

*Status: Point in time view as at 24/03/1994.*

*Changes to legislation: New Towns Act 1981, SCHEDULE 9 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)*

## SCHEDULES

### SCHEDULE 9

Section 35.

#### ADDITIONAL PROVISIONS AS TO THE COMMISSION

##### *Appointment, resignation and removal of members*

- 1 (1) The members of the Commission, of whom there shall be not more than 15, shall be appointed by the Secretary of State, and he shall appoint one of them to be chairman and one to be deputy chairman.
- (2) Subject to the following provisions of this Schedule, a member of the Commission, and the chairman and deputy chairman, shall hold and vacate office as such in accordance with the terms of his appointment.
- (3) If the chairman or deputy chairman of the Commission ceases to be a member of the Commission, he shall also cease to be chairman or deputy chairman.
- (4) A member of the Commission may, by notice in writing addressed to the Secretary of State, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.
- (5) If the Secretary of State is satisfied that a member of the Commission—
  - (a) has become bankrupt or made an arrangement with his creditors, or
  - (b) is incapacitated by physical or mental illness, or
  - (c) has been absent from meetings of the Commission for a period longer than 3 consecutive months without the permission of the Commission, or
  - (d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,the Secretary of State may remove him from his office as a member of the Commission.
- (6) A member of the Commission who ceases to be a member or ceases to be chairman or deputy chairman shall be eligible for re-appointment.

##### *Remuneration, pensions, etc., of members*

- 2 (1) The Secretary of State may, out of moneys provided by Parliament, pay to persons holding office as chairman, deputy chairman or member of the Commission such remuneration in respect of that office as he may with the consent of the Minister for the Civil Service determine, and the Commission may pay to those persons such reasonable allowances as may be so determined in respect of expenses properly incurred by them in the performance of their duties.
- (2) In the case of any such person as the Secretary of State may with the consent of the Minister for the Civil Service determine, the Secretary of State may, in respect of that person's office as chairman, deputy chairman or member of the Commission, pay out of moneys provided by Parliament such pension, allowance or gratuity to or

*Status: Point in time view as at 24/03/1994.*

*Changes to legislation: New Towns Act 1981, SCHEDULE 9 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)*

in respect of him on his retirement or death, or such contributions or other payments towards provision for such a pension, allowance or gratuity, as may be so determined.

- (3) As soon as may be after the making of any determination under sub-paragraph (2) above, the Secretary of State shall lay before each House of Parliament a statement of the amount of the pension, allowance or gratuity, or the contributions or other payments towards pension, allowance or gratuity, as the case may be, payable in pursuance of the determination.
- (4) Where a member of the Commission is admitted in accordance with regulations made under section 7 of the <sup>M1</sup>Superannuation Act 1972 to participate in the benefits of a superannuation fund maintained by a local authority, then—
  - (a) sub-paragraph (2) above shall not apply to him; and
  - (b) the Secretary of State shall make out of moneys provided by Parliament any payments which are required to be made to the superannuation fund in respect of him by the employing authority, and may make from his remuneration any deductions which the employing authority might make in respect of his contributions to that fund.

#### Marginal Citations

**M1** 1972 c. 11.

#### *Committees*

- 3 (1) The Commission may make arrangements for any part of their business in any town, or in two or more towns, to be conducted on behalf of the Commission (but subject to their general control) by a committee consisting partly of persons who are not members or servants of the Commission.
- (2) It is the Commission's duty to make, in relation to the management of land held by them in any town for the purpose of being let for dwellings, arrangements under this paragraph approved by the Secretary of State, [<sup>F1</sup>but on the first transfer by a transfer scheme (within the meaning of Part III of this Act) of any interest of the Commission in any dwellings in a new town, this sub-paragraph shall cease to have effect as regards that town.]
- (3) The Commission's appointments to any committee set up by virtue of this paragraph shall be subject to the Secretary of State's approval.
- (4) Before making any appointment to a committee set up in pursuance of sub-paragraph (2) above, the Commission shall consult with the council of any district comprising a substantial part of the area for which the committee is set up.
- (5) The Commission may adopt, in addition to the common seal in general use by the Commission, such additional common seals as they think fit for use on their behalf by committees set up under this paragraph.

#### Textual Amendments

**F1** Words repealed (*prosp.*) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 194(4), 195(2), [Sch. 12 Pt. II](#)

*Status: Point in time view as at 24/03/1994.*

*Changes to legislation: New Towns Act 1981, SCHEDULE 9 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)*

#### *Remuneration and expenses of members of committees*

- 4 In the case of any such person as the Secretary of State may with the consent of the Minister for the Civil Service determine, the Secretary of State may, in respect of that person's service as member of any committee set up under paragraph 3(2) above, pay out of money provided by Parliament—
- (a) such remuneration, and
  - (b) such allowances in respect of expenses properly incurred by that person in that capacity,
- as may be so determined.

#### *Quorum, procedure and validity of proceedings of Commission and committees*

- 5 (1) The quorum of the Commission and the arrangements relating to its meetings shall, subject to any directions given by the Secretary of State, be such as the Commission may determine.
- (2) The quorum of any [<sup>F2</sup>committee or sub-committee of the Commission] and the arrangements relating to its meetings, so far as not provided for by the arrangements made for setting up the committee [<sup>F3</sup>or sub-committee], shall be such as the committee [<sup>F3</sup>or sub-committee] may determine.
- (3) The validity of any proceedings of the Commission or of [<sup>F4</sup>a committee or sub-committee of the Commission] shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

#### **Textual Amendments**

- F2** Words in Sch. 9 para. 5(2) substituted (24.3.1994) by 1994 c. 5, s. 1(a)(i)
- F3** Words in Sch. 9 para. 5(2) inserted (24.3.1994) by 1994 c. 5, s. 1(a)(ii)
- F4** Words in Sch. 9 para. 5(3) substituted (24.3.1994) by 1994 c. 5, s. 1(b)

#### *Sealing and execution of documents*

- 6 (1) The fixing of the seal of the Commission shall be authenticated by the signature of the chairman or of some other member [<sup>F5</sup>or officer of the Commission] authorised generally or specially by the Commission to act for that purpose or, in the case of a seal adopted for use by a committee, by the signature of the chairman of the committee or of some other member of the committee authorised generally or specially by the committee to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Commission by any person generally or specially authorised to act for that purpose by the Commission or a committee set up under paragraph 3 above.
- (3) Any document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

*Status: Point in time view as at 24/03/1994.*

**Changes to legislation:** *New Towns Act 1981, SCHEDULE 9 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

**F5** Word inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), **Sch. 11 para. 58**

#### *Power to dissolve Commission*

- [<sup>F67</sup> (1) If at any time it appears to the Secretary of State that the purposes for which the Commission exists under this Act have been substantially achieved, he may, by order, on such day as he may appoint—
- (a) terminate the exercise by the Commission of its functions except for the purposes of winding-up its affairs;
  - (b) vest in himself, any other Minister of the Crown or any accountable public authority any property, rights, liabilities or obligations of the Commission;
  - (c) extinguish any liability of the Commission in respect of money lent or advanced at any time by the Secretary of State to any development corporation or to the Commission;
  - (d) dissolve the Commission.
- (2) Different days may be appointed for different purposes of this paragraph.
- (3) Any order under this paragraph may include such incidental, supplemental, consequential or transitional provisions as the Secretary of State thinks fit, including amendments of and repeals in this Act so far as it relates to the Commission.
- (4) Any sums arising out of the vesting of property or out of property vested in a Minister of the Crown by an order under this paragraph shall be paid into the Consolidated Fund and any sums required to meet any liabilities assumed or incurred by a Minister of the Crown or to defray any expenditure of his in connection with the management of property so vested in him shall be paid out of money provided by Parliament.
- (5) No order containing provision for the purpose specified in sub-paragraph (1)(c) above shall be made without the consent of the Treasury; but if such provision is made the assets of the National Loans Fund shall be reduced by the aggregate amount by which the liabilities of the Commission are thereby reduced.
- (6) No order under this paragraph containing provision for the purpose specified in sub-paragraph (1)(a) or (c) above shall be made unless a draft of it has been laid before Parliament and approved by resolution of each House.
- (7) In this paragraph “accountable public authority” means any statutory corporation a majority of the members of which are appointed by a Minister of the Crown.]

#### Textual Amendments

**F6** Para. 7 and heading added by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 2

*Status: Point in time view as at 24/03/1994.*

**Changes to legislation:** *New Towns Act 1981, SCHEDULE 9 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## *[<sup>F7</sup>Delegation of powers*

### **Textual Amendments**

**F7** Sch. 9 para. 8 and the crossheading inserted (24.3.1994) by 1994 c. 5, s. 1(c)

- 8 Anything authorised or required to be done by the Commission under this Act, or any other enactment—
- (a) may be done by any member of the Commission, or of its staff, who has been authorised for the purpose, whether generally or specially, by the Commission, or
  - (b) may be done by any committee or sub-committee of the Commission which has been so authorised.]

**Status:**

Point in time view as at 24/03/1994.

**Changes to legislation:**

New Towns Act 1981, SCHEDULE 9 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.