



# New Towns Act 1981

## 1981 CHAPTER 64

### PART I

#### NEW TOWNS AND THEIR DEVELOPMENT CORPORATIONS

##### *New towns*

#### 1 Designation of areas.

(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.

<sup>F1</sup>(2) .....

(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 . . . <sup>F2</sup>

#### Textual Amendments

**F1** S. 1(2) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

**F2** Words repealed by **New Towns and Urban Development Corporations Act 1985** (c. 5, SIF 123:3, 4), s. 14(2), **Sch. 4**

*Status: Point in time view as at 29/12/2003.*

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**2 Reduction of designated areas.**

- (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 [<sup>F3</sup>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.

<sup>F4</sup>(5) .....

**Textual Amendments**

**F3** 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), 66(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F4** S. 2(5) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

*Development corporations*

**3 Establishment of development corporations for new towns.**

- (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 <sup>F5</sup> . . .
- (2) A development corporation shall be a body corporate by such name as may be prescribed by the order, and shall consist of—
  - (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

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liability for any tax, duty, rate, levy or other charge whatsoever, whether general or local.

#### Textual Amendments

**F5** Words in s. 3(1) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

## 4 Objects and general powers of development corporations.

- (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.
- (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.

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**5 Restrictions on powers of development corporations.**

- (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.

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- (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 [F7 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**

**F6** Words repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(2), [Sch. 4](#)

**F7** 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.**

- (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

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- (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.

#### *Planning control in new towns*

## **7 Planning control.**

- (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 [F8 section 59 of the Town and Country Planning Act 1990] with respect to the area of a new town—

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- (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 [F8 sections 59 to 61 of that Act of 1990].

- (3) In this section the references to a district planning authority shall [F9, in relation to proposals for development of land [F10 in 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 [F11 paragraph 1 of Schedule 1 to the Town and Country Planning Act 1990][F12 and which is of land in a non-metropolitan county], be construed as references to the county planning authority.

#### Textual Amendments

- F8** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 51\(1\)\(a\)](#)
- F9** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 16, Sch. 8 para. 9\(1\)\(a\)](#)
- F10** 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](#)
- F11** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 51\(1\)\(b\)](#)
- F12** 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.

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 as if compiled or approved, under [F13 section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990] (which relates to the compilation or approval by the Secretary of State of lists of buildings of such interest).

#### Textual Amendments

- F13** 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.

- (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,

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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.**

- (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 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.**

- (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

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- (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 [<sup>F14</sup>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.
- (7) In relation to operational land of statutory undertakers the foregoing provisions of this section have effect subject to section 13 below.

#### **Textual Amendments**

**F14** 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.**

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.**

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



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- (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
  - (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

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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.**

- (1) Part I of the <sup>M1</sup>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 <sup>M2</sup>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 <sup>M3</sup>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 <sup>M4</sup>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.

#### **Marginal Citations**

- M1** 1965 c. 56.  
**M2** 1961 c. 33.  
**M3** 1845 c. 20.  
**M4** 1923 c. 20.

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

- (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

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- (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.

- (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 [<sup>F15</sup>or to any right conferred by or [<sup>F16</sup>in accordance with the electronic communications code] on the operator of [<sup>F17</sup>an electronic communications code network] or to any [<sup>F18</sup>electronic communications apparatus] kept installed for the purposes of any [<sup>F19</sup>such network].]
- (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 <sup>M5</sup>Land Compensation Act 1961.

### Textual Amendments

**F15** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch. 4 para. 79\(2\)](#), [Sch. 5 para. 45](#)

**F16** Words in s. 16(2) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 57\(1\)\(a\)\(2\)\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)

**F17** Words in s. 16(2) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 57\(1\)\(a\)\(2\)\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)

**F18** Words in s. 16(2) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 57\(1\)\(a\)\(2\)\(e\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)

**F19** Words in s. 16(2) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 57\(1\)\(a\)\(2\)\(f\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)

*Status: Point in time view as at 29/12/2003.*

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### Marginal Citations

M5 1961 c. 33.

### *Disposal of land by development corporation*

## 17 Conditions as to disposal.

- (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 [<sup>F20</sup>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.

[<sup>F21</sup>(4) A development corporation has no power to dispose of land by way of mortgage or charge.]

### Textual Amendments

**F20** 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\(a\)](#)

**F21** 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\(b\)](#)

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## **18 Disposal to pre-acquisition occupiers.**

- (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 <sup>M6</sup>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**

**M6** 1964 c. 26.

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

## **19 Power to override easements and other rights.**

- (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 [<sup>F22</sup>or a right conferred by or [<sup>F23</sup>in accordance with the electronic communications code] on the operator of [<sup>F24</sup>an electronic communications code network].]
- (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.

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- (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 <sup>M7</sup>Compulsory Purchase Act 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

- F22** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch. 4 para. 79\(3\)](#), [Sch. 5 para. 45](#)
- F23** Words in s. 19(2) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 57\(1\)\(b\)\(2\)\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)
- F24** Words in s. 19(2) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 57\(1\)\(b\)\(2\)\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)

#### Marginal Citations

- M7** 1965 c. 56.

## 20 Consecrated land and burial grounds.

- (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

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(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
  - (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.

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- (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;
  - (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 <sup>M8</sup>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**

**M8** 1857 c. 81.



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## 21 Open spaces.

- (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.
- (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.

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 <sup>M9</sup>Rent (Agriculture) Act 1976 or the <sup>M10</sup>Rent Act 1977 [<sup>F25</sup>or Part I of the Housing Act 1988] shall prevent that corporation or authority from obtaining possession of the house.

### Textual Amendments

**F25** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 para. 31](#)

### Marginal Citations

**M9** 1976 c. 80.

**M10** 1977 c. 42.

## 23 Extinguishment of public rights of way.

- (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.

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- (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 [<sup>F26</sup>or, in the case of land in Wales, the local planning authority]in whose area the land is situated; and
- (ii) [<sup>F27</sup>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.

- (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 <sup>M11</sup>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 <sup>M12</sup>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) ..... <sup>F28</sup>

<b>Textual Amendments</b>	
<b>F26</b>	Words in s. 23(2)(i) inserted (1.4.1996) by 1994 c. 19, s. 66(6), <b>Sch. 16 para. 63(3)</b> (with ss. 54(5)(7), 55(5), <b>Sch. 17 paras. 22(1), 23(2)</b> ); S.I. 1996/396, art. 4, <b>Sch. 2</b>
<b>F27</b>	Words in s. 23(2)(ii) inserted (1.4.1996) by 1994 c. 19, s. 66(6), <b>Sch. 16 para. 63(3)</b> (with ss. 54(5)(7), 55(5), <b>Sch. 17 paras. 22(1), 23(2)</b> ); S.I. 1996/396, art. 4, <b>Sch. 2</b>

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**F28** S. 23(7) repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch. 7 Pt. I](#)

#### Marginal Citations

**M11** 1935 c. 47.

**M12** 1936 c. 5. (1 Edw. 8 & 1 Geo. 6.).

- [<sup>F29</sup>24
- (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 [<sup>F30</sup>electronic communications apparatus] was kept installed for the purposes of [<sup>F31</sup>an electronic communications code network] under, in, over, along or across the land over which the right of way subsisted—
- (a) the power of the operator of [<sup>F32</sup>the network] 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 [<sup>F32</sup>the network] 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 [<sup>F32</sup>the network] 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 [<sup>F30</sup>electronic communications apparatus] or any part of it;
- (c) subject to paragraph ( b ) above, the operator of [<sup>F32</sup>the network] 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 [<sup>F32</sup>the network] shall be entitled to recover from the corporation or authority the expenses of providing, in substitution for the apparatus and any other [<sup>F30</sup>electronic communications apparatus] connected with it which is rendered useless in consequence of the removal or abandonment of the first-mentioned apparatus, any [<sup>F30</sup>electronic communications apparatus] in such other place as the operator may require;
- (e) where under the preceding provisions of this subsection the operator of [<sup>F32</sup>the network] has abandoned the whole or any part of any [<sup>F30</sup>electronic communications 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 [<sup>F31</sup>an electronic communications code network].
- (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 [<sup>F31</sup>an electronic communications code network], the Secretary of State shall send a copy of the order to the operator.]

#### Textual Amendments

**F29** S. 24 substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch. 4 para. 79\(4\)\(5\)](#), [Sch. 5 para. 45](#)

**F30** Words in s. 24 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 57\(1\)\(c\)\(2\)\(c\)](#) (with [Sch. 18](#));

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S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

**F31** Words in s. 24 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by **Communications Act 2003 (c. 21), s. 411(2), Sch. 17 para. 57(1)(c)(2)(b)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

**F32** Words in s. 24 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by **Communications Act 2003 (c. 21), s. 411(2), Sch. 17 para. 57(1)(c)(2)(f)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

## 25 Special power to create trunk roads.

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 <sup>M13</sup>Highways Act 1980; and the provisions of that Act relating to trunk roads shall apply to the road accordingly.

### Marginal Citations

**M13** 1980 c. 66.

*Statutory undertakers, and provision of trolley vehicle services*

## 26 Extinguishment of rights of way and removal of apparatus.

- (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—

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- (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
- (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.

- [<sup>F33</sup>(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 [<sup>F34</sup>in accordance with the electronic communications code] on the operator of [<sup>F35</sup>an electronic communications code network]; 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 [<sup>F36</sup>electronic communications apparatus] kept installed for the purposes of any [<sup>F37</sup>such network];

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 [<sup>F37</sup>such network], references, in relation to such an operator, to the carrying on of his undertaking shall have effect as references to [<sup>F38</sup>the provision of the electronic communications code network] in question and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry. ]

#### Textual Amendments

- F33** S. 26(8) substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\), Sch. 4 para. 79\(6\), Sch. 5 para. 45](#)

*Status: Point in time view as at 29/12/2003.*

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- F34** Words in s. 26(8) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), Sch. 17 para. 57(1)(d)(2)(a) (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F35** Words in s. 26(8) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), Sch. 17 para. 57(1)(d)(2)(b) (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F36** Words in s. 26(8) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), Sch. 17 para. 57(1)(d)(2)(c) (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F37** Words in s. 26(8) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), Sch. 17 para. 57(1)(d)(2)(f) (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F38** Words in s. 26(8) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), Sch. 17 para. 57(1)(d)(2)(d) (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

## 27 Orders under s. 26.

- (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.
- (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.

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## **28 Extension or modification of functions.**

- (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;
  - (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.

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## **29 Procedure for orders under s. 28.**

- (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.**

- (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 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.



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- (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.**

- (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.**

- (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.

### *Public health*

### **33 New town may be united district for Public Health Acts.**

Where—

- (a) an order is made under section 1 above designating an area as the site of a new town, and

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(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 <sup>M14</sup>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 [<sup>F39</sup>areas] concerned or any of them.

**Textual Amendments**

**F39** 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**

**M14** 1936 c. 49.

34 ..... **F40**

**Textual Amendments**

**F40** 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)

**Status:**

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