



New Towns Act 1981

1981 CHAPTER 64

PART II

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

Commission for the New Towns

35 Establishment of Commission.

- (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,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 ^{M1}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 [^{F1}including the winding-up of the Commission].

Status: Point in time view as at 31/03/2005.

Changes to legislation: New Towns Act 1981, Cross Heading: Commission for the New Towns is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F1 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

M1 [1951 c. 65.](#)

36 Functions of Commission.

- [^{F2}(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
 - ^{F3}(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 [^{F4}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 [^{F5}any of the purposes] mentioned in subsection (1) above [^{F6}, 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—
- (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)^{F7}, to make contributions towards the cost of providing amenities for the town, or of providing for it
 - [^{F8}(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)^{F9}

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- [^{F10}(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 [^{F11}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) [^{F12}or (3A)]above that they shall exercise the powers conferred by that subsection with the view there mentioned.
- [^{F13}(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) ^{F14}

Textual Amendments

- F2** S. 36(1)(2) substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 1\(2\)](#)
- F3** S. 36(1)(a)(i)(ii) substituted for words in s. 36(1)(a) (1.4.1998) by [S.I. 1998/85, art. 3\(1\)](#)
- F4** Words in s. 36(2) inserted (1.4.1998) by [S.I. 1998/85, art. 3\(2\)](#)
- F5** Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 1\(3\)](#)
- F6** Words in s. 36(3) inserted (1.4.1998) by [S.I. 1998/85, art. 3\(3\)](#)
- F7** 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
- F8** Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 1\(3\)\(a\)](#)
- F9** 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
- F10** S. 36(3A) inserted (1.4.1998) by [S.I. 1998/85, art. 3\(4\)](#)
- F11** Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\), Sch. 3 para. 4](#)
- F12** Words in s. 36(4) inserted (1.4.1998) by [S.I. 1998/85, art. 3\(5\)](#)
- F13** S. 36(4A) inserted (1.4.1998) by [S.I. 1998/85, art. 3\(6\)](#)
- F14** S. 36(5) 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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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.

(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 ^{F15}Commission’s obligation to have regard to the considerations specified in] section 36(2) above.

^{F16}(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.]

^{F17}(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—
(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 ^{F18}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) ^{F19}

Textual Amendments

F15 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)**

F16 S. 37(3) substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), **s. 1(4)**

F17 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)**

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F18 Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 14\(1\), Sch. 3 para. 5 \(c\)](#)

F19 [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](#)

C3 [S. 37](#) modified (31.3.2004) by [Tower Hamlets Housing Action Trust \(Dissolution\) Order 2004 \(S.I. 2004/586\), arts. 1, 5](#)

C4 [S. 37](#) modified (31.3.2005) by [Castle Vale Housing Action Trust \(Dissolution\) Order 2005 \(S.I. 2005/411\), arts. 1, 5](#)

38 Local authorities and work for Commission.

(1) The council of a county [^{F20}, 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

F20 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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