary of State and the appropriate Minister may make an order, which shall be subject to special parliamentary procedure, declaring that it is expedient that that land should be subject to compulsory acquisition.
- (6) Where, in the case of a compulsory purchase order under section 10, any land to which the order relates is within the area of a new town and is land in relation to which, apart from this subsection, subsection (3) above would apply, then subsection (3) shall not apply in relation to that land—
- (a) if no representation was made under subsection (4) with respect thereto; or
 - (b) if an order under subsection (5) above has come into force with respect thereto.

14 Application of Compulsory Purchase Act 1965 and modification of Land Compensation Act 1961. E+W

- (1) Part I of the ^{M4}Compulsory Purchase Act 1965 applies in relation to the acquisition of land under this Act subject to any necessary adaptations and to Part I of Schedule 6 to this Act.
- (2) The ^{M5}Land Compensation Act 1961, in its application for the purposes of this Act, has effect subject to any necessary adaptations and to Part II of Schedule 6.
- (3) A compulsory purchase order may provide for the incorporation with this Act of section 77 of the ^{M6}Railway Clauses Consolidation Act 1845 (which relates to the exception of minerals from purchases) and sections 78 to 85 of that Act (which relate to restrictions on the working of minerals) as originally enacted and not as amended for certain purposes by section 15 of the ^{M7}Mines (Working Facilities and Support) Act 1923, or of that section 77 only.
- (4) The provision referred to in subsection (3) above—
 - (a) may be made as to all or any of the land to which the compulsory purchase order relates, and
 - (b) may include such modification of references in those sections to the railway or works, or to the company, as may be specified in the order,
 and for the purposes of any such incorporation of those sections, this Act and the compulsory purchase order shall be deemed to be the special Act.

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Marginal Citations

- M4 1965 c. 56.
- M5 1961 c. 33.
- M6 1845 c. 20.
- M7 1923 c. 20.

15 Compensation for acquisition of statutory undertakers' operational land. **E**

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- (1) Where statutory undertakers are entitled to compensation in respect of a compulsory acquisition under this Act of operational land, Schedule 7 to this Act shall have effect as regards the assessment of the amount of that compensation.
- (2) In this section “compensation in respect of a compulsory acquisition” includes—
 - (a) compensation payable in connection with the acquisition for damage sustained by reason of the severing of the land acquired from other land held therewith or otherwise injuriously affecting such other land; and
 - (b) compensation payable for disturbance or any other matter not directly based on the value of the land.

16 Extinguishment of rights over land compulsorily acquired. **E+W**

- (1) Subject to the provisions of this section, upon the completion by the acquiring authority of a compulsory acquisition of land under this Act, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the acquiring authority.
- (2) Subsection (1) above shall not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking [^{F12}or to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or to any telecommunication apparatus kept installed for the purposes of any such system.]
- (3) In respect of any right or apparatus not falling within subsection (2) above, subsection (1) shall have effect subject—
 - (a) to any direction given by the acquiring authority before the completion of the acquisition that subsection (1) shall not apply to any right or apparatus specified in the direction; and
 - (b) to any agreement which may be made (whether before or after the completion of the acquisition) between the acquiring authority and the person in or to whom the right or apparatus in question is vested or belongs.
- (4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this section shall be entitled to compensation from the acquiring authority.
- (5) Any compensation payable under this section shall be determined in accordance with the ^{M8}Land Compensation Act 1961.

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Textual Amendments

F12 Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch. 4 para. 79\(2\)](#), [Sch. 5 para. 45](#)

Marginal Citations

M8 [1961 c. 33.](#)

Disposal of land by development corporation

17 **Conditions as to disposal.** E+W

- (1) In relation to any land acquired by a development corporation, and—
- (a) subject to this section and to any direction given by the Secretary of State under this Act, and
 - (b) whether or not, in the case of land within the area of the new town, the development of that particular land has been proposed or approved under section 7(1) above,

the development corporation may dispose of that land—

- (i) to such persons,
- (ii) in such manner,
- (iii) subject to such covenants or conditions,

as they consider expedient for securing the development of the new town in accordance with proposals approved by the Secretary of State under that section 7(1), or for purposes connected with the development of the new town.

- (2) A development corporation has no power, except with the Secretary of State's consent (given generally or specially)—
- (a) to transfer the freehold of any land, or
 - (b) to grant a lease of any land for a term of more than 99 years ^{F13}or
 - (c) to dispose of any land by way of gift].
- (3) Where a development corporation purports to dispose of land by virtue of this section, then—
- (a) in favour of any person claiming under the corporation, the disposal so purporting to be made shall not be invalid by reason that any consent which is required under subsection (2) above has not been given; and
 - (b) a person dealing with the corporation or a person claiming under the corporation shall not be concerned to see or enquire whether any such consent has been given.

^{F14}(4) A development corporation has no power to dispose of land by way of mortgage or charge.]

Textual Amendments

F13 Word “or” and s. 17(2)(c) added by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(1), [Sch. 3 para. 2\(a\)](#)

F14 S. 17(4) substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(1), [Sch. 3 para 2\(b\)](#)

Status: Point in time view as at 01/04/1998.

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18 Disposal to pre-acquisition occupiers. **E+W**

- (1) In relation to land acquired by a development corporation under this Act, if persons who were living or carrying on business or other activities on land so acquired—
 - (a) desire to obtain accommodation on land belonging to the corporation, and
 - (b) are willing to comply with any requirements of the corporation as to its development and use,the corporation's powers with respect to the disposal of that land shall be exercised as provided in subsection (2) below.
- (2) The corporation's powers referred to in subsection (1) above shall be so exercised as to secure, so far as practicable, that those persons have an opportunity to obtain such accommodation suitable to their reasonable requirements, on terms settled with due regard to the price at which such land has been acquired from them.
- (3) In the case of a person who was carrying on a business of selling intoxicating liquor ("intoxicating liquor" having the meaning given in section 201(1) of the ^{M9}Licensing Act 1964) by retail on land acquired by a development corporation under this Act, the corporation is not under any duty to afford him an opportunity of obtaining alternative accommodation for such a business.

Marginal Citations

M9 1964 c. 26.

*Powers exercisable in relation to land acquired
by development corporation or highway authority*

19 Power to override easements and other rights. **E+W**

- (1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired by a development corporation or local highway authority for the purposes of this Act, whether done by the corporation or authority or by any other person, is authorised by virtue of this section if it is done in accordance with planning permission, notwithstanding—
 - (a) that it involves interference with an interest or right to which this section applies; or
 - (b) that it involves a breach of a restriction as to the user of land arising by virtue of a contract.
- (2) Nothing in subsection (1) above authorises interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land, being a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking [^{F15}or a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system.]
- (3) This section applies to the following interests and rights, that is to say, any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.
- (4) In respect of any interference or breach in pursuance of subsection (1), compensation shall be payable under section 7 or section 10 of the ^{M10}Compulsory Purchase Act

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- 1965, to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where—
- (a) the compensation is to be estimated in connection with a purchase by a development corporation or local highway authority; or
 - (b) the injury arises from the execution of works on land acquired by such a corporation or authority.
- (5) Where a person other than the development corporation or local highway authority by whom the land in question was acquired is liable to pay compensation by virtue of subsection (4) above, and fails to discharge that liability, the liability shall be enforceable against that corporation or authority.
 - (6) Nothing in subsection (5) above shall be construed as affecting any agreement between that corporation or authority and any other person for indemnifying the corporation or authority against any liability under that subsection.
 - (7) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in subsection (1).
 - (8) Nothing in this section shall be construed as authorising any act or omission on the part of a development corporation or local highway authority, or of any body corporate, in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the corporation, authority or body.

Textual Amendments

F15 Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), Sch. 4 para. 79(3), **Sch. 5 para. 45**

Marginal Citations

M10 [1965 c. 56](#).

20 Consecrated land and burial grounds. **E+W**

- (1) Any consecrated land, whether including a building or not, which has been acquired for the purposes of this Act by a development corporation or local highway authority, or which has been acquired under this Act by the Secretary of State, may, subject to this section—
 - (a) in the case of land acquired by such a corporation or authority, be used by them, or by any other person, in any manner in accordance with planning permission, and
 - (b) in the case of land acquired by the Secretary of State, be used in any manner by him or on his behalf for any purpose for which he acquired the land,
 notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land.

This subsection does not apply to land which consists or forms part of a burial ground.
- (2) Any use of consecrated land authorised by subsection (1) above—
 - (a) shall be subject to compliance with the prescribed requirements with respect to the removal and reinterment of any human remains and the disposal of monuments and fixtures and furnishings, and

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- (b) shall be subject to such provisions as may be prescribed for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part of it, remains on the land, and the use of any land, not being consecrated land, acquired as mentioned in subsection (1), which at the time of acquisition included a church or other building used or formerly used for religious worship, or its site, shall be subject to compliance with the requirements mentioned in paragraph (a) above.
- (3) Any regulations made for the purposes of subsection (2) above—
- (a) shall contain such provisions as appear to the Secretary of State to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure, or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure;
- (b) shall contain requirements relating to the disposal of any such land as is mentioned in subsection (2) such as appear to the Secretary of State requisite for securing that the provisions of that subsection shall be complied with in relation to the use of the land; and
- (c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Secretary of State to be expedient for the purposes of the regulations.
- (4) Any land consisting of a burial ground or part of a burial ground, which has been acquired as mentioned in subsection (1) may—
- (a) in the case of land acquired by a development corporation or local highway authority, be used by them in any manner in accordance with planning permission, and
- (b) in the case of land acquired by the Secretary of State, be used in any manner by him or on his behalf for any purpose for which he acquired the land, notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds.
- (5) Subsection (4) above does not have effect in respect of any land which has been used for the burial of the dead until the prescribed requirements with respect to the removal and reinterment of human remains, and the disposal of monuments, in and upon the land have been complied with.
- (6) Provision shall be made by any regulations for the purposes of subsections (2) and (5) above—
- (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and reinterment of any human remains or the disposal of any monuments;
- (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and reinterment of the remains of the deceased, and the disposal of any monument commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, reinterment and disposal, not exceeding such amount as may be prescribed;

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- (c) for requiring compliance with such reasonable conditions (if any) as may be imposed, in the case of consecrated land, by the bishop of the diocese, with respect to the manner of removal, and the place and manner of reinterment of any human remains, and the disposal of any monuments, and with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.
- (7) Subject to any such regulations, no faculty shall be required—
- (a) for the removal and reinterment in accordance with the regulations of any human remains, or
- (b) for the removal or disposal of any monuments,
and section 25 of the ^{M11}Burial Act 1857 (which prohibits the removal of human remains without the Secretary of State’s licence except in certain cases) does not apply to a removal carried out in accordance with the regulations.
- (8) Any power conferred by this section to use land in the manner so provided shall be construed as a power so to use the land, whether it involves the erection, construction or carrying out of any building or work, or the maintenance of any building or work, or not.
- (9) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such obligation, restriction or enactment as is mentioned in subsection (1) or subsection (4).
- (10) Subsection (8) of section 19 above applies in relation to this section as it applies in relation to that section.
- (11) In this section—
- “burial ground” includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment; and
- “monument” includes a tombstone or other memorial.

Marginal Citations

M11 1857 c. 81.

21 Open spaces. E+W

- (1) Any land being, or forming part of, a common, open space or fuel or field garden allotment, which has been acquired for the purposes of this Act by a development corporation or local highway authority, or which has been acquired under this Act by the Secretary of State, may—
- (a) in the case of land acquired by such a corporation or authority, be used by them, or by any other person, in any manner in accordance with planning permission, and
- (b) in the case of land acquired by the Secretary of State, be used in any manner by him or on his behalf for any purpose for which he acquired the land,
- notwithstanding anything in any enactment relating to land of that kind, or in any enactment by which the land is specially regulated.

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- (2) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such enactment as is mentioned in subsection (1) above.
- (3) Subsection (8) of section 19 above applies in relation to this section as it applies in relation to that section.

22 Possession of houses. **E+W**

If the Secretary of State certifies that possession of a house—

- (a) which has been acquired for the purposes of this Act by a development corporation or local highway authority, and
- (b) which is for the time being held by that corporation or authority for the purposes for which it was acquired,

is immediately required for those purposes, nothing in the ^{M12}Rent (Agriculture) Act 1976 or the ^{M13}Rent Act 1977 [^{F16}or Part I of the Housing Act 1988] shall prevent that corporation or authority from obtaining possession of the house.

Textual Amendments

F16 Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 para. 31](#)

Marginal Citations

M12 [1976 c. 80.](#)

M13 [1977 c. 42.](#)

23 Extinguishment of public rights of way. **E+W**

- (1) Where any land—
 - (a) has been acquired for the purposes of this Act by a development corporation or local highway authority and is for the time being held by that corporation or authority for those purposes, or
 - (b) has been acquired under this Act by the Secretary of State and is for the time being held for the purposes for which he acquired it,the Secretary of State may by order extinguish any public right of way over the land.
- (2) Where the Secretary of State proposes to make an order under this section, he shall publish in such manner as appears to him to be requisite a notice—
 - (a) stating the effect of the order, and
 - (b) specifying the time (not being less than 28 days from the publication of the notice) within which and the manner in which, objections to the proposal may be made,and shall serve a like notice—
 - (i) on the district planning authority [^{F17}or, in the case of land in Wales, the local planning authority]in whose area the land is situated; and
 - (ii) [^{F18}if different]on the relevant highway authority.

In this subsection “the relevant highway authority” means any authority who are a highway authority in relation to the right of way proposed to be extinguished by the order, other than an authority who have applied for the order to be made.

Status: Point in time view as at 01/04/1998.

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- (3) Where an objection to a proposal to make an order under this section is duly made and is not withdrawn, Schedule 8 to this Act shall have effect in relation to the proposal.
- (4) For the purposes of this section an objection to such a proposal shall not be treated as duly made unless—
 - (a) it is made within the time and in the manner specified in the notice required by this section; and
 - (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.
- (5) Where—
 - (a) it is proposed to make an order under this section extinguishing a public right of way over a road on land acquired for the purposes of this Act by a development corporation, and
 - (b) compensation in respect of restrictions imposed under section 1 or section 2 of the ^{M14}Restriction of Ribbon Development Act 1935 in respect of that road has been paid by the highway authority (or, in the case of a trunk road, by the authority who, when the compensation was paid, were the authority for the purposes of section 4 of the ^{M15}Trunk Roads Act 1936),

the order may provide for the payment by the development corporation to that authority, in respect of the compensation so paid, of such sums as the Secretary of State, with the Treasury’s consent, may determine.
- (6) Where the Secretary of State is satisfied that the construction or improvement of a road is or will be needed in consequence of the extinguishment under this section of a public right of way, section 11 above shall apply as it applies where the Secretary of State is satisfied that the construction or improvement of a road is needed as mentioned in subsection (1) of that section.
- (7) ^{F19}

Textual Amendments

F17 Words in s. 23(2)(i) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 63(3)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**

F18 Words in s. 23(2)(ii) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 63(3)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**

F19 S. 23(7) repealed by **Telecommunications Act 1984 (c. 12, SIF 96)**, **Sch. 7 Pt. I**

Marginal Citations

M14 1935 c. 47.

M15 1936 c. 5. (1 Edw. 8 & 1 Geo. 6.).

^{F20}24 E+W

- (1) Where an order under section 23 of this Act extinguishing a public right of way is made on the application of a development corporation or local highway authority, and at the time of the publication of the notice required by subsection (2) of that section any telecommunication apparatus was kept installed for the purposes of a telecommunications code system under, in, over, along or across the land over which the right of way subsisted—

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- (a) the power of the operator of the system to remove the apparatus shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished and shall be exercisable in respect of the whole or any part of the apparatus after the end of that period if before the end of that period the operator of the system has given notice to the corporation or authority of his intention to remove the apparatus or that part of it, as the case may be;
 - (b) the operator of the system may by notice given in that behalf to the corporation or authority not later than the end of that period of three months abandon the telecommunication apparatus or any part of it;
 - (c) subject to paragraph (b) above, the operator of the system shall be deemed at the end of that period to have abandoned any part of the apparatus which he has then neither removed nor given notice of his intention to remove;
 - (d) the operator of the system shall be entitled to recover from the corporation or authority the expenses of providing, in substitution for the apparatus and any other telecommunication apparatus connected with it which is rendered useless in consequence of the removal or abandonment of the first-mentioned apparatus, any telecommunication apparatus in such other place as the operator may require;
 - (e) where under the preceding provisions of this subsection the operator of the system has abandoned the whole or any part of any telecommunication apparatus, that apparatus or that part of it shall vest in the corporation or authority and shall be deemed, with its abandonment, to cease to be kept installed for the purposes of a telecommunications code system.
- (2) Where the Secretary of State makes an order under section 23 above in circumstances in which subsection (1) above applies in relation to the operator of any telecommunications code system, the Secretary of State shall send a copy of the order to the operator.]

Textual Amendments

F20 S. 24 substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), Sch. 4 para. 79(4)(5), [Sch. 5 para. 45](#)

25 Special power to create trunk roads. **E+W**

The Secretary of State may direct that any road constructed by him on land transferred to or acquired by him under this Act shall, on such date as may be specified in the direction, become a trunk road within the meaning of the ^{M16}Highways Act 1980; and the provisions of that Act relating to trunk roads shall apply to the road accordingly.

Marginal Citations

M16 1980 c. 66.

Status: Point in time view as at 01/04/1998.

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Statutory undertakers, and provision of trolley vehicle services

26 Extinguishment of rights of way and removal of apparatus. E+W

- (1) This section applies to land—
 - (a) which has been acquired for the purposes of this Act by a development corporation or local highway authority and is for the time being held by that corporation or authority for those purposes, or
 - (b) which has been acquired under this Act by the Secretary of State and is for the time being held for the purposes for which he acquired it.
- (2) Where, in the case of any land to which this section applies—
 - (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land, or
 - (b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking,

the acquiring authority may serve on the statutory undertakers a notice stating that, at the end of such period as may be specified in the notice, the right will be extinguished, or requiring that, before the end of such period as may be so specified, the apparatus shall be removed.
- (3) The statutory undertakers on whom a notice is served under subsection (2) above may, before the end of the period of 28 days from the service of the notice, serve a counter-notice on the acquiring authority stating that they object to all or any of the provisions of the notice, and specifying the grounds of their objection.
- (4) If no counter-notice is served under subsection (3) above—
 - (a) any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice; and
 - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been complied with, the acquiring authority may remove the apparatus and dispose of it in any way the authority may think fit.
- (5) If a counter-notice is served under subsection (3) on a development corporation or local highway authority, the corporation or authority—
 - (a) may either withdraw the notice (without prejudice to the service of a further notice), or
 - (b) may apply to the Secretary of State and the appropriate Minister for an order under this section embodying the provisions of the notice, with or without modification,

and if such an application is made the Secretary of State and the appropriate Minister may make an order under this section accordingly.
- (6) If a counter-notice is served under subsection (3) on the Secretary of State, he may withdraw the notice (without prejudice to the service of a further notice) or he and the appropriate Minister may make an order under this section embodying the provisions of the notice, with or without modification.
- (7) Where, by virtue of this section—
 - (a) any right vested in or belonging to statutory undertakers is ' extinguished, or

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(b) any requirement is imposed on statutory undertakers, those undertakers shall be entitled to compensation from the acquiring authority at whose instance the right was extinguished or the requirement imposed; and Schedule 7 to this Act has effect as regards the assessment of the amount of that compensation.

[^{F21}(8) Except in a case in which section 24 above has effect—

- (a) the reference in paragraph (a) of subsection (2) above to a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system; and
- (b) the reference in paragraph (b) of that subsection to apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to telecommunication apparatus kept installed for the purposes of any such system;

and for the purposes of this subsection, in this section (except in the said paragraphs (a) and (b)) and in Schedule 7 to this Act and section 27 below, references to statutory undertakers shall have effect as references to the operator of any such system, references, in relation to such an operator, to the carrying on of his undertaking shall have effect as references to the running of the telecommunications code system in question and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.]

Textual Amendments

F21 S. 26(8) substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch. 4 para. 79\(6\)](#), [Sch. 5 para. 45](#)

27 Orders under s. 26. **E+W**

- (1) Where the Secretary of State and the appropriate Minister propose to make an order under section 26(6) above, they shall prepare a draft of the order.
- (2) Before making an order under section 26(5) or (6), the Ministers proposing to make the order—
 - (a) shall afford to the statutory undertakers on whom notice was served under subsection (2) of that section an opportunity of objecting to the application for, or proposal to make, the order, and
 - (b) if any objection is made, shall consider the objection and afford to those statutory undertakers (and, in a case falling within subsection (5) of that section, to the development corporation or local highway authority on whom the counter-notice was served) an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State and the appropriate Minister for the purpose,and may then, if they think fit, make the order in accordance with the application or in accordance with the draft order, as the case may be, either with or without modification.
- (3) Where an objection to an order under section 26 is duly made and is not withdrawn before the making of the order, the order shall be subject to special parliamentary procedure.

Status: Point in time view as at 01/04/1998.

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- (4) Subject to subsection (3) above, where an order is made under section 26—
- (a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order, and
 - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the acquiring authority may remove the apparatus and dispose of it in any way the authority may think fit.

28 **Extension or modification of functions.** E+W

- (1) The powers conferred by this section shall be exercisable where, on a representation made by statutory undertakers, it appears to the Secretary of State and the appropriate Minister to be expedient that the powers and duties of those undertakers should be extended or modified, in order—
 - (a) to secure the provision of services which would not otherwise be provided, or satisfactorily provided, for the purposes of a new town under this Act; or
 - (b) to facilitate an adjustment of the carrying on of the undertaking necessitated by any of the acts and events mentioned in subsection (2) below.
- (2) Those acts and events are—
 - (a) the acquisition under this Act of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers in question;
 - (b) the extinguishment of a right or the imposition of any requirement by virtue of section 26 above.
- (3) The powers conferred by this section shall also be exercisable where, on a representation made by a development corporation, it appears to the Secretary of State and the appropriate Minister to be expedient that the powers and duties of statutory undertakers should be extended or modified in order—
 - (a) to secure the provision of new services, or
 - (b) to secure the extension of existing services,
 for the purposes of a new town under this Act.
- (4) Where the powers conferred by this section are exercisable, the Secretary of State and the appropriate Minister may, if they think fit, by order provide for such extension or modification of the powers and duties of the statutory undertakers as appears to them to be requisite in order—
 - (a) to secure the provision of the services in question, as mentioned in subsection (1)(a) or (3) above, or
 - (b) to secure the adjustment in question, as mentioned in subsection (1)(b), as the case may be.
- (5) Without prejudice to the generality of subsection (4) above, an order under this section may provide—
 - (a) for empowering the statutory undertakers to acquire (whether compulsorily or by agreement) any land specified in the order, and to erect or construct any buildings or works so specified;
 - (b) for applying, in relation to the acquisition of any such land or the construction of any such works, enactments relating to the acquisition of land and the construction of works;

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- (c) where it has been represented that the making of the order is expedient for the purposes mentioned in subsection (1)(a) or (3), for giving effect to such financial arrangements between the development corporation and the statutory undertakers—
 - (i) as they may agree; or
 - (ii) in default of agreement, as may be determined to be equitable in such manner and by such tribunal as may be specified in the order;
- (d) for such incidental and supplemental matters as appear to the Secretary of State and the appropriate Minister to be expedient for the purposes of the order.

29 Procedure for orders under s. 28. E+W

- (1) As soon as may be after making such a representation as is mentioned in section 28(1) or (3) above—
 - (a) the statutory undertakers, in a case falling within subsection (1), or
 - (b) the development corporation, in a case falling within subsection (3),shall publish, in such form and manner as may be directed by the Secretary of State and the appropriate Minister, a notice—
 - (i) giving such particulars as may be so directed of the matters to which the representation relates, and
 - (ii) specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made,and shall also, if it is so directed by the Secretary of State and the appropriate Minister, serve a like notice on such persons, or persons of such classes, as may be so directed.
- (2) Orders under section 28 shall be subject to special parliamentary procedure.

30 Relief from obligations rendered impracticable. E+W

- (1) Where—
 - (a) on a representation made by statutory undertakers, the appropriate Minister is satisfied that the fulfilment of any obligation incurred by those undertakers in connection with the carrying on of their undertaking has been rendered impracticable by an act or event to which this subsection applies, then,
 - (b) the appropriate Minister may, if he thinks fit, by order direct that the statutory undertakers shall be relieved of the fulfilment of that obligation, either absolutely or to such extent as may be specified in the order.
- (2) Subsection (1) above applies to the following acts and events—
 - (a) the compulsory acquisition under this Act of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers;
 - (b) the extinguishment of a right or the imposition of any requirement by virtue of section 26 above.
- (3) As soon as may be after making a representation to the appropriate Minister under subsection (1), the statutory undertakers shall, as may be directed by the appropriate Minister, either—
 - (a) publish (in such form and manner as may be so directed) a notice giving such particulars as may be so directed of the matters to which the representation

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- relates, and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made; or
 - (b) serve such a notice on such persons, or persons of such classes, as may be so directed; or
 - (c) both publish and serve such notices.
- (4) If any objection to the making of an order under this section is duly made and is not withdrawn before the order is made, the order shall be subject to special parliamentary procedure.
- (5) As soon as may be after an order has been made under this section the appropriate Minister shall publish in such form and manner as he thinks fit a notice stating that the order has been made.
- (6) The provisions of Part V of Schedule 4 to this Act as to the validity and date of operation of compulsory purchase orders have effect in relation to an order under this section with—
- (a) the substitution for references to a compulsory purchase order of references to an order under this section; and
 - (b) the substitution for references to publication in accordance with that Schedule of references to publication in accordance with subsection (5) above.

31 **Objections to orders under ss. 28 and 30.** E+W

- (1) For the purposes of sections 28 and 30 above an objection to the making of an order under those sections shall not be treated as duly made unless—
- (a) the objection is made within the time and in the manner specified in the notice required by the section under which the order is proposed to be made; and
 - (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.
- (2) Where an objection to the making of such an order is duly made in accordance with subsection (1) above and is not withdrawn, Schedule 8 to this Act has effect in relation to the objection.

32 **Trolley vehicle services by development corporation.** E+W

- (1) A development corporation may by means of an order made by the Secretary of State be authorised to operate trolley vehicle services for the purposes of the corporation's new town.
- (2) An order under this section may impose such conditions as appear to the Secretary of State to be required in the interests of the public safety, and may contain such incidental and consequential provisions as appear to him to be necessary or expedient for the purposes of the order, including provisions—
- (a) authorising the construction and maintenance in highways of any works or equipment required in connection with the services;
 - (b) providing for the making and enforcement of regulations and byelaws with respect to the construction and operation of any vehicles or equipment used for the purposes of the services, and with respect to the conduct of passengers on, and of the drivers and conductors of, any such vehicles.
- (3) An order under this section shall be subject to special parliamentary procedure.

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Public health

33 New town may be united district for Public Health Acts. **E+W**

Where—

- (a) an order is made under section 1 above designating an area as the site of a new town, and
- (b) the Secretary of State is satisfied that, in consequence of the making of that order, it is expedient that that area, or any larger area which comprises that area, should be constituted a united district for any purpose for which a united district may be constituted under section 6 of the ^{M17}Public Health Act 1936,

he may make an order under that section 6 constituting the area as to which he is so satisfied a united district, notwithstanding that no application in that behalf is made to him by the local authorities for the [^{F22}areas] concerned or any of them.

Textual Amendments

F22 Word in s. 33 substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 63(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2); S.I. 1996/396, art. 4, **Sch. 2**

Marginal Citations

M17 1936 c. 49.

34 ^{F23} **E+W**

Textual Amendments

F23 S. 34 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)

PART II **E+W**

COMMISSION FOR THE NEW TOWNS AND TRANSFERS FROM AND DISSOLUTION OF DEVELOPMENT CORPORATIONS

Commission for the New Towns

35 Establishment of Commission. **E+W**

- (1) The body corporate established by the name of the Commission for the New Towns (in this Act referred to as the Commission) continues in being.
- (2) In relation to the Commission—
 - (a) it 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
 - (b) its property is not to be regarded as property of, or held on behalf of, the Crown,

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and nothing in this Act, except the express provision relating to stamp duty in section 72(1), shall be construed as exempting the Commission from liability to any tax, duty, rate, levy or other charge whatsoever, whether local or general.

- (3) Part V of the ^{M18}Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (which provides for the making to service men of payments to make up their civil remuneration) has effect as if in Part I of Schedule 2 to that Act the capacities specified in the first column included that of employee of the Commission, and the Commission were specified as respects that capacity in the second column.
- (4) Schedule 9 to this Act has effect with respect to—
- (a) the constitution and proceedings of the Commission, and
 - (b) other matters relating to the Commission and its members [^{F24}including the winding-up of the Commission].

Textual Amendments

F24 Words added by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(1), [Sch. 3 para. 3](#)

Marginal Citations

M18 1951 c. 65.

36 Functions of Commission. **E+W**

- [^{F25}(1) The purposes for which the Commission exists are—
- (a) to take over and, with a view to its eventual disposal, to hold, manage and turn to account
 - [the property of development corporations transferred to the ^{F26}(i) Commission under this Act, and
 - (ii) the property of urban development corporations transferred to the Commission by order under section 165B of the Local Government, Planning and Land Act 1980,]
 and
 - (b) as soon as it considers it expedient to do so, to dispose of property so transferred and any other property held by it,
- due regard being had to the considerations specified in sub-section (2) below.
- (2) Those considerations, in relation to any new town [^{F27}or urban development area], are—
- (a) the convenience and welfare of persons residing, working or carrying on business there, and
 - (b) until disposal, the maintenance and enhancement of the value of the land held and the return obtained from it.]
- (3) Subject to the provisions of this Act and to any direction given to them by the Secretary of State under section 37 below, the Commission has power, with a view to the better fulfilment of [^{F28}any of the purposes] mentioned in subsection (1) above [^{F29}, so far as it relates to property of development corporations,] by the improvement of any of their towns, or to the convenience or welfare of persons residing, working or carrying on business there—

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- (a) to acquire (otherwise than by transfer under this Act), hold, manage and turn to account land situated in or near the town, or any interest in or rights over such land;
- (b)^{F30}, to make contributions towards the cost of providing amenities for the town, or of providing for it
 - [^{F31}(i) roads;
 - (ii) water supplies;
 - (iii) gas or electricity services; or
 - (iv) sewerage or sewage disposal services;]
- (c) to promote or assist by any means, and in particular by making advances towards the cost of purchasing land, or of erecting, extending, improving or adapting building or works, the setting up or extension of businesses in the town;
- (d)^{F32}

[^{F33}(3A) Subject to the provisions of this Act and to any direction given to them by the Secretary of State under section 37 below, the Commission has power, with a view to the better fulfilment of any of the purposes mentioned in subsection (1) above, so far as it relates to property of urban development corporations,—

- (a) to acquire, hold, manage and turn to account any land or other property, including any interest in or rights over land; and
- (b) to make contributions towards the cost of providing—
 - (i) roads;
 - (ii) water supplies;
 - (iii) gas or electricity services; or
 - (iv) sewerage or sewage disposal services.]

(4) A transaction between a person and the Commission shall not be invalidated by reason of any non-compliance by the Commission with [^{F34}the obligation to have regard to the considerations specified in subsection (2) above]; nor shall any such transaction be invalidated by reason of any non-compliance by the Commission with the requirement of subsection (3) [^{F35}or (3A)]above that they shall exercise the powers conferred by that subsection with the view there mentioned.

[^{F36}(4A) In this section “urban development area” means land which is or was, or is or was part of, an urban development area (within the meaning of Part XVI of the Local Government, Planning and Land Act 1980) and—

- (a) any reference to property transferred to the Commission by order under section 165B of that Act includes a reference to rights and liabilities so transferred; and
- (b) in relation to liabilities so transferred, any reference to disposal includes a reference to extinguishment.]

(5)^{F37}

Textual Amendments

F25 S. 36(1)(2) substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 1\(2\)](#)

F26 S. 36(1)(a)(i)(ii) substituted for words in s. 36(1)(a) (1.4.1998) by [S.I. 1998/85, art. 3\(1\)](#)

F27 Words in s. 36(2) inserted (1.4.1998) by [S.I. 1998/85, art. 3\(2\)](#)

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- F28** Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 1\(3\)](#)
- F29** Words in s. 36(3) inserted (1.4.1998) by S.I. 1998/85, [art. 3\(3\)](#)
- F30** Words repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 1\(3\)\(a\)](#), 14(2), Sch. 4
- F31** Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 1\(3\)\(a\)](#)
- F32** [S. 36\(3\)\(d\)](#) repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123: 3, 4\), ss. 1\(3\)\(b\)](#), 14(2), Sch. 4
- F33** [S. 36\(3A\)](#) inserted (1.4.1998) by S.I. 1998/85, [art. 3\(4\)](#)
- F34** Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\)](#), [Sch. 3 para. 4](#)
- F35** Words in [s. 36\(4\)](#) inserted (1.4.1998) by S.I. 1998/85, [art. 3\(5\)](#)
- F36** [S. 36\(4A\)](#) inserted (1.4.1998) by S.I. 1998/85, [art. 3\(6\)](#)
- F37** [S. 36\(5\)](#) repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(2\)](#), [Sch. 4](#)

Modifications etc. (not altering text)

- C1** [S. 36\(1\)](#) amended (31.03.2002) by [The Waltham Forest Housing Action Trust \(Dissolution\) Order 2002 \(S.I. 2002/86\)](#), [art. 4](#)

37 Restrictions on functions of Commission. E+W

- (1) The Commission does not have power to borrow money except in accordance with sections 58 to 60 below.
- (2) The Commission in discharging their functions shall comply with such directions as may be given to them by the Secretary of State, but in giving any such direction he shall have regard to the ^[F38]Commission's obligation to have regard to the considerations specified in] section 36(2) above.
- ^[F39](3) The Commission shall not by virtue of section 36 above—
- (a) acquire land or any interest or rights in or over land,
 - (b) make contributions towards the cost of providing amenities, supplies or services,
 - (c) make loans or advances or give guarantees,
 - (d) develop land otherwise than in accordance with proposals submitted to and approved by the Secretary of State, or
 - (e) dispose of any property by way of gift or for a consideration which is less than the best reasonably obtainable,
- except under the general or special authority of the Secretary of State.]
- ^[F40](4) The Commission shall not have power to dispose of any property by way of mortgage or charge]
- (5) A transaction between a person and the Commission shall not be invalidated by reason of any failure by the Commission to comply with directions given by the Secretary of State under subsection (2) 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.
- (6) Where the Commission purports to dispose of land by virtue of section 36, then—

Status: Point in time view as at 01/04/1998.

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- (a) in favour of any person claiming under the Commission, the disposal so purporting to be made shall not be invalid by reason that any authority which is required under [^{F41}subsection (3)(e) above] had not been given; and
- (b) a person dealing with the Commission or a person claiming under the Commission shall not be concerned to see or enquire whether any such authority has been given.

(7) ^{F42}

Textual Amendments

- F38** Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\), Sch. 3 para. 5\(a\)](#)
- F39** [S. 37\(3\)](#) substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 1\(4\)](#)
- F40** [S. 37\(4\)](#) substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\), Sch. 3 para. 5 \(b\)](#)
- F41** Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\), Sch. 3 para. 5 \(c\)](#)
- F42** [S. 37\(7\)](#) repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(2\), Sch. 4](#)

Modifications etc. (not altering text)

- C2** [S. 37](#) amended (31.03.2002) by [The Waltham Forest Housing Action Trust \(Dissolution\) Order 2002 \(S.I. 2002/86\), art. 5](#)

38 Local authorities and work for Commission. E+W

- (1) The council of a county [^{F43}, county borough] or district in which the whole or any part of the area of a new town is situated may, at the request of the Commission and for such consideration and on such other terms and conditions as may be agreed between the council and the Commission—
 - (a) do for the Commission any building or other work on land (including land outside the county or district), being work undertaken for the purposes of the Commission’s functions in relation to the new town, or any work preliminary to or connected with any such work on land as mentioned above; or
 - (b) allow the commission to have for the purpose of any such work as mentioned above the services of officers or servants of the council or the use of premises or equipment of the council.
- (2) This section applies in relation to a joint board discharging functions of any such council as mentioned above as it applies in relation to the council.

Textual Amendments

- F43** Words in [s. 38\(1\)](#) inserted (1.4.1996) by [1994 c. 19, s. 66\(6\), Sch. 16 para. 63\(5\)](#) (with [ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 4, Sch. 2](#)

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

39 Power of development corporation to transfer undertakings. E+W

- (1) Subject to the provisions of this section, a development corporation may, by an agreement made with any local authority or any statutory undertakers and approved by the Secretary of State with the concurrence of the Treasury—
- (a) transfer to that local authority any part of the undertaking of the corporation, or
 - (b) transfer to those statutory undertakers any part of the undertaking of the corporation which consists of a statutory undertaking,
- upon such terms as may be prescribed by the agreement.

The foregoing provision is without prejudice to the powers of development corporations under this Act to dispose of any of their property, including any trade or business carried on by them.

- (2) Before approving an agreement under this section the Secretary of State shall consult with the council of every county and of every district in which the whole or any part of the area of the new town is situated, except, in the case of an agreement made with such a council, the council with whom it is made.

[^{F44}(2A) Subsection (2) above shall have effect in relation to Wales as if for “and of every district” there were substituted or county borough.]

- (3) Before approving an agreement under this section for the transfer of a statutory undertaking, the Secretary of State shall publish in the London Gazette, and in one or more newspapers circulating in the area in which the new town is situated, a notice stating that the agreement has been submitted for approval, and describing the general effect of the agreement.
- (4) If within 28 days from the publication of the notice in the London Gazette in accordance with subsection (3) above any objection to the agreement is made by any statutory undertakers—
- (a) who are carrying on, or are authorised to carry on, a statutory undertaking of a character similar to the statutory undertaking proposed to be transferred by the agreement, and
 - (b) who do so within the area in which the new town is situated or any adjacent area,

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 the Secretary of State and the appropriate Minister.

- (5) 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 development corporation in respect of advances made to them under the following provisions of this Act should be reduced, he may, [^{F45}with the Treasury’s consent, by order], reduce that liability to such extent as may be specified in the order.

[^{F46}(5A) No order shall be made under subsection (5) above unless a draft of the order has been laid before, and approved by resolution of, the House of Commons].

- (6) The payment of any sums payable by a local authority for the purposes of an agreement under this section shall be a purpose for which that authority may borrow money.

Status: Point in time view as at 01/04/1998.

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- [^{F47}(7) This section shall have effect as if references to statutory undertakers included references to the operator of any telecommunications code system and as if for this purpose—
- (a) references to a statutory undertaking were references to the running of such a system; and
 - (b) references to the appropriate Minister were references to the Secretary of State for Trade and Industry.]

Textual Amendments

- F44** S. 39(2A) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 63(6)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F45** Words substituted by New Towns and Urban Development Corporations Act 1985 (c. 5, SIF 123:3, 4), s. 14(1), **Sch. 3 para. 6(a)**
- F46** S. 39(5A) inserted by New Towns and Urban Development Corporations Act 1985 (c. 5, SIF 123:3, 4), s. 14(1), **Sch. 3 para. 6(b)**
- F47** S. 39(7) inserted by Telecommunications Act 1984 (c. 12, SIF 96), Sch. 4 para. 79(7), **Sch. 5 para. 45**

Modifications etc. (not altering text)

- C3** S. 39 extended by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 1(5)** (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)

40 ^{F48} **E+W**

Textual Amendments

- F48** S. 40 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)

41 Transfer of property to Commission and dissolution of corporation. **E+W**

- (1) Where, after consultation with the council of every county and of every district in which the whole or any part of the area of a new town is situated, the Secretary of State is satisfied that the purposes for which the development corporation is established under this Act have been substantially achieved, he shall by order direct—
- (a) that on such date as may be specified in the order the property of the corporation (other than property excepted under the following provisions of this Act) shall vest in the Commission, and the corporation shall cease to act except for the purpose of taking such steps (if any) as may be authorised or required by the order to dispose of any property so excepted, to prepare its final accounts and report, or otherwise to wind up its affairs; and
 - (b) that on that date or such later date as may be fixed by or under the order, the corporation shall be dissolved.

[^{F49}(1A) Subsection (1) above shall have effect in relation to Wales as if for “and of every district” there were substituted “or county borough”.]

Status: Point in time view as at 01/04/1998.

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- (2) With respect to the transfer to the Commission by an order under this section of the property of a development corporation and with respect to matters arising out of the transfer or out of the dissolution of the corporation—
 - (a) Schedule 10 to this Act has effect; and
 - (b) the Secretary of State may by order under this section make such further incidental or supplementary provisions as appear to him to be necessary or expedient in relation to any such matter.

- (3) F50

- (4) Where by virtue of an order under section 6 above a development corporation discharges functions in relation to more than one new town, the Secretary of State may make an order under subsection (1) above in relation—
 - (a) to that corporation, and
 - (b) to any of those towns without the other or others,
 as if the corporation were not concerned with the other or others, but without providing for the dissolution of the corporation.

- (5) In the case of any such order, Schedule 10 shall apply subject to such modifications as may be provided by the order for the purpose in particular of determining what part of the corporation’s property, rights, liabilities and obligations is to be transferred to the Commission.

Textual Amendments

F49 S. 41(1A) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 63(7)** (with ss. 54(5)(7), 55(5), Sch. 17, paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F50 S. 41(3) 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)

PART III E+W

. . . F51

Textual Amendments

F51 Pt. III repealed by Local Government and Housing Act 1989 (c. 42, SIF 61, 81:1), s. 172(6) (with s. 172(7)) and by s. 194(4), Sch. 12 Pt. II and subject to amendments by 1996 c. 18, ss. 240, 242, 243, Sch. 1 para. 15, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Status: Point in time view as at 01/04/1998.

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PART IV **E+W+S**

FINANCE

General financial provisions

58 Advances and grants to development corporations and Commission. **E+W**

- (1) For the purpose of enabling a development corporation—
- (a) to meet expenditure properly chargeable to capital account (including the provision of working capital), or
 - (b) to make good to revenue account sums applied in meeting liabilities so chargeable,
- the Secretary of State may (subject to section 60 below) make to the corporation advances repayable over such periods [^{F52}, carrying interest at such rates and on such other terms] as may be approved by the Treasury.
- (2) ^{F53}
- (3) It shall be a condition of the making of advances to a development corporation under subsection (1) above that the proposals for development submitted to the Secretary of State under section 7 above shall be approved by the Secretary of State with the Treasury's concurrence as being likely to secure for the corporation a return which is reasonable, having regard to all the circumstances, when compared with the cost of carrying out those proposals.
- (4) ^{F53}
- (5) For the purpose of enabling the Commission—
- (a) to meet liabilities properly chargeable to capital account (including the provision of working capital), or
 - (b) to make good to revenue account sums applied in meeting liabilities so chargeable,
- the Secretary of State may (subject to section 60) make to the Commission advances repayable over such period [^{F54}, carrying interest at such rates and on such other terms] as may be approved by the Treasury.
- (6) The Secretary of State may also advance to the Commission any sums required by them to meet a deficit on revenue account, and any such advance shall be repayable over such period and shall [^{F55} carry interest at such rates and be made on such other terms] as may be approved by the Treasury; but the sum of the amounts outstanding at any time in respect of the principal of the sums advanced—
- (a) before the commencement of the ^{M19}New Towns Act 1965, under section 3(2) of the ^{M20}New Towns Act 1959,
 - (b) before the commencement of this Act, under section 42(5) of the New Towns Act 1965, and
 - (c) after the commencement of this Act, under this subsection (which corresponds to those subsections),
- shall not exceed £1,000,000.

Status: Point in time view as at 01/04/1998.

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Textual Amendments

- F52** Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\), Sch. 3 para. 8](#)
- F53** S. 58(2)(4) repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(2\), Sch. 4](#)
- F54** Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\), Sch. 3 para. 8\(a\)](#)
- F55** Words substituted by the [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\), Sch. 3 para. 8\(b\)](#)

Marginal Citations

- M19** 1965 c. 59.
- M20** 1959 c. 62.

[^{F56} 58A Grants to development corporations and Commission. **E+W**

- (1) For the purpose of enabling a development corporation—
 - (a) to meet expenditure properly chargeable to capital account and incurred or to be incurred in providing, or in making contributions towards the cost to others of providing, any of the facilities specified in subsection (2) below, or
 - (b) to make good to revenue account sums applied in meeting liabilities so chargeable and arising out of the provision of any of those facilities,
 the Secretary of State may, out of money provided by Parliament, make grants to the corporation of such amount as may be approved by the Treasury.
- (2) The facilities referred to in subsection (1) above are the following—
 - (a) roads, paths, bridges and car parks;
 - (b) public open spaces, recreation grounds, playgrounds and landscaping;
 - (c) meeting halls and assembly rooms;
 - (d) any other facilities similar to those specified in paragraph (a), (b) or (c) above.
- (3) For the purpose of enabling a development corporation to meet expenditure properly chargeable to revenue account the Secretary of State may, out of money provided by Parliament, make grants to the corporation of such amount as may be approved by the Treasury.
- (4) For the purpose of enabling the Commission—
 - (a) to meet expenditure, or liabilities in respect of expenditure, properly chargeable to capital account and incurred or to be incurred in providing, or in making contributions towards the cost to others of providing, any of the facilities specified in subsection (2) above, or
 - (b) to make good to revenue account sums applied in meeting liabilities so chargeable and arising out of the provision of any of those facilities,
 the Secretary of State may, out of money provided by Parliament, make grants to the Commission of such amount as may be approved by the Treasury.
- (5) For the purpose of enabling the Commission to meet any housing expenditure the Secretary of State may, out of money provided by Parliament, make grants to the Commission of such amount as may be approved by the Treasury.]

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Textual Amendments

F56 S. 58A inserted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 6

59 Other borrowing powers of development corporations and Commission. **E+W**

(1) A development corporation or the Commission may borrow temporarily, by way of overdraft or otherwise, either—

- (a) in sterling from the Secretary of State, or
- (b) with the Secretary of State's consent and the Treasury's approval, or in accordance with any general authority given by the Secretary of State with the Treasury's approval, in any currency from any other person.

such sums as the development corporation or the Commission (as the case may be) may require for meeting their obligations or performing their functions.

(2) With the consent of the Secretary of State and the Treasury's approval, a development corporation or the Commission may borrow, otherwise than by way of temporary loan—

- (a) in any currency from the Commission of the European Communities or from the European Investment Bank, or
- (b) in any currency other than sterling from any person, other than the Secretary of State and the bodies mentioned in the preceding paragraph,

such sums as they may require for enabling them to meet expenditure properly chargeable to capital account (including the provision of working capital), or to make good to revenue account sums applied in meeting liabilities so chargeable.

60 Limit on borrowing by development corporations and Commission. **E+W+S**

[^{F57}(1) The aggregate of the amounts outstanding in respect of the principal of the following sums—]

- (a) the sums advanced to development corporations before the commencement of this Act under section 12(1) of the ^{M21}New Towns Act 1946 in its application to England and Wales or under section 42(1) of the ^{M22}New Towns Act 1965, and, after the commencement of this Act, under section 58(1) above, (which corresponds to those subsections),
- (b) the sums advanced to development corporations before the commencement of the ^{M23}New Towns (Scotland) Act 1968 under that section 12(1) in its application to Scotland (to which section 37(1) of that Act of 1968 corresponds) and, after the commencement of that Act of 1968, under that section 37(1);
- (c) the sums advanced to the Commission before the commencement of this Act under section 3(1) of the ^{M24}New Towns Act 1959 or under section 42(4) of that Act of 1965, and, after the commencement of this Act, under section 58(5) above (which corresponds to those subsections), and
- (d) the sums borrowed (whether by development corporations or by the Commission) before the commencement of this Act under section 42A of that Act of 1965 and, after the commencement of this Act, under section 59 above (which corresponds to that section), or under section 37A of that Act of 1968,

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[^{F57} shall not at any time exceed the limit imposed by or under subsection (2) to (4) below.]

[^{F58}(2) The said limit, except during the period specified in subsection (4) below, is £4,600 million or such greater sum not exceeding £5,250 million as the Secretary of State may by order specify.

(3) No order shall be made under subsection (2) above unless a draft of the order has been laid before, and approved by resolution of, the House of Commons.

(4) During the period beginning with the commencement of the New Towns and Urban Development Corporations Act 1985 and ending with 30th September 1986 the said limit is £5,250 million.]

Textual Amendments

F57 Words inserted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 7\(2\)](#)

F58 S. 60(2)–(4) inserted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 7\(3\)](#)

Marginal Citations

M21 1946 c. 68.

M22 1965 c. 59.

M23 1968 c. 16.

M24 1959 c. 62.

61 Provisions supplemental to s. 58. E+W

(1) The Treasury may issue to the Secretary of State out of the National Loans Fund such sums as are necessary to enable him to make advances—

- (a) to a development corporation under section 58(1) above; or
- (b) to the Commission under section 58(5) or (6),

.....^{F59}

(2) Any sums received by the Secretary of State by way of repayment of or interest on advances under section 58(1), (5) or (6) shall be paid into the National Loans Fund.

(3) The Secretary of State shall lay before each House of Parliament a statement of any sums payable to him by way of repayment of or interest on any such advances and not duly received by him.

Textual Amendments

F59 Words repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\)\(2\), Sch. 3 para. 8\(b\), Sch. 4](#)

62 Treasury guarantees. E+W

(1) The Treasury may guarantee in such manner and on such conditions as they may think fit— [^{F60}the repayment of the principal of, the payment of interest on and the discharge of any other financial obligation in connection with] any sums which a development

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corporation or the Commission borrow under this Act from a person other than the Secretary of State.

- (2) Immediately after a guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament.
- (3) Where any sum is issued for fulfilling a guarantee so given, the Treasury shall, as soon as possible after the end of each financial year—
 - (a) beginning with that in which the sum is issued, and
 - (b) ending with that in which all liability in respect of the principal of the sum, and in respect of interest on it, is finally discharged,lay before each House of Parliament a statement relating to that sum.
- (4) Any sums required by the Treasury for fulfilling a guarantee under this section shall be charged on and issued out of the Consolidated Fund.
- (5) If any sums are issued in fulfilment of a guarantee given under this section in respect of money borrowed by a development corporation or by the Commission, the development corporation or the Commission (as the case may be) shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct—
 - (a) payments, of such amounts as the Treasury may so direct, in or towards repayment of the sums so issued; and
 - (b) payments of interest on what is outstanding for the time being in respect of amounts so issued at such rate as the Treasury may so direct.
- (6) Any sums received under subsection (5) above by the Treasury shall be paid into the Consolidated Fund.

Textual Amendments

F60 Words substituted for paragraphs (a) and (b) by [Miscellaneous Financial Provisions Act 1983 \(c. 29, SIF 99:1\)](#), s. 4(5)

[^{F61} Financial reconstruction

Textual Amendments

F61 Ss. 62A, 62B and cross-heading inserted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 8(1)

62A Power to extinguish loan obligations of development corporations. E+W

- (1) The Secretary of State may, with the Treasury's consent, by order extinguish to such extent as may be specified in the order any liabilities of a development corporation in respect of advances made by him to the corporation under section 58(1) or the corresponding provisions of the 1946 Act or the 1965 Act.
- (2) The aggregate amount of liabilities extinguished by order under this section shall not exceed £1,750 million.

Status: Point in time view as at 01/04/1998.

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- (3) Where liabilities are extinguished under this section the assets of the National Loans Fund shall be reduced by amounts corresponding to the liabilities so extinguished.
- (4) No order shall be made under this section after 30th September 1986.
- (5) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, the House of Commons.
- (6) In this section—
 - (a) “the 1946 Act” means the ^{M25}New Towns Act 1946 and the provision of it corresponding to section 58(1) is section 12(1); and
 - (b) “the 1965 Act” means the ^{M26}New Towns Act 1965 and the provision of it corresponding to section 58(1) is section 42(1).

Marginal Citations

M25 1946 c. 68.

M26 1965 c. 59.

62B Power to suspend loan obligations of development corporations and Commission. E+W

- (1) The Secretary of State may, with the Treasury’s consent, by order specify any new town development loan as a loan the repayment of which to the Secretary of State (and subsequently into the National Loans Fund) is to be suspended by virtue of this section for such period (“the period of suspension”) as is specified in the order.
- (2) The power extends to new town development loans made to development corporations and to new town development loans made to the Commission.
- (3) Where a loan is specified by an order under subsection (1) above—
 - (a) the terms of the loan shall have effect as if any payment by way of repayment of or interest on the loan which (apart from this section) would fall due at any time within the unexpired period for repayment of the loan fell due instead at the corresponding time within the period of the same duration beginning at the end of the period of suspension;
 - (b) no interest shall accrue in respect of the loan during the period of suspension; and
 - (c) the borrower shall assume during the period of suspension such obligations as the Secretary of State may impose by directions under the order as regards the achieving of financial objectives, the obtaining of his approval for proposed expenditure and the provision of information about the borrower’s present or future financial position.
- (4) No order shall be made under subsection (1) above effecting a suspension of an outstanding loan of a development corporation if an order has been made under section 62A above extinguishing a liability of the development corporation.
- (5) The aggregate amount of new town development loans suspended by order under subsection (1) above shall not exceed Â£950 million or such greater sum, not exceeding Â£1,300 million, as the Secretary of State may be order specify.

Status: Point in time view as at 01/04/1998.

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- (6) No order shall be made under subsection (5) above unless a draft of it has been laid before, and approved by a resolution of, the House of Commons.
- (7) No order shall be made under this section after 31st March 1996.
- (8) In this section—
- (a) “new town development loan” means—
- (i) as regards a development corporation, any sum advanced by the Secretary of State to the corporation under section 58(1) above or the corresponding provisions of the 1946 Act or the 1965 Act;
- (ii) as regards the Commission, any sum advanced by the Secretary of State to the Commission under section 58(5) above or the corresponding provisions of the 1959 Act or the 1965 Act or any new town development loan transferred from a development corporation to the Commission under Schedule 10 to this Act; and
- (b) “the unexpired period for repayment of the loan”, in relation to any loan specified by an order under this section, means the period beginning with the date specified in the order as the date of the beginning of the period of suspension and ending with the date which (apart from this section) would be the last date on which any payment by way of repayment of or interest on the loan would fall due under the terms of the loan.
- (9) For the purposes of subsection (8)(a) above—

“the 1946 Act” means the ^{M27}New Towns Act 1946 and the provision of it corresponding to section 58(1) is section 12(1);

“the 1959 Act” means the ^{M28}New Towns Act 1959 and the provision of it corresponding to section 58(5) is section 3(1); and

“the 1965 Act” means the ^{M29}New Towns Act 1965 and the provisions of it corresponding to section 58(1) and section 58(5) are section 42(1) and section 42(4) respectively.]

Marginal Citations

M27 1946 c. 68.

M28 1959 c. 62.

M29 1965 c.59.

Payments to Secretary of State

63 Secretary of State’s general power. E+W

- (1) The Secretary of State may direct a development corporation or the Commission to pay to him, on the date specified in the direction, such sum as is so specified, and any sum so received by him shall, subject to section 66(2) below, be paid into the Consolidated Fund.
- (2) Before giving a direction under this section the Secretary of State shall consult the corporation or the Commission, as the case may be.

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- (3) The debt shall carry interest at the rate for the time being in force under section 32 of the ^{M30}Land Compensation Act 1961 . . . ^{F62} from the date specified in the direction until payment.
- (4) ^{F63}

Textual Amendments

- F62** Words in s. 63(3) repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(2\), Sch. 4](#)
- F63** S. 63(4) repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(2\), Sch. 4](#)

Modifications etc. (not altering text)

- C4** S. 63 excluded (S.) by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\), Sch. 3 para. 9](#)

Marginal Citations

- M30** 1961 c. 33.

64 Disposal of land to comply with direction under s. 63. **E+W**

- (1) Where, in order to comply with a direction under section 63 above, the corporation . . . ^{F64} considers it desirable to dispose of any land, it may do so by virtue of this section.
- (2) The power of disposal by virtue of this section may be exercised notwithstanding [^{F65}section 17(1) above and any implied restriction in Part I of this Act on the circumstances in which property of a development corporation may be disposed of, but otherwise must be exercised in accordance with the said Part I except that, before giving the corporation directions under section 5(2), the Secretary of State shall consult the corporation (unless he is satisfied that, on account of urgency, such consultation is impracticable)].
- (3) ^{F66}

Textual Amendments

- F64** Words repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\)\(2\), Sch. 3 para. 10\(a\), Sch. 4](#)
- F65** Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\), Sch. 3 para. 10\(b\)](#)
- F66** S. 64(3)–(8) repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\)\(2\), Sch. 3 para. 10\(c\), Sch. 4](#)

Modifications etc. (not altering text)

- C5** S. 64 excluded (S.) by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\), Sch. 3 para. 9](#)

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65 Disposal of surplus funds. E+W

- (1) This section applies where it appears to the Secretary of State, after consultation with the Treasury, and with the Commission or any development corporation, as the case may be, that the Commission or that development corporation have a surplus whether on capital or on revenue account after making allowance by way of transfer to reserve or otherwise for their future requirements, including, in the Commission's case, any contributions required under section 36(3)(b) above.
- (2) The Commission or that corporation, as the case may be, shall, if the Secretary of State after such consultation so directs, pay to the Secretary of State such sum not exceeding the amount of that surplus as may be specified in the direction, and any sum so received by him shall be paid into the Consolidated Fund, subject to section 66(2) below.

66 Payments under ss. 63 and 65 treated as repayments. E+W

- (1) The whole or part of any payment made to the Secretary of State under section 63 or section 65 above shall, if the Secretary of State with the Treasury's approval so determines, be treated—
 - (a) as made by way of repayment of such part of the principal of advances—
 - (i) under section 58(1) above, in the case of a development corporation,
or
 - (ii) under section 58(5) and (6), in the case of the Commission, and
 - (b) as made in respect of the repayments due at such times, as may be so determined.

..... F67

- (2) Any sum treated under subsection (1) as a repayment of a loan shall be paid by the Secretary of State into the National Loans Fund.

Textual Amendments

F67 Words repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(2), [Sch. 4](#)

Modifications etc. (not altering text)

C6 S. 66 excluded (S.) by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(1), [Sch. 3 para. 9](#)

PART V E+W+S

GENERAL AND SUPPLEMENTAL

Accounts and audit

67 Accounts of Commission and development corporations. E+W

- (1) The Commission and every development corporation—
 - (a) shall keep proper accounts and other records in relation to those accounts, and

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[^{F68}(b) shall respectively prepare in respect of each financial year annual accounts in such form as the Secretary of State may with the Treasury's approval direct, being, in the Commission's case, in a form which will show their financial position generally and also, if so directed, their financial position in relation to such towns, such combinations of towns or such other parts of their undertaking as are specified in the direction,]

and directions under this subsection may make different provisions as regards the Commission and as regards a development corporation.

(2) The financial year of the Commission and of every development corporation shall begin with 1st April [^{F69}but, if the Secretary of State, with the approval of the Treasury, so directs in a case where a development corporation or the Commission is to be dissolved, the final financial year of the corporation or the Commission shall be such period as is specified in the direction, and references in this Act to a financial year in relation to a development corporation or the Commission shall be construed accordingly.]

(3) Without prejudice to the generality of subsection (1) above, the Secretary of State may, with the Treasury's approval, give directions to the Commission or a development corporation as to—

- (a) the kind or number of accounts which they are to keep.
- (b) the amounts which are or are not to be credited or debited to any account,
- (c) the manner of rectifying any account,
- (d) provision for working balances,

and any such direction may be a general direction or a direction for a particular case.

Textual Amendments

F68 S. 67(1)(b) substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), [s. 9\(a\)](#)

F69 Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), [s. 9\(b\)](#)

68 **Audit.** **E+W**

(1) The accounts of the Commission and of every development corporation shall be audited by an auditor to be appointed annually by the Secretary of State in relation to the Commission or corporation.

[^{F70}(2) A person shall not be so appointed auditor unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989.]

(3) As soon as the annual accounts of the Commission or a development corporation for any financial year have been audited, the Commission or corporation, as the case may be, shall send to the Secretary of State a copy of the accounts prepared by them for that year in accordance with this section, together with a copy of any report made by the auditor on those accounts.

Textual Amendments

F70 S. 68(2) substituted (1.10.1991) by [S.I. 1991/1997, reg. 2, Sch. para. 41](#) (with [reg. 4](#)).

Status: Point in time view as at 01/04/1998.

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69 Secretary of State's accounts. **E+W**

(1) The Secretary of State shall prepare in respect of each financial year, in such form and manner and at such times as the Treasury may direct—

- (a) an account of the sums issued to him and advanced to the Commission under this Act, of sums received by him from the Commission and paid into the National Loans Fund in respect of the principal of and interest on sums so advanced, and of sums received by him from the Commission under section 65 above, and
- (b) an account of the sums issued to him and advanced to a development corporation under this Act and of sums received by him from the development corporation and paid into the National Loans Fund in respect of the principal of and interest on sums so advanced,

and directions under this subsection may make different provisions as regards the Commission and as regards a development corporation.

(2) On or before 30th November in each year, the Secretary of State shall transmit to the Comptroller and Auditor General—

- (a) the account prepared by the Secretary of State under subsection (1)(a) above in respect of the last foregoing financial year, and
- (b) the account prepared by him under subsection (1)(b) in respect of the last foregoing financial year,

and the Comptroller and Auditor General shall examine and certify every account so prepared by the Secretary of State and lay before each House of Parliament copies of each such account together with his report on it.

Reports and information

70 Reports. **E+W**

As soon as possible after the end of each financial year—

- (a) the Commission shall make to the Secretary of State a report dealing generally and in relation to each of their towns with their operations during that year, and shall include in the report a copy of their audited accounts for that year,
- (b) every development corporation shall make to the Secretary of State a report dealing generally with the operations of the corporation during that year, and shall include in the report a copy of their audited accounts for that year,

and the Secretary of State shall lay a copy of every such report before each House of Parliament.

71 Information. **E+W**

(1) Without prejudice to the requirements imposed by section 70 above, the Commission and every development corporation shall respectively provide the Secretary of State with such information relating to their undertaking as the Secretary of State may from time to time require.

(2) For that purpose the Commission and every development corporation—

- (a) shall permit any person authorised by the Secretary of State in that behalf to inspect and copy the accounts, books, documents or papers of the Commission or corporation, as the case may be, and

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- (b) shall afford such explanation of those accounts, books, documents or papers as that person or the Secretary of State may reasonably require.

Miscellaneous

72 Application and exclusion of certain enactments. E+W

- (1) Any property—
- (a) vested in any person by virtue of an order under section 40 or section 41 above transferring that property from a development corporation or from the Commission, [^{F71}or
 - (b) of a new town corporation vested in a district council by a transfer scheme under Part III of this Act,]
- shall not be treated as so vested by way of sale for the purpose of section 12 of the ^{M31}Finance Act 1895 (stamp duty on certain statutory transfers by way of sale).
- (2) For the purposes of [^{F72}section 9 of the ^{M32}Acquisition of Land Act 1981] (which relates to the acquisition of inalienable land) this Act shall be deemed to have been passed before the commencement of that Act.

Textual Amendments

- F71** S. 72(1)(b) and the word “or” immediately preceding it repealed (*prosp.*) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 194(4), 195(2), [Sch. 12 Pt. II](#)
- F72** Words substituted (30.1.1982) by [Acquisition of Land Act 1981 \(c. 67\)](#), [Sch. 4 para. 33](#)

Marginal Citations

- M31** 1895 c. 16.
M32 1981 c. 67.

73 Rights of entry. E+W

- (1) Where an authority, being either a development corporation or a local highway authority or the Secretary of State, are—
- (a) authorised to acquire any land compulsorily under this Act, or
 - (b) have under consideration the purchase of any land compulsorily under this Act,
- any person, being an officer of the Valuation Office or a person authorised in writing by such authority, may at any reasonable time enter upon the land for the purpose of surveying it or estimating its value.
- (2) Any person, being an officer of the Valuation Office or a person authorised in writing by the Secretary of State, may at any reasonable time enter upon any land for the purpose of surveying it or estimating its value in connection with any proposals relating to the land submitted or to be submitted under section 7(1) above.
- (3) A person authorised under the foregoing provisions of this section to enter upon any land shall, if so required, produce evidence of his authority before entering, and shall not demand admission as of right to any land which is occupied unless 24 hours’ notice of the intended entry has been given to the occupier.

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- (4) Any person who obstructs a person acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding [^{F73}level 2 on the standard scale].

Textual Amendments

F73 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**

74 Local inquiries. **E+W**

- (1) The Secretary of State or any other Minister may, for the purposes of the exercise of any of his functions under this Act, and subject to the following provisions of this section, cause to be held—
- (a) such local inquiries as are directed by this Act, and
 - (b) such other local inquiries as he may think fit.
- (2) The following subsections of section 250 of the ^{M33}Local Government Act 1972 apply to inquiries held in pursuance of this Act as they apply to inquiries held under that section—
- (a) subsections (2), (3) and (5) of that section (which relate to the giving of evidence at, and the costs of parties to, local inquiries), and
 - (b) except as regards an inquiry held for the purposes of the exercise of the Secretary of State's functions under any of the provisions of this Act specified in subsection (3) below, subsection (4) of that section (which relates to recovery of the costs of holding local inquiries).
- (3) The provisions of this Act referred to in subsection (2) above are— [^{F74}sections 37, 40 and 41 and Schedule 10]
- (4) This section is without prejudice to any other enactment authorising the holding of local inquiries.

Textual Amendments

F74 Words substituted for paragraphs (a) to (c) by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(1), **Sch. 3 para. 11**

Marginal Citations

M33 1972 c. 70.

75 Service of notices. **E+W**

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

Status: Point in time view as at 01/04/1998.

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

76 Ecclesiastical property. E+W

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

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77 Regulations and orders. E+W

- (1) The Secretary of State may make regulations for the purpose of prescribing anything which is authorised or required to be prescribed under this Act.
- (2) Regulations under this Act shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The power to make orders under sections 1, 2, [F7539] 40 to 42 [F76and 60][F7660, 62A and 62B] above [F77and paragraph 7 of Schedule 9 to this Act] is exercisable by statutory instrument, . . . F78
- [F79(3A) Any provision of this Act conferring a power to make orders (whether exercisable by statutory instrument or otherwise), except section 40, implies a power exercisable in the same manner and subject to the same conditions or limitations, to revoke or amend any instrument made under the power.]
- (4) A statutory instrument containing an order under [F80any of the following provisions of] this Act is subject to annulment in pursuance of a resolution of either House of Parliament [F81that is to say —
 - (a) an order under section 1 where]—
 - (i) the order is one designating an area as the site of a proposed new town, or one designating an additional area of not less than 500 acres which would extend the area of a new town by not less than 10 per cent., and
 - (ii) an objection to the order was duly made by a county planning authority [F82or, where the order is one designating an area in Wales, by the local planning authority] and had not been withdrawn at the time the order was made; or
 - (b) [F83an order] under section 2 [F8442 or 62B(1)].
- (5) F85

Textual Amendments

- F75** Words inserted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(1), [Sch. 3 para. 12\(1\)\(a\)](#)
- F76** “60, 62A and 62B” substituted (E.W.) for “and 60” by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 8(2)
- F77** Words inserted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(1), [Sch. 3 para. 12\(1\)\(b\)](#)
- F78** Words repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(1)(2), [Sch. 3 para. 12\(c\)](#), Sch. 4
- F79** S. 77(3A) inserted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(1), [Sch. 3 para. 12\(2\)](#)
- F80** Words inserted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(1), [Sch. 3 para. 12\(3\)\(a\)](#)
- F81** Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(1), [Sch. 3 para. 12\(3\)\(b\)](#)
- F82** Words in s. 77(4)(a)(ii) inserted (1.4.1996) by 1994 c. 19, s. 66(6), [Sch. 16 para. 63\(8\)](#) (with ss. 54(5) (7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, [Sch. 2](#)
- F83** Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(1), [Sch. 3 para. 12\(3\)\(c\)](#)
- F84** Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 8(2)(b)

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F85 S. 77(5) repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(2), [Sch. 4](#)

78 Meaning etc. of “appropriate Minister”. **E+W**

- (1) In this Act “the appropriate Minister” means—
- (a) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour or pier undertaking, the Secretary of State for Transport;
 - (b) in relation to statutory undertakers carrying on an undertaking for the supply of . . . ^{F86} hydraulic power, the [^{F87} Secretary of State for Trade and Industry];
 - (c) in relation to . . . ^{F88} the Civil Aviation Authority or statutory undertakers carrying on any lighthouse undertaking, the Secretary of State for Trade;
 - (d) in relation to the Post Office . . . ^{F89}, the Secretary of State for Industry;
 - (e) ^{F90}
 - (f) in relation to any other statutory undertakers, the Secretary of State for the Environment.
- (2) References in this Act to the Secretary of State and the appropriate Minister have effect—
- (a) as references to the Secretary of State and the appropriate Minister, if the appropriate Minister is not the one concerned as the Secretary of State; and
 - (b) as references to the one concerned as the Secretary of State alone, if he is also the appropriate Minister.
- (3) If any question arises—
- (a) in relation to anything required or authorised to be done under this Act as to which Minister is or was the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury;
 - (b) in relation to the authorisation under this Act of a compulsory acquisition of land, whether land of statutory undertakers is operational land, that question shall be determined by the Secretary of State and the appropriate Minister.

Textual Amendments

- F86** Words repealed by virtue of [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(4), [Sch. 9 Pt. I](#) and by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(4), [Sch. 18](#) (with s. 112(3), [Sch. 17 para. 35\(1\)](#))
- F87** Words in s. 78(1) substituted (5.7.1992) by S.I. 1992/1314, art. 3(3), [Sch. 1](#), para. 1(c)
- F88** Words repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), [Sch. 6 Pt. I](#)
- F89** Words repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch. 7 Pt. I](#)
- F90** S. 78(1)(e) 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](#))

79 Meaning of “statutory undertakers” and “operational land”. **E+W**

- (1) In this Act, except in so far as the context otherwise requires, “statutory undertakers” means—
- (a) persons authorised by any enactment to carry on—
 - (i) any railway, light railway, tramway, road transport, water transport, canal or inland navigation undertaking, or

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- (ii) any dock, harbour, pier or lighthouse undertaking, or
 - (iii) any undertaking for the supply of^{F91} . . . , . . .^{F92} [^{F93} or hydraulic power],
or
 - (b) the Civil Aviation Authority . . .^{F94}, or
 - (c) the Post Office . . .^{F95},
- and “statutory undertaking” shall be construed accordingly.

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

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

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

(3) In this Act “operational land”—

- (a) in relation to the Post Office, has the meaning given by paragraph 93(4) of Schedule 4 to the^{M34} Post Office Act 1969;
- (b) in relation to the Civil Aviation Authority, has the meaning given by [^{F96} paragraph 5 of Schedule 2 to the Civil Aviation Act 1982];
- (c)^{F97}

Textual Amendments

- F91** 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))
- F92** Word repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**
- F93** Words substituted by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 64(2)** (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)
- F94** Words repealed by the Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**
- F95** Words repealed by Telecommunications Act 1984 (c. 12, SIF 96), **Sch. 4 para. 3(1)(k)**, Sch. 7 Pt. I
- F96** Words substituted by Civil Aviation Act 1982 (c. 16, SIF 9), **Sch. 15 para. 26**
- F97** S. 79(3)(c) repealed by Telecommunications Act 1984 (c. 12, SIF 96), **Sch. 7 Pt. I**

Marginal Citations

- M34** 1969 c. 48.

80 General interpretation provisions. **E+W**

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

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

“the Commission” means the Commission for the New Towns;

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

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

“development” includes re-development and “develop” shall be construed accordingly;

“development corporation” has the meaning given by section 3 above;

[^{F98}“dispose”, in relation to property, includes the granting of any interest in or right over it;]

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

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

[^{F98}“financial year”, in relation to a development corporation or the Commission, shall be construed in accordance with section 67(2) above;]

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

“held inalienably”, in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the ^{M35}National Trust Act 1907 or section 8 of the ^{M36}National Trust Act 1939;

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

“local authority” means

[^{F99}
^{F100}(a) a billing authority or a precepting authority, as defined in section 69 of the Local Government Finance Act 1992;

(aa) [^{F101} . . . a combined fire authority, as defined in section 144 of the ^{M37}Local Government Finance Act 1988;]

(b) a levying body within the meaning of section 74 of that Act, and

(c) a body as regards which section 75 of that Act applies]

and any joint board or joint committee if all the constituent authorities are such local authorities as are mentioned above;

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

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

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

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

“planning permission” means permission under Part III of [^{F102}the Town and Country Planning Act 1990];

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

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

“Valuation Office” means the Valuation Office of the Inland Revenue Department.

- (2) Any reference in this Act to the area of a new town is a reference to the area designated as the site of that new town by the relevant order under section 1 above.
- (3) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.
- (4) Nothing in this Act shall be taken as predijucing the provisions of—
 - (a) F103
 - (b) Part X of the ^{M38}Local Government, Planning and Land Act 1980 (land held by public bodies).

Textual Amendments

- F98** Definition inserted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\), Sch. 3 para. 13](#)
- F99** Words substituted by [S.I. 1990/776, art. 8, Sch. 3 para. 22](#)
- F100** In the definition of "local authority" in s. 80(1), paras. (a)(aa) substituted (2.11.1992) for para. (a) by [Local Government Finance Act 1992 \(c. 14\), s. 117\(1\), Sch. 13, para. 51 \(with s. 118\(1\)\(2\)\(4\)\)](#); [S.I. 1992/2454, art. 2](#)
- F101** [S. 80\(1\)](#): words in para. (aa) in the definition of “local authority” repealed (1.4.1995) by [1994 c. 29, s. 93, Sch. 9 Pt. I](#); [S.I. 1994/3262, art. 4, Sch.](#)
- F102** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 51\(3\)](#)
- F103** [S. 80\(4\)\(a\)](#) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 3, Sch. 1 Pt. I](#)

Marginal Citations

- M35** 1907 c. cxxxvi.
- M36** 1939 c. lxxxvi.
- M37** 1988 c. 41.
- M38** 1980 c. 65.

81 **Saving and transitional provisions, consequential amendments and repeals.** E

+W

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

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

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82 Short title, extent and commencement. **E+W**

- (1) This Act may be cited as the New Towns Act 1981.
- (2) The provisions of this Act mentioned below (and no others) extend to Scotland—
 - (a) section 60, and in relation to that section, subsections (3) and [^{F104}(3A)] of section 77;
 - (b)^{F105}
 - (c) paragraphs 1, 2 and 12 of Schedule 11;
 - (d) Schedule 12 so far as it amends provisions which apply to Scotland; and
 - (e) Schedule 13 so far as it repeals section 1(2) of the ^{M39}New Towns Act 1975, section 14(4) of the ^{M40}New Towns (Amendment) Act 1976, the ^{M41}New Towns Act 1980, and sections 126 and 127 and (so far as it relates to Scotland) section 133 of the ^{M42}Local Government, Planning and Land Act 1980.

The provisions mentioned in paragraph (a) shall be taken to have extended to Scotland since section 43 of the ^{M43}New Towns Act 1965 as substituted by section 1(2) of the New Towns Act 1975 came into effect, without prejudice to sections 16 and 17 of the ^{M44}Interpretation Act 1978 (which relate to the effect of repeals).

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

Textual Amendments

F104 “(3A)” substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123: 3, 4\), s. 14\(1\), Sch. 3 para. 14](#)

F105 S. 82(2)(b) repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123: 3, 4\), s. 14\(2\), Sch. 4](#)

Marginal Citations

M39 1975 c. 42.

M40 1976 c. 68.

M41 1980 c. 36.

M42 1980 c. 65.

M43 1965 c. 59.

M44 1978 c. 30.

Status:

Point in time view as at 01/04/1998.

Changes to legislation:

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