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SCHEDULES

SCHEDULE 1

Section 1.

PROCEDURE FOR DESIGNATING AREA

Making of orders under section 1

- 1 (1) Where the Secretary of State proposes to make an order under section 1 above he shall prepare a draft of the order, describing the area to be designated as the site of the proposed new town by reference to a map, either with or without descriptive matter, together with such statement as he considers necessary for indicating the size and general character of the proposed new town.
- (2) In the case of any discrepancy between the map and any such descriptive matter, the descriptive matter shall prevail except in so far as may be otherwise provided by the draft order.
- 2 (1) Before making the order the Secretary of State shall publish a notice—
 - (a) in the London Gazette;
 - (b) in one or more newspapers circulating in the locality in which the proposed new town will be situated; and
 - (c) in such other newspapers, if any, as he considers appropriate in the circumstances.
- (2) That notice shall—
 - (a) describe the area to be designated as the site of the proposed new town;
 - (b) state that the draft of an order under section 1 above has been prepared by the Secretary of State in relation to that area and is about to be considered by him;
 - (c) name a place within that area where a copy of the draft order (including any map or descriptive matter annexed to it) and of the statement required by paragraph 1 above may be seen at any reasonable hour;
 - (d) specify the time (not being less than 28 days from the publication of the notice in the Gazette) within which, and the manner in which, objections to the proposed order may be made.
- (3) The Secretary of State shall, not later than the date on which the notice is published in the Gazette, serve a like notice on the council of every county and of every district in which the land, or any part of the land, to which the order relates is situated, and on any other local authority who appear to him to be concerned with the order.
- 3 If any objection is duly made to the proposed order and is not withdrawn, the Secretary of State shall, before making the order, cause a public local inquiry to be held with respect to the objection, and shall consider the report of the person by whom the inquiry was held.

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- 4 Subject to paragraph 3 above, the Secretary of State may make the order either in terms of the draft or subject to such modifications as he thinks fit, but, except with the consent of all persons interested, he shall not make the order subject to a modification which includes in the area designated as the site of the proposed new town any land not so designated in the draft order.
- 5 (1) As soon as may be after an order has been made as provided by this Schedule, the Secretary of State shall publish as provided in paragraph 2(1) above a notice stating that the order has been made and naming a place (within the area designated by the order as the site of the proposed new town) where a copy of the order may be seen at any reasonable hour.
- (2) The Secretary of State shall serve a like notice—
- (a) on any local authority on whom notice of the proposed order was served under paragraph 2; and
 - (b) on any other person who has duly made an objection to the proposed order and, at or after the time of making that objection, has sent to the Secretary of State a request in writing to serve him with the notice required by this paragraph, giving an address for service.

Validity and date of operation of orders under section 1

- 6 (1) If any person aggrieved by an order under section 1 above desires to question the validity of that order, or of any provision contained in it, on the ground—
- (a) that it is not within the powers of this Act, or
 - (b) that any requirement of this Act has not been complied with in relation to the order,
- he may, within 6 weeks from the date on which notice of the making of the order is first published in accordance with the relevant provisions of this Schedule apply to the High Court.
- (2) On any such application the Court—
- (a) may by interim order suspend the operation of the order or any of its provisions, either generally or in so far as it affects any of the applicant's property, until the final determination of the proceedings; and
 - (b) if satisfied that the order or any of its provisions—
 - (i) is not within the powers of this Act, or
 - (ii) that the applicant's interests have been substantially prejudiced by any requirement of this Act not having been complied with,
 may quash the order or any of its provisions, either generally or in so far as it affects any of the applicant's property.

- 7 Subject to paragraph 6 above, an order under section 1 above shall not, either before or after it has been made, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which notice is first published as mentioned in that paragraph.

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SCHEDULE 2

Section 2.

EFFECT OF ORDER FOR REDUCTION OF DESIGNATED AREA

Disposal of land

- 1 (1) Subject to sub-paragraphs (2) to (4) below, the development corporation shall dispose of any land which it has acquired—
- (a) which falls within the excluded land; and
 - (b) which the corporation does not require for purposes connected with the development of the new town or for the provision of services for the purposes of the new town.
- (2) The duty mentioned in sub-paragraph (1) above shall not be performed so as to dispose of land by way of . . . ^{F1}, mortgage or charge.
- (3) A corporation shall not without the Secretary of State’s consent (given generally or specially) perform the duty so as—
- (a) to transfer the freehold of land; or
 - (b) to grant a lease of land for a term of more than 99 years [^{F2}or
 - (c) to dispose of any land by way of gift.]
- (4) A corporation shall comply with such directions as the Secretary of State may give—
- (a) for preventing the duty from being performed; or
 - (b) for restricting the duty; or
 - (c) for requiring it to be performed in a manner specified in the directions.
- (5) Before giving a direction under sub-paragraph (4) above, the Secretary of State shall consult the corporation, unless he is satisfied that because of urgency consultation is impracticable.
- (6) Where a corporation purports to dispose of land by virtue of this paragraph, then—
- (a) in favour of a person claiming under the corporation, the disposal so purporting to be made shall not be invalid by reason that any consent of the Secretary of State required under this paragraph has not been given or that any direction of his given under this paragraph has not been complied with; 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 or whether any such direction has been given or complied with.
- (7) ^{F3}

Textual Amendments

- F1** Word repealed by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123: 3, 4\), s. 14\(1\)\(2\), Sch. 3 para. 15\(a\)](#), Sch. 4
- F2** The word “or” and Sch. 2 para. 1(3)(c added by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123: 3, 4\), s. 14\(1\), Sch. 3 para. 15\(b\)](#)
- F3** [Sch. 2 para. 1\(7\)](#) 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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Licensing

- 2 Section 111 of the ^{M1}Licensing Act 1964 shall continue to operate as respects an application—
- (a) made in relation to land before it becomes excluded land, or
 - (b) made at the next licensing sessions held afterwards,
- but the excluded land shall not otherwise be treated for the purposes of Part VI of that Act as comprised in the new town.

Marginal Citations

M1 1964 c. 26.

“Excluded land”

- 3 Land ceasing to be contained in the area of a new town by virtue of section 2 above is in this Schedule called “excluded land”.

SCHEDULE 3

Section 3.

CONSTITUTION AND PROCEEDINGS OF DEVELOPMENT CORPORATIONS

Appointment of members and tenure of office

- 1 (1) The members of a development corporation (in this Schedule referred to as “the corporation”) shall be appointed by the Secretary of State after consultation with such local authorities as appear to him to be concerned with the development of the new town, and in appointing members of the corporation he shall have regard to the desirability of securing the services of one or more persons resident in or having special knowledge of the locality in which the new town will be situated.
- (2) The Secretary of State shall appoint two of the members to be respectively chairman and deputy chairman of the corporation.
- 2 Subject to the following provisions of this Schedule, a member of the corporation, and the chairman and deputy chairman of the corporation, shall hold and vacate office as such in accordance with the terms of the instrument by which they are respectively appointed.
- 3 If the chairman or deputy chairman of the corporation ceases to be a member of the corporation, he shall also cease to be chairman or deputy chairman, as the case may be.
- 4 Any member of the corporation 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 corporation—
- (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 corporation for a period longer than 3 consecutive months without the permission of the corporation, or

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(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 corporation.

6 A member of the corporation who ceases to be a member or ceases to be chairman or deputy chairman shall be eligible for reappointment.

Remuneration

7 The corporation shall pay to their members, in respect of their office as such, such remuneration and such reasonable allowances in respect of expenses properly incurred in the performance of their duties as may be determined by the Secretary of State with the consent of the Minister for the Civil Service, and shall pay to the chairman and deputy chairman, in respect of their office as such, such additional remuneration as may be so determined.

Pension benefits for chairmen

8 In the case of any such person, who is or has been the chairman of the corporation, as the Secretary of State may with the consent of the Minister for the Civil Service determine, the Secretary of State may direct the corporation—

- (a) to pay to or in respect of that person on his retirement or death such pension, allowance or gratuity as may be so determined; or
- (b) to make payments towards the provision of such a pension, allowance or gratuity.

Meetings and proceedings

9 The quorum of the corporation and the arrangements relating to their meetings shall, subject to any directions given by the Secretary of State, be such as the corporation may determine.

10 The validity of any proceeding of the corporation shall not be affected by any vacancy among their members or by any defect in the appointment of any of their members.

Instruments, etc.

11 The fixing of the seal of the corporation shall be authenticated by the signature of the chairman or of some other member authorised either generally or specially by the corporation to act for that purpose.

12 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 corporation by any person generally or specially authorised by them to act for that purpose.

13 Any document purporting to be a document duly executed under the seal of the corporation shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

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SCHEDULE 4

Sections 10, 11, 13.

PROCEDURE FOR AUTHORISING COMPULSORY ACQUISITIONS

PART I

Acquisitions by development corporations and local highway authorities

- 1 (1) A compulsory purchase order made under this Act by a development corporation or local highway authority—
 - (a) shall designate the land to which it relates by reference to a map annexed to it, either with or without descriptive matter, and
 - (b) subject to that, shall be in such form as may be prescribed.
- (2) In the case of any discrepancy between the map and any such descriptive matter, the descriptive matter shall prevail except in so far as may be otherwise provided by the order.
- 2 (1) After submitting the order to the Secretary of State, the acquiring authority—
 - (a) shall publish a notice in the prescribed form describing the land, stating that an order authorising the compulsory acquisition of that land has been submitted to the Secretary of State, naming a place where a copy of the order and of the map and any annexed descriptive matter may be seen at any reasonable hour, and specifying the time (not being less than 28 days from the first local advertisement) within which, and the manner in which, objections to the order may be made, and
 - (b) if the Secretary of State so directs in the case of the order in question, shall serve on every owner of any of the land to which the order relates a notice to the like effect as the notice required to be published under head (a) above, except that head (b) above shall not apply if the order relates only to land within the area of a new town.
- (2) The notice required to be published by sub-paragraph (1)(a) above shall be published—
 - (a) in the case of such an order as is described in the exception to sub-paragraph (1) above, and in any other case where service on owners is not effected under head (b) of that sub-paragraph, by publishing that notice—
 - (i) in the London Gazette, and
 - (ii) in each of two successive weeks, in one or more newspapers circulating in the locality in which the land to which the order relates is situated, and
 - (iii) by affixing a copy, addressed to “the owners and any occupiers” of the land (describing it), to some conspicuous object or objects on the land;
 - (b) where service on owners is effected under that head (b), by publishing it in one or more newspapers circulating in the locality in which the land to which the order relates is situated.
- (3) Publication and, if applicable, service in accordance with the foregoing provisions of this paragraph shall be effected—

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- (a) in the case of an order relating only to land within the area of a new town, as soon as may be after the order has been submitted;
 - (b) in any other case, as soon as may be after the order has been submitted and any direction of the Secretary of State as to service on owners under sub-paragraph (1)(b) above has been given or he has notified the acquiring authority that he does not propose to give such a direction.
- (4) In this paragraph “the first local advertisement”, in relation to a notice, means the first publication of the notice in a newspaper circulating in the locality where the land to which the notice relates is situated, and includes, in relation to a notice so published once only, the publication of that notice.
- 3 Subject to the provisions of paragraph 4 below in any case in which those provisions have effect, the Secretary of State may confirm the order with or without modification, but shall not, unless all persons interested consent, so modify it as to extend it to any land which was not designated by the order as submitted.
- 4 (1) If any objection is duly made to the order and is not withdrawn, the following provisions of this paragraph shall have effect.

For the purposes of this Schedule an objection 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 paragraph 2 above, and
 - (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.
- (2) Unless the Secretary of State decides apart from the objection not to confirm the order, or decides to make a modification which is agreed to by the objector as meeting the objection, the Secretary of State shall, before making a final decision, consider the grounds of the objection as set out in the statement, and may, if he thinks fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.
- (3) In so far as the Secretary of State, after considering the grounds of the objection as set out in the original statement and any such further statement, is satisfied—
 - (a) that the objection relates to a matter which can be dealt with in the assessment of compensation, or
 - (b) in the case of an order relating to land within the area of a new town, that the objection is made on the ground that the acquisition is unnecessary or inexpedient,he may treat the objection as irrelevant for the purpose of making a final decision.
- (4) If—
 - (a) the Secretary of State, after considering the grounds of the objection as set out in the original statement and any such further statement is satisfied that for the purpose of making a final decision he is sufficiently informed as to the matters to which the objection relates, or
 - (b) where a further statement has been required, it is not submitted within the specified period,the Secretary of State may make a final decision without further investigation as to those matters.
- (5) Subject to sub-paragraphs (3) and (4) above, the Secretary of State—

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- (a) shall, before making a final decision, afford to the objector an opportunity of appearing before and being heard by a person appointed for the purpose by the Secretary of State; and
- (b) shall, if the person making the objection avails himself of that opportunity, afford an opportunity of appearing and being heard on the same occasion to the acquiring authority and to any other persons to whom it appears to the Secretary of State to be expedient to afford it.
- (6) Notwithstanding anything in the foregoing provisions of this paragraph, if it appears to the Secretary of State that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision—
- (a) he shall cause such an inquiry to be held; and
- (b) where he determines to cause such an inquiry to be held, any of the requirements of those provisions to which effect has not been given at the time when he so determines shall be dispensed with.
- (7) In this paragraph any reference to making a final decision, in relation to an order, is a reference to deciding—
- (a) whether to confirm the order, or
- (b) what modification, if any, ought to be made.
- 5 As soon as may be after the order has been confirmed the acquiring authority shall publish in one or more newspapers circulating in the locality in which the land designated by the order is situated a notice in the prescribed form—
- (a) describing the land,
- (b) stating that the order has been confirmed, and
- (c) naming a place where a copy of the order and of the map and any annexed descriptive matter may be seen at any reasonable hour,
- and shall serve a like notice on—
- (i) any owner or occupier of any of the land designated by the order who, at any time after the publication of the notice of the order as submitted, has sent to the acquiring authority a request in writing to serve him with the notice required by this paragraph giving an address for service and the prescribed particulars of his interest;
- (ii) any person who has duly made an objection to the order and at the time of making it or afterwards has sent to the acquiring authority such a request; and
- (iii) such other persons, if any, as the Secretary of State may specify, whether individually or as members of a class of persons.
- 6 Where—
- (a) proceedings are necessary for the purposes of paragraphs 1, 2 and 4 above in relation to an order authorising a compulsory acquisition of land, and
- (b) that land is in an area proposed to be designated as the site of a new town by an order a draft of which has been published in accordance with Schedule 1 to this Act,

the Secretary of State may by regulations provide for enabling the proceedings referred to in head (a) to be taken, so far as may be practicable, contemporaneously with the proceedings on the order referred to in head (b).

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PART II

Special provisions applying to acquisitions by local highway authorities

- 7 (1) Subject to this paragraph, where a compulsory purchase order under section 11(1) above is submitted to the Secretary of State the notice required to be published under paragraph 2 above shall be published not only as mentioned in that paragraph but also by being exhibited at such places in the locality to which the order relates as appear to the acquiring authority to be suitable for bringing it to the attention of all persons concerned.
- (2) Sub-paragraph (1) above shall not apply in any case where the Secretary of State is satisfied that the land to which the compulsory purchase order relates is required for the purpose—
- (a) which was adequately set out in a statement prepared for the purposes of an order under section 1 above which has been made; or
 - (b) which has been the subject of an inquiry for the purposes of section 10, or, so far as it relates to trunk roads, section 14 of the ^{M2}Highways Act 1980 or of any of the following enactments no longer in force, that is to say, section 7 or 9 of the ^{M3}Highways Act 1959 (to which, respectively, the said section 10 and, so far as it relates to trunk roads, the said section 14 correspond) and the enactments to which the said sections 7 and 9 corresponded (namely, section 1(3) of the ^{M4}Trunk Roads Act 1936, sections 1 and 4 of the ^{M5}Trunk Roads Act 1946 and section 14(1) of the ^{M6}Special Roads Act 1949).

Marginal Citations

- M2** 1980 c. 66.
M3 1959 c. 25.
M4 1936 c. 5. (1 Edw. 8 & Geo. 6.).
M5 1946 c. 30.
M6 1949 c. 32.

- 8 Where there is submitted to the Secretary of State a compulsory purchase order under section 11(1) above authorising the acquisition of any land forming a frontage to, or abutting on or adjacent to, a road, and the Secretary of State is satisfied as respects the whole or any part of the land—
- (a) that the acquisition would be requisite only for the purpose of controlling development, and
 - (b) that every owner has entered, or is willing to enter, into such an agreement with the local highway authority or the Secretary of State as is provided for by section 9(1) above or is bound by such an agreement, and that the agreement or proposed agreement is satisfactory for that purpose,
- the order shall not be confirmed so as to authorise the acquisition of any part of the land as to which the Secretary of State is satisfied as mentioned above.

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PART III

Acquisitions by the Secretary of State

- 9 (1) A compulsory purchase order made under section 11(2) above by the Secretary of State—
- (a) shall designate the land to which it relates by reference to an annexed map either with or without descriptive matter, and
 - (b) subject to that, shall be in such form as the Secretary of State may determine.
- (2) In the case of any discrepancy between the map and any such descriptive matter, the descriptive matter shall prevail except in so far as may be otherwise provided by the order.
- 10 Where the Secretary of State proposes to make such an order, he shall prepare a draft, and then as soon as may be shall—
- (a) publish in the manner mentioned in paragraph 2 above, and
 - (b) in any case in which he thinks it requisite to do so, serve on every owner of any of the land to which the order as prepared in draft relates, a notice, in such form as he may determine, similar, with requisite adaptations, to the notice mentioned in paragraph 2(1).
- 11 Paragraphs 3, 4, 5, 7 and 8 above shall have effect in relation to such an order—
- (a) with the substitution, for references to the Secretary of State and to the acquiring authority, of references to the Secretary of State;
 - (b) with the substitution, for references to an order as submitted and to the confirmation of an order, of references respectively to an order as prepared in draft and to the making of an order;
 - (c) with the omission, in paragraph 4(5), of the reference to the acquiring authority;
 - (d) with the substitution, for the references to a compulsory purchase order under section 11(1) above and to the notice required by paragraph 2 above, of references respectively to a compulsory purchase order under section 11(2) and to the notice required by paragraph 10 above; and
 - (e) with the substitution, in paragraph 8, of the words “the Secretary of State proposes to make” for the words “there is submitted to the Secretary of State”.

PART IV

Special provisions as to certain descriptions of land

- 12 In so far as a compulsory purchase order authorises the acquisition of land—
- (a) which is the property of a local authority, or
 - (b) which is land belonging to the National Trust, and which is held by the Trust inalienably,
- the order shall be subject to special parliamentary procedure in any case where an objection to the order has been duly made by the local authority or the National Trust, as the case may be, and has not been withdrawn.

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- 13 (1) In so far as a compulsory purchase order authorises the acquisition of any land forming part of any common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State . . . ^{F4}, is satisfied—
- (a) that there has been or will be given in exchange for such land other land, not being less in area, and being equally advantageous to the persons (if any) entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land acquired was vested, and subject to the like rights, trusts and incidents as attached to the land acquired, or
 - (b) that the land is required for the widening of an existing highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,
- and certifies accordingly.
- (2) Where it is proposed to give a certificate under this paragraph, the Secretary of State . . . ^{F5} shall give public notice of his intention so to do, and—
- (a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and
 - (b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,
- the Secretary of State . . . ^{F5} may, after considering any representations and objections made and, if any inquiry has been held, the report of the person who made the inquiry, give the certificate.
- (3) A compulsory purchase order may provide for vesting land given in exchange as mentioned in sub-paragraph (1) above in the persons, and subject to the rights, trusts and incidents, therein mentioned, and for discharging the land acquired from all rights, trusts and incidents to which it was previously subject.
- (4) As soon as may be after the giving of a certificate under this paragraph the acquiring authority shall publish in the London Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land designated by the order is situated, a notice in the prescribed form stating that the certificate has been given.

Textual Amendments

F4 Words repealed by S.I. 1985/442, art. 5(a)

F5 Words repealed by S.I. 1985/442, art. 5(b)

Modifications etc. (not altering text)

C1 Functions of the Minister of Agriculture under Sch. 4 para. 13 transferred to the Secretary of State by S.I. 1985/442, art. 3

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PART V

Validity and date of operation of compulsory purchase orders and certificates

- 14 (1) If any person aggrieved by a compulsory purchase order, or by a certificate under paragraph 13 above, desires to question the validity thereof, or of any provision contained therein, on the ground—
- (a) that it is not within the powers of this Act, or
 - (b) that any requirement of this Act or any regulation made under this Act has not been complied with in relation to the order or certificate,
- he may, within 6 weeks from the date on which notice of the confirmation or making of the order or of the giving of the certificate is first published in accordance with this Schedule, apply to the High Court.
- (2) On any such application the Court—
- (a) may by interim order suspend the operation of the order or any of its provisions, or of the certificate, either generally or in so far as it affects the applicant's property, until the final determination of the proceedings; and
 - (b) if satisfied that the order or any of its provisions, or the certificate, is not within the powers of this Act or that the applicant's interests have been substantially prejudiced by any requirement of this Act or of any regulation made under it not having been complied with, may quash the order or any of its provisions, or the certificate, either generally or in so far as it affects any of the applicant's property.
- 15 Subject to paragraph 14 above, a compulsory purchase order or a certificate under paragraph 13 above—
- (a) shall not, either before or after it has been made or confirmed or given, be questioned in any legal proceedings whatsoever; and
 - (b) shall become operative on the date on which notice is first published as mentioned in that paragraph 14.
- 16 This Part of this Schedule—
- (a) shall not apply to an order which is confirmed by Act of Parliament under section 6 of the ^{M7}Statutory Orders (Special Procedure) Act 1945, but, (except for that)—
 - (b) shall have effect in relation to a compulsory purchase order to which that Act applies—
 - (i) as if in paragraph 14(1) above for the reference to the date on which notice of the confirmation or making of the order is first published in accordance with this Schedule there were substituted a reference to the date on which the order becomes operative under that Act of 1945, and
 - (ii) as if paragraph 15(b) above were omitted.

Marginal Citations

M7 1945 c. 18.

Status: Point in time view as at 02/09/1991.

Changes to legislation: New Towns Act 1981 is up to date with all changes known to be in force on or before 24 June 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)

SCHEDULE 5

PROCEDURE FOR AUTHORISING COMPULSORY ACQUISITION OF STATUTORY UNDERTAKERS’ OPERATIONAL LAND

PART I

Acquisitions by development corporations and local highway authorities

- 1 An application by a development corporation or local highway authority for the purposes of section 13(1)(a) above shall be in such form as may be prescribed, and shall describe by reference to a map the land to which the application relates.
- 2 As soon as may be after submitting the application to the Secretary of State and the appropriate Minister the acquiring authority shall serve on every owner, lessee and occupier of any land to which the application relates a notice in the prescribed form—
 - (a) describing the land;
 - (b) stating that an application under section 13(1)(a) above has been submitted in relation to the land and is about to be considered by the Secretary of State and the appropriate Minister;
 - (c) naming a place where a copy of the application and of the map referred to in it may be seen at all reasonable hours; and
 - (d) specifying the time (not being less than 28 days from the service of the notice) within which, and the manner in which, objections to the application may be made.
- 3 (1) If—
 - (a) no objection is duly made by any of the persons on whom notices are required to be served, or
 - (b) if all objections so made are withdrawn,
 the Secretary of State and the appropriate Minister may, if they think fit, make a compulsory purchase order in accordance with the application, with or without modification, but shall not, unless all persons interested consent, make the order with any modification which would extend it to any land to which the application did not relate.
 - (2) If any objection is duly made by any of the persons on whom notices are required to be served and is not withdrawn, the Secretary of State and the appropriate Minister—
 - (a) shall, before making an order on the application, consider the objection, and
 - (b) shall, if either the person by whom the objection was made or the acquiring authority so desire, afford that person and the acquiring authority 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 they may then, if they think fit, make an order on the application.
 - (3) An objection shall not be deemed for the purposes of section 13 above or this Schedule to be duly made unless—
 - (a) it is made within the time and in the manner specified in the notice in that behalf; and

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(b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.

4 A compulsory purchase order made on such an application shall be in such form as the Secretary of State and the appropriate Minister may determine, and shall describe by reference to a map the land to which the order relates.

5 As soon as may be after a compulsory purchase order has been made on such an application the acquiring authority shall serve on every owner, lessee and occupier of any land to which the order relates a notice in the prescribed form stating that the order has been made and naming a place where a copy of the order and of the map referred to in the order may be seen at any reasonable hour.

PART II

Acquisitions by Secretary of State

6 A compulsory purchase order made by the Secretary of State and the appropriate Minister in pursuance of section 13(1)(b) above—

- (a) shall be in such form as they may determine; and
- (b) shall describe by reference to a map the land to which the order relates.

7 Where the Secretary of State and the appropriate Minister propose to make such an order they shall prepare a draft of it, and then shall as soon as may be serve on every owner, lessee and occupier of any land to which the draft relates a notice in such form as they may determine—

- (a) describing the land;
- (b) stating that the making of the order is proposed;
- (c) naming a place where a copy of the draft and of the map referred to in the draft may be seen at any reasonable hour; and
- (d) specifying the time (not being less than 28 days from the service of the notice) within which, and the manner in which, objections to the proposal may be made.

8 Paragraphs 3 and 5 above have effect in relation to such an order—

- (a) with the substitution, for references to an application and to the making of a compulsory purchase order upon it, of references to such an order as prepared in draft and to the making of such an order, and
- (b) with the omission of the references in paragraph 3(2) to the acquiring authority.

PART III

Modification of Schedule 4 Part V in relation to compulsory purchase orders made in pursuance of s. 13

9 Part V of Schedule 4 to this Act has effect in relation to a compulsory purchase order made in pursuance of section 13(1) above with the substitution, for the references to the date on which notice of the confirmation or making of the order is first published in accordance with that Schedule, of references to the date on which the service of notices required by paragraph 5 above is completed.

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SCHEDULE 6

MODIFICATIONS OF ENACTMENTS FOR PURPOSES OF THIS ACT

PART I

Compulsory Purchase Act 1965

- 1 (1) Part I of the ^{M8}Compulsory Purchase Act 1965 as applied by this Act shall have effect as if section 27 (acquiring authority to make good deficiencies in rates) and section 32 (commencement) were omitted.
- (2) In construing that Act as applied by this Act—
- (a) this Act or, in relation to a compulsory acquisition, this Act and the compulsory purchase order, shall be deemed to be the special Act;
 - (b) “the acquiring authority” has the meaning given by this Act;
 - (c) “subject to compulsory purchase” in relation to a compulsory acquisition means land the compulsory purchase of which is authorised by the compulsory purchase order, and in relation to the acquisition of land by agreement means land which may be purchased by agreement under this Act;
 - (d) references to the execution of the works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by this Act;
 - (e) in relation to any erection, construction or carrying out of any building or works so authorised, references in section 10 of that Act of 1965 (compensation for injurious affection) to the promoters of the undertaking shall be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out; and
 - (f) references to the execution of the works shall be construed as including also references to any erection, construction or carrying out of buildings or works on behalf of the Secretary of State on land acquired by him under section 11 above, where the buildings or works are erected, constructed or carried out for the purposes for which the land was acquired.

Marginal Citations

M8 1965 c. 56.

- 2 Nothing—
- (a) in Part I of the ^{M9}Compulsory Purchase Act 1965 as applied by this Act in relation to the acquisition of land by agreement, or
 - (b) in this Act as so applying,
- shall enable a local authority to sell for the purpose of this Act without the consent of any Minister any land which they could not have sold without that consent apart from this paragraph.

Marginal Citations

M9 1965 c. 56.

Status: Point in time view as at 02/09/1991.

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- 3 The acquiring authority shall, without prejudice to any power in that behalf exercisable by them apart from this paragraph, be entitled, notwithstanding anything in section 5 of that Act of 1965 or in any other provision of that Act, to acquire one or some of two or more interests subsisting in the land without acquiring the other interest or interests subsisting in it.
- 4 (1) If the acquiring authority have, in respect of any of the land, served notice to treat on every owner of that land, they may at any time afterwards serve a notice—
- (a) on every occupier of any of that land, and
 - (b) on every person (other than such an occupier) who, having been served with a notice to treat in respect of that land, has requested the acquiring authority in writing to serve him with any notice under this sub-paragraph and has given them an address for its service,
- describing the land to which the notice relates and stating their intention to enter on and take possession of it at the expiry of such period (not being less than 14 days) as may be specified in the notice.
- (2) The acquiring authority may enter on and take possession of the land to which such notice or notices relate—
- (a) at the expiry of the period specified in the notice, or
 - (b) where two or more such notices are required, and the periods specified in the several notices do not expire at the same time, at the expiry of the last of those periods, or
 - (c) at any time after those expiries,
- without previous consent or compliance with section 11 of the ^{M10}Compulsory Purchase Act 1965 but subject to payment of the like compensation for the land of which possession is taken, and interest on the compensation agreed or awarded, as they would have been required to pay if those provisions had been complied with.
- (3) The provisions of this paragraph have effect instead of section 11(1) of the Compulsory Purchase Act 1965.

Marginal Citations

M10 1965 c. 56.

- 5 Section 30(3) of the Compulsory Purchase Act 1965 (service of notices in accordance with the ^{M11}Acquisition of Land Act 1946) does not apply but notice required to be served by the acquiring authority may, notwithstanding anything in subsection (1) of that section, be served and addressed in the manner specified in section 75 above in relation to notices required to be served under this Act.

Marginal Citations

M11 1946 c. 49.

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PART II

M12 Land Compensation Act 1961

Marginal Citations

M12 1961 c. 33.

- 6 The Lands Tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land by reason of any building erected, work done or improvement or alteration made, whether on the land acquired or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if that Tribunal is satisfied—
- (a) that the creation of the interest,
 - (b) the erection of the building,
 - (c) the doing of the work,
 - (d) the making of the improvement, or
 - (e) the alteration,
- as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

SCHEDULE 7

ASSESSMENT OF COMPENSATION TO STATUTORY UNDERTAKERS

Measure of compensation

- 1 (1) Where statutory undertakers are entitled to compensation as mentioned in section 15 or section 26(7) above, the amount of the compensation shall (subject to paragraph 2 below) be an amount calculated in accordance with the following provisions of this paragraph.
- (2) That amount subject to sub-paragraph (3) below, shall be the aggregate of the following amounts, that is—
- (a) the amount of any expenditure reasonably incurred in acquiring land, providing apparatus, erecting buildings or doing work for the purpose of any adjustment of the carrying on of the undertaking rendered necessary by the proceeding giving rise to compensation;
 - (b) whichever of the following is applicable, namely—
 - (i) where such an adjustment is made—

A the estimated amount of any decrease in net receipts from the carrying on of the undertaking pending the adjustment, in so far as the decrease is directly attributable to the proceeding giving rise to compensation, together with

B such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the

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- undertaking in the period after the adjustment has been completed, in so far as the decrease is directly attributable to the adjustment, or
- (ii) where no such adjustment is made, such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking which is directly attributable to the proceeding giving rise to compensation;
- (c) where the compensation is under section 26(7), and is in respect of the imposition of a requirement to remove apparatus, the amount of any expenditure reasonably incurred by the statutory undertakers in complying with the requirement, reduced by the value after removal of the apparatus removed.
- (3) Where any such adjustment as is mentioned in sub-paragraph (2)(a) above is made, the aggregate amount mentioned in that sub-paragraph shall be reduced by such amount (if any) as appears to the Lands Tribunal to be appropriate to offset—
- (a) the estimated value of any property (whether moveable or immoveable) belonging to the statutory undertakers and used for the carrying on of their undertaking which, in consequence of the adjustment, ceases to be so used, in so far as the value of the property has not been taken into account under sub-paragraph (2)(c) above, and
- (b) the estimated amount of any increase in net receipts from the carrying on of the undertaking in the period after the adjustment has been completed, in so far as that amount has not been taken into account under sub-paragraph (2) (b) above and is directly attributable to the adjustment,
- and by any further amount which appears to the Lands Tribunal to be appropriate, having regard to any increase in the capital value of immoveable property belonging to the statutory undertakers which is directly attributable to the adjustment, allowance being made for any reduction made under paragraph (b) above.
- (4) References in this paragraph to a decrease in net receipts shall be construed as references to the amount by which a balance of receipts over expenditure is decreased, or a balance of expenditure over receipts is increased, or, where a balance of receipts over expenditure is converted into a balance of expenditure over receipts, as references to the aggregate of the two balances; and references to an increase in net receipts shall be construed accordingly.
- (5) In this paragraph “proceeding giving rise to compensation” means the particular action (that is, the acquisition, the extinguishment of a right or the imposition of a requirement) in respect of which compensation falls to be assessed, as distinct from any development or project in connection with which that action may have been taken.

Exclusion of paragraph 1 at option of statutory undertakers

- 2 (1) Where statutory undertakers are entitled to compensation in respect of a compulsory acquisition, the statutory undertakers may by notice in writing under this paragraph elect that the compensation shall be ascertained in accordance with the enactments (other than rule (5) of the rules set out in section 5 of the ^{M13}Land Compensation Act 1961) which would be applicable apart from paragraph 1 above; and if the undertakers so elect the compensation shall be ascertained accordingly.

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- (2) An election under this paragraph may be made either in respect of the whole of the land comprised in the compulsory acquisition in question or in respect of part of that land.
- (3) Any notice under this section shall be given to the acquiring authority before the end of the period of 2 months from the date of service of notice to treat in respect of the interest of the statutory undertakers.

Marginal Citations

M13 1961 c. 33.

Procedure for assessing compensation where paragraph 1 applies

- 3 (1) Where the amount of any such compensation as is mentioned in paragraph 1(1) above falls to be ascertained in accordance with the provisions of that paragraph 1, the compensation shall, in default of agreement, be assessed by the Lands Tribunal, if apart from this paragraph it would not fall to be so assessed.
- (2) For the purposes of any proceedings arising before the Lands Tribunal in respect of compensation falling to be ascertained as mentioned in sub-paragraph (1) above, sections 2 and 4 of the Land Compensation Act 1961 apply as they apply to proceedings on a question referred to the Tribunal under section 1 of that Act, but with the substitution in section 4 of that Act, for references to the acquiring authority, of references to the person from whom the compensation is claimed.

SCHEDULE 8

Sections 23 and 31.

PROCEDURE FOR DEALING WITH OBJECTIONS TO ORDERS UNDER SECTIONS 23, 28 AND 30

- 1 In this Schedule, “the relevant Minister” means—
 - (a) in relation to an order under section 23 above, the Secretary of State,
 - (b) in relation to an order under section 28 above, the Secretary of State and the appropriate Minister,
 - (c) in relation to an order under section 30 above, the appropriate Minister,
 and any reference to making a final decision, in relation to an order, is a reference to deciding whether to make the order or what modification, if any, ought to be made.
- 2 Unless the relevant Minister decides apart from the objection not to make the order, or decides to make a modification which is agreed to by the objector as meeting the objection, the relevant Minister—
 - (a) shall, before making a final decision, consider the grounds of the objection as set out in the statement comprised in or submitted with the objection, and
 - (b) may, if he thinks fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.
- 3 In so far as the relevant Minister, after considering the grounds of the objection as set out in the original statement and in any such further statement, is satisfied that the objection relates to a matter which can be dealt with in the assessment of

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- compensation, the relevant Minister may treat the objection as irrelevant for the purpose of making a final decision.
- 4 If—
- (a) after considering the grounds of the objection as set out in the original statement and in any such further statement, the relevant Minister is satisfied that, for the purpose of making a final decision, he is sufficiently informed as to the matters to which the objection relates, or
 - (b) where a further statement has been required, it is not submitted within the specified period,
- the relevant Minister may make a final decision without further investigation as to those matters.
- 5 Subject to paragraphs 3 and 4 above, the relevant Minister—
- (a) shall, before making a final decision, afford to the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the relevant Minister; and
 - (b) shall, if the objector avails himself of that opportunity, afford an opportunity of appearing and being heard on the same occasion—
 - (i) to the statutory undertakers, development corporation or other person, if any, on whose representation the order is proposed to be made; and
 - (ii) to any other persons to whom it appears to the relevant Minister to be expedient to afford such an opportunity.
- 6 (1) Notwithstanding anything in the foregoing provisions of this Schedule, if it appears to the relevant Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision, he shall cause such an inquiry to be held.
- (2) Where the relevant Minister determines to cause such an inquiry to be held, any of the requirements of those provisions to which effect has not been given at the time of that determination shall be dispensed with.

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.

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- (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 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 ^{M14}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

M14 1972 c. 11.

Status: Point in time view as at 02/09/1991.

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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, [^{F6}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

F6 Words repealed (*prosp.*) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 194(4), 195(2), [Sch. 12 Pt. II](#)

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 committee set up under paragraph 3 above and the arrangements relating to its meetings, so far as not provided for by the arrangements made for setting up the committee, shall be such as the committee may determine.

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- (3) The validity of any proceedings of the Commission or of such a committee shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

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 ^[F7] 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.

Textual Amendments

F7 Word inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), [Sch. 11 para. 58](#)

Power to dissolve Commission

- ^[F87] (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.

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- (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

- F8** Para. 7 and heading added by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\), s. 2](#)

VALID FROM 24/03/1994

[^{F9}Delegation of powers

Textual Amendments

- F9** [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.]

SCHEDULE 10

Section 41.

ADDITIONAL PROVISIONS AS TO TRANSFER TO COMMISSION
 OF PROPERTY OF DEVELOPMENT CORPORATION

- 1 (1) Subject to the following provisions of this Schedule, where an order under this Act provides that on a specified date the property of a development corporation (so far as not excepted by the order) shall vest in the Commission, then on that date (referred to below as the transfer date) there shall by virtue of the order and without further assurance be transferred to the Commission all property, rights, liabilities and obligations which immediately before the transfer date were property, rights, liabilities or obligations of the corporation.
- (2) Subject as aforesaid, every agreement to which the development corporation was a party immediately before the transfer date, whether in writing or not and whether

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or not of such a nature that rights, liabilities and obligations thereunder could be assigned by the corporation, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this sub-paragraph, have effect as from the transfer date as if—

- (a) the Commission had been a party to the agreement;
- (b) reference (however worded and whether express or implied) to the corporation there were substituted, as respects anything falling to be done on or after the transfer date, a reference to the Commission;
- (c) for any reference (however worded and whether express or implied) to any member or officer of the corporation there were substituted, as respects anything falling to be done on or after the transfer date, a reference to such person as the Commission may appoint, or, in default of appointment, to the member or officer of the Commission who corresponds as nearly as may be to the member or officer in question of the corporation.

- (3) Other documents, not being enactments, which refer, whether specifically or generally, to the corporation shall be construed in accordance with sub-paragraph (2) above so far as applicable.
 - (4) Without prejudice to the generality of the foregoing sub-paragraphs, where, by the operation of any of them, any right, liability or obligation vests in the Commission, the Commission and all other persons shall, as from the transfer date, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for asserting, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Commission.
 - (5) Any legal proceedings or application to any authority pending on the transfer date by or against the development corporation (and not relating to property, rights, liabilities or obligations excepted by the order from the transfer to the Commission) may be continued on and after that date or against the Commission.
- 2 (1) Any such order as aforesaid may, if the Secretary of State sees fit, except from the transfer to the Commission—
- (a) any books, papers, or documents of the corporation,
 - (b) any property (including in particular any trade or business) which the corporation have agreed to transfer to some person other than the Commission, together with the corporation's rights, liabilities and obligations under that agreement, and any other rights, liabilities or obligations which it is necessary for the corporation to retain in order to give effect to that agreement,
 - (c) such other property as the Secretary of State thinks expedient for the purpose of enabling the corporation to discharge any functions remaining to it,
- and may provide for the disposal of any property so excepted and of any property received by the corporation after the transfer date under any such agreement or otherwise.
- (2) Any expenses of the corporation on or after the transfer date, so far as not defrayed out of any such property as is mentioned in sub-paragraph (1) above, shall be defrayed by the Commission.
- 3 (1) Subject to the following provisions of this Schedule, on the transfer date this Act and any other enactment relating to areas designated under section 1 above as the site

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of a new town shall cease to apply to the town as an area so designated, except for the purpose of any functions remaining to the development corporation by virtue of paragraph 2 above; and nothing in paragraph 1 above shall be construed as conferring on the Commission any rights, liabilities or obligations of a development corporation under any enactment.

- (2) Sub-paragraph (1) above shall not affect the operation of paragraph 1 above or of any other enactment in relation to things done by or to a development corporation before the transfer date or in relation to matters arising out of things so done; but no order shall be made under any enactment on or after the transfer date by virtue of this sub-paragraph.
- (3) Without prejudice to the generality of sub-paragraph (2) above—
 - (a) any permission for development in the new town granted by an order made, or having effect as if made, under [F10section 59 of the Town and Country Planning Act 1990] and in force on the transfer date shall continue in force as if references in the order to the development corporation included the Commission;
 - (b) F11
 - (c) where the development corporation were making contributions under section 4(4)(a) above to expenditure of a local authority or statutory undertakers, or had obtained the Secretary of State’s consent to making such contributions, the Commission shall have power to make or continue to make those contributions, whether or not the development corporation had undertaken any obligation to do so;
 - (d) F12
- (4) Section 11 above and, so far as they have effect for the purposes of that section 11, the other provisions of this Act shall, notwithstanding anything in sub-paragraph (1) above, continue to have effect in relation to the town for such period (if any) as may be specified in the order under section 41 above relating to the town; and that order may provide that any other enactment applying in relation to the town immediately before the transfer date shall continue to apply, subject or not to any modifications specified in the order.
- (5) Where an enactment ceases to apply in relation to the town by virtue of this Schedule, section 16(1) of the M15Interpretation Act 1978 (which relates to the effect of repeals), shall have effect as it has effect on the repeal of one Act by another.

Textual Amendments

- F10** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 51\(4\)](#)
- F11** Sch. 10 para. 3(3)(b) 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\)](#)
- F12** Sch. 10 para. 3(3)(d) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 3, Sch. 1 Pt. I](#)

Marginal Citations

- M15** 1978 c. 30.

Status: Point in time view as at 02/09/1991.

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- 4 (1) In respect of expenditure of a development corporation on matters other than the provision of housing accommodation, the Secretary of State may with the Treasury's approval make to the Commission payments not exceeding those which, in his opinion, he would have made to the corporation under ^{F13}section 58A(3) above].
- (2) There shall be paid out of moneys provided by Parliament any expenses of the Secretary of State under sub-paragraph (1) above.

Textual Amendments

F13 Words substituted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123: 3, 4\), s. 14\(1\), Sch. 3 para. 16](#)

- 5 (1) The Secretary of State's power to make advances to the Commission under section 58(5) above shall extend to the making of advances for the purpose of enabling the Commission to meet liabilities transferred to them from a development corporation, being liabilities properly chargeable to capital account by the corporation, or to make good to revenue account sums applied by a development corporation in meeting liabilities so chargeable.
- (2) Where the liabilities of a development corporation for the repayment of advances under section 58(1) above, or for the payment of interest on such 2 advances, are transferred to the Commission—
- (a) sections 61(2) and (3), 66(1) in its application to the Commission, and 69(1) (a) above shall apply to those advances as if those advances had been made to the Commission under section 58(5); and
- (b) section 69(1)(b) shall cease to apply in relation to them.
- 6 In this Schedule “enactment” means any Act of Parliament and any order, rules, regulations or similar instrument having effect by virtue of an Act of Parliament, and includes enactments passed or made on or after the date of the passing of this Act, except in so far as any such enactment provides to the contrary.

SCHEDULE 11

Section 81.

SAVING AND TRANSITIONAL PROVISIONS

General

- 1 Where any period of time specified in or under an enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision had been in force when the period begun to run.
- 2 (1) Any provision of this Act relating to anything done or required or authorised to be done under or by reference to that provision or any other provision of this Act shall (subject to paragraphs 3 to 5 below) have effect as if any reference to that provision or that other provision, as the case may be, included a reference to the corresponding provision of the enactments repealed by this Act.
- (2) Where the repealed provision was itself a re-enactment of an earlier provision the reference shall extend in the same way to that earlier provision and so on.

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Advances to Commission and to development corporations under previous enactments

- 3 For the purposes of section 58(6) above—
- (a) any advance to the Commission made before the commencement of the ^{M16}New Towns Act 1965 under section 3(2) of the ^{M17}New Towns Act 1959, or
 - (b) any such advance made before the commencement of this Act under section 42(5) of that Act of 1965,
- shall continue to be regarded as having been made under that section 3(2), or that section 42(5), as the case may be, and not under that section 58(6) (which corresponds to those provisions).

Marginal Citations

M16 1965 c. 59.

M17 1959 c. 62.

- 4 For the purposes of section 60 above—
- (a) any advance to a development corporation made before the commencement of the ^{M18}New Towns Act 1965 under section 12(1) of the ^{M19}New Towns Act 1946, or
 - (b) any such advance made before the commencement of this Act under section 42(1) of that Act of 1965,
- shall continue to be regarded as having been made under that section 12(1), or that section 42(1), as the case may be, and not under section 58(1) above (which corresponds to those provisions).

Marginal Citations

M18 1965 c. 59.

M19 1946 c. 68.

- 5 For the purposes of section 60 above—
- (a) any advance to the Commission made before the commencement of the New Towns Act 1965 under section 3(1) of the ^{M20}New Towns Act 1959, or
 - (b) any such advance made before the commencement of this Act under section 42(4) of that Act of 1965,
- shall continue to be regarded as having been made under that section 3(1), or that section 42(4), as the case may be, and not under section 58(5) above (which corresponds to those provisions).

Marginal Citations

M20 1959 c. 62.

Saving as to certain provisions relating to housing

- 6 Notwithstanding the repeal by this Act of subsections (2) and (5) of section 4 of the ^{M21}New Towns Act 1959 those subsections have such effect as they had immediately

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before the commencement of this Act; and the power conferred by virtue of sections 152(3) and 153(4) of the ^{M22}Housing Act 1980 to bring into operation Schedule 26 to that Act (repeals) has effect as if that Schedule included a reference to this paragraph.

Marginal Citations

- M21 1959 c. 62.
- M22 1980 c. 51.

^{M23}*Land Compensation Act 1961*

Marginal Citations

- M23 1961 c. 33.

7 Notwithstanding the repeal by this Act of the ^{M24}New Towns Act 1966, the amendments made by section 2 of and Part I of the Schedule to that Act to the Land Compensation Act 1961 continue to have effect as provided by that section 2.

Marginal Citations

- M24 1966 c. 44.

^{M25}*National Loans Act 1968*

Marginal Citations

- M25 1968 c. 13.

8 Section 24(2) of and Part I of Schedule 6 to the National Loans Act 1968 continue to have such effect in relation to sections 44(2) and (4). 45(2) and 46(5) of the ^{M26}New Towns Act 1965 as they had immediately before the commencement of this Act.

Marginal Citations

- M26 1965 c. 59.

9–10 F14

Textual Amendments

- F14 Sch. 11 paras. 9, 10 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)

Status: Point in time view as at 02/09/1991.

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^{M27}Land Compensation Act 1973

Marginal Citations

M27 1973 c. 26.

- 11 Nothing in this Act affects the operation of the savings made in sections 72(6) and 86 of and Schedule 3 to the Land Compensation Act 1973 in relation to the repeal of section 11 of and paragraph 7 of Schedule 6 to the New Towns Act 1965.

^{M28}House of Commons Disqualification Act 1975

Marginal Citations

M28 1975 c. 24.

- 12 Notwithstanding the repeal by this Act of the ^{M29}New Towns (Amendment) Act 1976, the amendment made by section 14(4) of that Act to the House of Commons Disqualification Act 1975 continues to have effect.

Marginal Citations

M29 1976 c. 68.

Schedule 25 to the ^{M30}Local Government, Planning and Land Act 1980

Marginal Citations

M30 1980 c. 65.

- 13 (1) Nothing in—
- (a) paragraphs (a) and (b) of section 4(5) above,
 - (b) section 17(3) above,
 - (c) section 37(6) above,
- affects a transaction or purported disposal made before the coming into force of Part I of Schedule 25 to the Local Government, Planning and Land Act 1980.
- (2) In relation to any transaction or purported disposal made before the coming into force of Part I of that Schedule, for the words in sections 5(4) and 37(5) 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” substitute “unless that person had actual notice of that direction”.
- (3) The repeal by this Act of paragraph 5(2) of that Schedule does not affect the validity by virtue of that sub-paragraph of any consent given before the commencement of this Act.

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SCHEDULE 12

Section 81.

CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

- C2** The text of Sch. 12 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Licensing Act 1964 c. 26

- 1 In the Licensing Act 1964—
- (a) in section 116(1), for the words from “under” to “providing” substitute the words “ under section 41 of the New Towns Act 1981 providing ” ;
 - (b) in section 117(1), for the words from “under” to “by” substitute the words “ under section 1 of the New Towns Act 1981 by ” ;
 - (c) in section 117(2), for the words from “under” to “providing” substitute the words “ under section 41 of the New Towns Act 1981 providing ”.

National Loans Act 1968 c. 13

- 2 In Schedule 1 to the National Loans Act 1968, in the entry headed “New Towns Act 1965”, for that heading substitute “ New Towns Act 1981 ” and—
- (a) for the reference to section “42(1)(4)(5)” substitute “ 58(1)(5)(6) ” ;
 - (b) omit the references to sections 44(1) and (3), 45 and 46(5).

New Towns (Scotland) Act 1968 c. 16

- 3 In the New Towns (Scotland) Act 1968—
- (b) in section 37(1), and
 - (b) in section 37A(1) and (2),
- for “section 43 of the New Towns Act 1965” substitute “ section 60 of the New Towns Act 1981 ”.

Agriculture (Miscellaneous Provisions) Act 1968 c. 34

- 4 In section 13(2) of the Agriculture (Miscellaneous Provisions) Act 1968, for “section 7 of the New Towns Act 1965” substitute “ section 10 of the New Towns Act 1981 ”.

Post Office Act 1969 c. 48

- 5 In paragraph 93(1)(xxv) and (4)(e) of Part II of Schedule 4 to the Post Office Act 1969, for “New Towns Act 1965” substitute “ New Towns Act 1981 ”.

- 6 F15

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Textual Amendments
F15 Sch. 12 para. 6 repealed by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), [Sch. 16](#)

7–8 **F16**

Textual Amendments
F16 Sch. 12 paras. 7, 8 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)

Land Compensation Act 1973 c. 26

- 9 In section 51 of the Land Compensation Act 1973—
 (a) in subsection (1), for “New Towns Act 1965” substitute “ New Towns Act 1981 ”.
 (b) in subsections (3) and (6), for “Act of 1965” substitute “ Act of 1981 ”.
- 10 In section 57(2) of the Land Compensation Act 1973, for “New Towns Act 1965” substitute “ New Towns Act 1981 ”.
- 11 **F17**

Textual Amendments
F17 Sch. 12 para. 11 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\)](#), s. 3, [Sch. 1 Pt. I](#)

Water Act 1973 c. 37

- [^{F18}12 In section 15(10) of the Water Act 1973 for “New Towns Act 1965” substitute “ New Towns Act 1981 ”.]

Textual Amendments
F18 Sch. 12 para. 12 repealed (E.W.) by [Water Act 1983 \(c. 23, SIF 130\)](#), [Sch. 5 Pt. I](#)

13–14 **F19**

Textual Amendments
F19 Sch. 12 paras. 13, 14 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)

House of Commons Disqualification Act 1975 c. 24

- 15 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975, in the entry relating to a Development Corporation, for “New Towns Act 1965” substitute “ New Towns Act 1981 ”.

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16 F20

Textual Amendments

F20 Sch. 12 para. 16 repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 844(4), [Sch. 31](#)

Community Land Act 1975 c. 77

17 In section 1(2) of the Community Land Act 1975 for “New Towns Act 1965” substitute “ New Towns Act 1981 ”.

18 In section 6(1) of the Community Land Act 1975 (in the definition of “new town authority”), for “section 2 of the New Towns Act 1965” substitute “ section 3 of the New Towns Act 1981 ”.

19 F21

Textual Amendments

F21 Sch. 12 para. 19 repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), [Sch. 6 Pt. I](#)

Development of Rural Wales Act 1976 c. 75

20 In section 3(2)(a) of the Development of Rural Wales Act 1976, for “ section 2 of the New Towns Act 1965” substitute “ section 3 of the New Towns Act 1981 ”.

21 In the Development of Rural Wales Act 1976—
(a) in section 5(1),
(b) in section 34(1), and
(c) in paragraphs 8, 9(2)(a), 30(4) and 36(3) of Schedule 3,
for “New Towns Act 1965” substitute “ New Towns Act 1981 ”.

22 In paragraph 16(4) of Schedule 3 to the Development of Rural Wales Act 1976, for “section 10 of the New Towns Act 1965” substitute “ section 13 of the New Towns Act 1981 ”.

Rent (Agriculture) Act 1976 c. 80

23 In section 5(3)(e) of the Rent (Agriculture) Act 1976, for “New Towns Act 1965” substitute “ New Towns Act 1981 ”.

Rent Act 1977 c. 42

24 In section 14(e) of the Rent Act 1977, for “New Towns Act 1965” substitute “ New Towns Act 1981 ”.

25 F22

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Textual Amendments
F22 Sch. 12 paras. 25, 27(a)(b)(d) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I**

National Health Service Act 1977 c. 49

26 In section 123(1) of the National Health Service Act 1977, for “New Towns Act 1965” substitute “ New Towns Act 1981 ”.

Housing Act 1980 c. 51

27 In the Housing Act 1980—

(a)		F23
(b)		F23
(c)	in section 140(2)(b), and	
(d)		F23

Textual Amendments
F23 Sch. 12 paras. 25, 27(a)(b)(d) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I**

Local Government, Planning and Land Act 1980 c. 65

28 In the Local Government, Planning and Land Act 1980—

(a)	in section 4(4)(a),	
(b)	in section 20(1)(ii),	
(c)	in section 99(4),	
(d)	in paragraph 7 of Schedule 16, and	
(e)	in paragraph 1(7) of Schedule 32,	

for “New Towns Act 1965” substitute “ New Towns Act 1981 ”.

29 In section 133 of the Local Government, Planning and Land Act 1980—

(a)	in subsection (1)—	
	(i) for the words from “area of a new town” to “the 1965 Act” substitute “development corporation” has the same meaning as in the New Towns Act 1981 ” ;	
	(ii) omit the words “ “development corporation” has (in the application of this Part to Scotland) the same meaning as in the 1968 Act ;” and “ “the 1965 Act” means the New Towns Act 1965 ;” ;	
(b)	in subsection (2) omit the words “the 1965 Act” ;	
(c)	omit subsection (3) ; and	
(d)	in subsection (4) after the word “extend” insert “ to Scotland (apart from this section) or ”.	

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British Telecommunications Act 1981 c. 38

- 30 In Part II of Schedule 3 to the British Telecommunications Act 1981—
- (a) in paragraph 10(1)(q), and
 - (b) in paragraph 12(1)(b),
- for “New Towns Act 1965” substitute “ New Towns Act 1981 ”.

SCHEDULE 13

Section 81.

REPEALS

Modifications etc. (not altering text)

- C3** The text of Sch. 13 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Chapter	Short title	Extent of repeal
7 & 8 Eliz. 2. c. 62.	New Towns Act 1959.	The whole Act.
1965 c. 59.	New Towns Act 1965.	The whole Act.
1966 c. 44.	New Towns Act 1966.	The whole Act.
1968 c. 13.	National Loans Act 1968.	In Schedule 1, the entry so far as it relates to sections 44(1) and (3) and sections 45 and 46(5) of the New Towns Act 1965.
1969 c. 48.	Post Office Act 1969.	In Schedule 4, paragraph 78.
1971 c. 78.	Town and Country Planning Act 1971.	In Part II of Schedule 23, the entry relating to the New Towns Act 1965.
1972 c. 11.	Superannuation Act 1972.	In Schedule 6, paragraph 53.
1972 c. 47.	Housing Finance Act 1972.	Section 14.
1972 c. 70.	Local Government Act 1972.	In Part II of Schedule 16, paragraph 56. In Part II of Schedule 29, paragraph 29.
1973 c. 26.	Land Compensation Act 1973.	Section 72(6).
1973 c. 37.	Water Act 1973.	In Schedule 8, paragraphs 88 and 89.
1974 c. 8.	Statutory Corporations (Financial Provisions) Act 1974.	In Schedule 3, Part I.

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1975 c. 42.	New Towns Act 1975.	The whole Act.
1975 c. 76.	Local Land Charges Act 1975.	In Schedule 1, the entry relating to the New Towns Act 1965.
1976 c. 68.	New Towns (Amendment) Act 1976.	The whole Act.
1976 c. 75.	Development of Rural Wales Act 1976.	In Schedule 7, paragraphs 4 and 17.
1976 c. 80.	Rent (Agriculture) Act 1976.	In Schedule 8, paragraph 12.
1977 c. 23.	New Towns Act 1977.	The whole Act.
1977 c. 42.	Rent Act 1977.	In Schedule 23, paragraph 39.
1978 c. 44.	Employment Protection (Consolidation) Act 1978.	In Schedule 16, paragraph 24.
1980 c. 36.	New Towns Act 1980.	The whole Act.
1980 c. 65.	Local Government, Planning and Land Act 1980.	Sections 126 to 130. In section 133(1) the words— “ development corporation has (in the application of this Part to Scotland) the same meaning as in the 1968 Act ” and “ the 1965 Act means the New Towns Act 1965 ”. In section 133(2) the words “the 1965 Act”. Section 133(3). In Schedule 25, Part I.
1980 c. 66.	Highways Act 1980.	In Schedule 24, paragraph 15.
1981 c. 38.	British Telecommunications Act 1981.	In Part II of Schedule 3, paragraph 3, paragraphs 11(2) (b) and 43.

Status:

Point in time view as at 02/09/1991.

Changes to legislation:

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