



Housing and Town Development (Scotland) Act 1957

1957 CHAPTER 38 5 and 6 Eliz 2

An Act to make new provision with respect to contributions out of the Exchequer and by local authorities in respect of housing accommodation provided or improved in Scotland; to enable Scottish local authorities to provide housing accommodation and other development in relief of the needs of districts other than their own; to make additional provision as respects Scotland for the making of payments in respect of unfit houses which have been well maintained, to provide as respects Scotland for the making and keeping by local authorities of registers of maximum rents of dwellings in respect of which improvement grants have been made, and for the simplifying of the procedure for the completion of the compulsory acquisition of land under certain enactments relating to housing; to amend certain provisions of the Housing (Scotland) Act, 1950; to extend section nineteen of the Town and Country Planning (Scotland) Act, 1945; and for purposes connected with the matters aforesaid. [17th July, 1957]

Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

PART I

1—7 F1

Textual Amendments

F1 Ss. 1—7, 23, Sch. 1 Pt. I paras. 2, 3 repealed with saving by [Housing \(Financial Provisions\) \(Scotland\) Act 1972 \(c. 46\), s. 79\(3\), Sch. 11 Pt. III](#)

Status: Point in time view as at 25/06/2003.

*Changes to legislation: There are currently no known outstanding effects for the
Housing and Town Development (Scotland) Act 1957. (See end of Document for details)*

PART II

PROVISION OF HOUSING ACCOMMODATION AND ASSOCIATED
TOWN DEVELOPMENT IN RELIEF OF OVER-POPULATED DISTRICTS

Exporting and Receiving Authorities

8 Exporting and receiving authorities.

- (1) References in this Part of this Act to an exporting authority are references to a local authority for a district which has a need for housing accommodation which cannot in the opinion of the Secretary of State be properly and fully met by the provision of housing accommodation within the district, who propose to make or have made arrangements for the meeting of that need, in whole or in part, by the provision of housing accommodation outside their district—
 - (a) by another local authority, or a development corporation, in pursuance of an overspill agreement, or
 - (b) by the Scottish Special Housing Association acting with the approval of the Secretary of State, or
 - (c) by themselves in exercise of powers conferred by the principal Act.
- (2) References in this Part of, and in the Second Schedule to, this Act to a receiving authority are (subject to subsection (7) of the next following section) references to the local authority for any district in which housing accommodation is, or may be, provided in pursuance of arrangements such as are mentioned in the foregoing subsection.

Overspill agreements

9 Overspill agreements.

- (1) Subject to the provisions of this section an exporting authority and a receiving authority may enter into an agreement (in this Part of this Act referred to as an overspill agreement) for the provision by the receiving authority, in the district of the receiving authority, of housing accommodation to meet, wholly or in part, the needs of the district of the exporting authority.
- (2) Proposals prepared and submitted to the Secretary of State by a local authority in discharge of their duty under section sixty of the principal Act may, in the case of a local authority who are an exporting authority, include proposals for the provision of housing accommodation in pursuance of an overspill agreement.
- (3) Subject to the provisions of this section an overspill agreement may be made on such terms as may be agreed between the parties thereto.
- (4) An overspill agreement shall provide for—
 - (a) the provision by the receiving authority of housing accommodation and the letting of that accommodation to persons approved for that purpose by the exporting and receiving authorities (hereinafter referred to as “approved persons”); and
 - (b)

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- [^{F3}(5) An overspill agreement (whether entered into before or after this Act comes into force) may provide, with the consent of the Secretary of State, for the making by the exporting authority to the receiving authority of such payment as may be specified in the agreement.]
- (6) No overspill agreement shall have effect unless it has been approved by the Secretary of State.
- (7) An exporting authority may enter into an overspill agreement with a development corporation in like manner as with a receiving authority, and accordingly in this section references to a receiving authority shall be construed as including a development corporation.
- (8) ^{F4}

Textual Amendments

- F2** S. 9(4)(b) repealed with saving by [Housing \(Financial Provisions\) \(Scotland\) Act 1972 \(c. 46\), ss. 69\(2\)\(a\), 79\(3\), Sch. 11 Pt. V](#)
- F3** S. 9(5) substituted with saving by [Housing \(Financial Provisions\) \(Scotland\) Act 1972 \(c. 46\), s. 69\(2\)\(b\)\(3\)](#)
- F4** Ss. 9(8), 28(2), Sch. 3 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), s. 1, Sch. Pt. V](#)

Town development schemes

10 Town development schemes.

- (1) Where a receiving authority consider it expedient that, in conjunction with any housing accommodation proposed to be provided [^{F5}or already provided] in their district in pursuance of arrangements such as are mentioned in subsection (1) of section eight of this Act there should be carried out other development, including the provision of all or any of the following, namely, accommodation for the carrying on of industrial or other activities, appropriate public services, facilities for public worship, recreation and amenity and other requirements, they may, subject to the following provisions of this Part of this Act, make and submit to the Secretary of State a scheme containing proposals for that development related to the proposals as to the housing accommodation [^{F5}and related also to the housing accommodation already provided, if any]; and on approval by the Secretary of State any such scheme (hereinafter referred to as a “town development scheme”) shall have effect for the purposes of this Part of this Act, and any duty which it proposes should be undertaken by the receiving [^{F6}authority or Scottish Water] shall be a duty of that authority [^{F7}or, as the case may be, Scottish Water].
- (2) A town development scheme may be extended or amended by a subsequent town development scheme.
- (3) The provisions of the Second Schedule to this Act shall have effect with respect to the contents, submission and approval of, and other matters connected with, town development schemes.
- (4) The Secretary of State shall not approve any town development scheme unless he is satisfied—

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- (a) that the execution of the scheme will be consistent with the proper planning of the area to which the scheme relates, and
 - (b) that if he were to withhold approval the development proposed therein, either by itself or along with commitments already undertaken or proposed to be undertaken by way of overspill agreements or other town development schemes by the receiving authority, would impose an unreasonable burden on the financial resources of the receiving authority.
- (5) Subject to the foregoing provisions of this section and to the provisions of the Second Schedule to this Act, the Secretary of State may approve a town development scheme without modification or with such modifications as appear to him to be expedient, so however that no such modification shall impose on any authority [^{F8}or Scottish Water] any duty other than a duty relating to any water supply or sewerage service required for the purposes of the scheme.
- (6) References in this Part of, and in the Second Schedule to, this Act to a receiving or exporting authority in relation to a town development scheme are references respectively to the receiving authority who promoted, or are promoting, the scheme and to the exporting authority to meet the needs of whose district the housing accommodation to which the scheme relates is, or is to be, provided.

Textual Amendments

F5 Words inserted by [Housing Act 1964 \(c. 56\), s. 100](#)

F6 Words in s. 10(1) substituted (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\), art. 1, Sch. para. 2\(2\)\(a\)\(i\)](#)

F7 Words in s. 10(1) inserted (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\), art. 1, Sch. para. 2\(2\)\(a\)\(ii\)](#)

F8 Words in s. 10(5) inserted (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\), art. 1, Sch. para. 2\(2\)\(b\)](#)

^{F9}**11 Provision of water supplies and sewerage services under town development schemes.**

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Textual Amendments

F9 [S. 11](#) repealed (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\), art. 1, Sch. para. 2\(3\)](#)

^{F10}**12 Allocation of expenditure on water supplies and sewerage services under town development schemes.**

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Textual Amendments

F10 [S. 12](#) repealed (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\), art. 1, Sch. para. 2\(3\)](#)

13 Powers as to acquisition and use of land for the purposes of town development schemes.

- (1) Where as respects any land which is—
- (a) comprised in an area to which a town development scheme relates, . . . ^{F11}
 - (b) ^{F11}
- the Secretary of State is satisfied that it is necessary for the proper execution of the town development scheme that the land should be acquired by the receiving authority under this section he may authorise that authority to acquire the land compulsorily in accordance with this section.
- (2) The ^{M1}Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply to the compulsory acquisition of land under this section and, accordingly, shall have effect as if this section had been in force immediately before the commencement of that Act.
- (3) This section shall, for the purposes of any enactment containing a reference to section thirty-five of the Town and Country Planning (Scotland) Act, 1947 (which relates to the acquisition of land for planning purposes) be treated as forming part of the said section thirty-five, and shall in particular be so treated for the purposes of . . . ^{F12}, subsection (1) of section thirty-seven, and subsection (2) of section forty-two of that Act, and of subsection (1) of section eighteen of the ^{M2}Town and Country Planning (Scotland) Act, 1945; . . . ^{F13}
- (4) This section shall be construed as one with Part III of the Town and Country Planning (Scotland) Act, 1947 (which contains provisions as to the acquisition and disposal of land for planning purposes).
- (5) In relation to the acquisition of land under this section, and to any land acquired under this section or appropriated for any purpose for which land can be acquired under this section,—
- (a) section nineteen of the Town and Country Planning (Scotland) Act, 1945, and the enactments referred to in this section shall have effect as if any reference therein to a local planning authority included a reference to a receiving authority who are not a local planning authority; and
 - (b) subsection (2) of section eighteen of the said Act of 1945 shall have effect as if for any reference therein to the best use of land or to the proper planning of the area of the authority there were substituted a reference to the proper execution of the town development scheme.

Textual Amendments

F11 S. 13(1)(b) and “and” repealed by Statute Law (Repeals) Act 1974 (c. 22), s. 1, **Sch. Pt. V**

F12 Words repealed by Statute Law (Repeals) Act 1974 (c. 22), s. 1, **Sch. Pt. V**

F13 Words repealed by Town and Country Planning (Scotland) Act 1959 (c. 70), **Sch. 8**

Modifications etc. (not altering text)

C2 S. 13 extended by Town and Country Planning (Scotland) Act 1959 (c. 70), s. 50(4); modified by Land Compensation (Scotland) Act 1963 (c. 51), s. 17, **Sch. 2 para. 1(1)**

C3 S. 13(1) extended by Town and Country Planning (Scotland) Act 1959 (c. 70), s. 45(1)

Marginal Citations

M1 1947 c. 42.

Status: Point in time view as at 25/06/2003.
*Changes to legislation: There are currently no known outstanding effects for the
Housing and Town Development (Scotland) Act 1957. (See end of Document for details)*

M2 1945 c. 33.

14 F14

Textual Amendments
F14 S. 14 repealed by S.I. 1986/672, arts. 2, 3, Sch. 1

General

15 Extension of powers for the purposes of overspill agreements or town development schemes.

- (1) For the purposes of executing any overspill agreement or town development scheme the receiving authority or development corporation may—
 - (a) take, whether within or outside their district, any action which, apart from this section, they could lawfully take if it were for the benefit of their district, notwithstanding that it is not, or may not be, for the benefit thereof, and
 - (b) appoint the exporting authority to act as their agents for the purpose of taking any action relating to the functions of the receiving authority or corporation under the agreement or scheme;

and any exporting authority appointed as mentioned in paragraph (b) of this section may themselves incur expenditure in taking any action to which the appointment relates and shall defray any expenditure so incurred as if it were incurred within and for the benefit of their own district.

F15(2)

- (3) In this section any reference to action relating to the functions of the receiving authority or development corporation under any overspill agreement or town development scheme includes a reference to any survey or preparatory work required to determine the practicability of any proposed overspill agreement or town development scheme.

Textual Amendments
F15 S. 15(2) repealed (25.6.2003) by Water Industry (Scotland) Act 2002 Consequential Provisions) Order 2003 (S.S.I. 2003/331), art. 1, Sch. para. 2(3)

16 Provision for failure to carry out duties under overspill agreements or town development schemes.

- (1) If a complaint is made to the Secretary of State that any local ^{F16}... authority have failed to do properly anything which they are required to do by any overspill agreement or town development scheme, or if the Secretary of State is of opinion that an investigation should be made as to whether any such authority have so failed, he may cause a local inquiry to be held into the matter.

Status: Point in time view as at 25/06/2003.

Changes to legislation: There are currently no known outstanding effects for the Housing and Town Development (Scotland) Act 1957. (See end of Document for details)

- (2) If after such a local inquiry the Secretary of State is satisfied that there has been such a failure on the part of the authority in question, he may, after giving the authority an opportunity of making representations, make an order declaring the authority to be in default and requiring them for the purpose of remedying the default to take within such period as may be specified in the order such action as may be so specified.
- (3) If the authority declared to be in default by such an order fail to comply with any requirement thereof within the period specified therein for compliance with that requirement the Secretary of State may—
- (a) himself take, or cause to be taken, the action to which the requirement relates, or
 - (b) make an application to the Court of Session under section ninety-one of the ^{M3}Court of Session Act, 1868, which section shall have effect as if the said action were a statutory duty of the authority.
- (4) Section one hundred and seventy of the principal Act (which relates to the exercise by the Secretary of State of powers of a local authority) shall apply—
- (a) to any expenses incurred by the Secretary of State in taking action, or causing action to be taken, by virtue of this section, as it applies to the expenses referred to in that section, and
 - (b) to any property, debts or liabilities acquired or incurred by him by virtue of this section, as it applies to the property, debts and liabilities referred to in that section.
- (5) Section [^{F17}210 of the ^{M4}Local Government (Scotland) Act 1973] (which contains provisions as to local inquiries) shall apply to any local inquiry held under this section.
- [^{F18}(5A) This section shall apply in relation to Scottish Water as it applies in relation to a local authority.]
- (6) This section shall be without prejudice to any other enactment, or any provision in any agreement, under which the performance of the duties mentioned in this section may be enforced.

Textual Amendments

- F16** Words in s. 16(1) repealed (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\)](#), art. 1, **Sch. para. 2(4)(a)**
- F17** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), s. 238(2), **Sch. 12 para. 3**
- F18** [S. 16\(5A\)](#) inserted (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\)](#), art. 1, **Sch. para. 2(4)(b)**
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Marginal Citations

- M3** 1868 c. 100.
- M4** 1973 c. 65.

17 Modification of s. 18(5) of 8 & 9 Geo. 6. c. 33 in relation to exporting authorities.

Where by subsection (5) of section eighteen of the Town and Country Planning (Scotland) Act, 1945, a local planning authority, being an exporting authority, in exercising their power under that section of disposing of land comprised in an area defined by a development plan as an area of comprehensive development, and

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the Secretary of State in exercising his power of consenting to such disposal, are obliged to secure to any person so far as may be practicable an opportunity to obtain accommodation on that land, the obligation shall be treated as discharged if there is afforded to the person an opportunity to obtain, on land in, or in the vicinity of and readily accessible to, an area where housing accommodation has been, or is being, provided in pursuance of any such arrangements as are mentioned in subsection (1) of section eight of this Act (being arrangements to which the said local planning authority are a party), accommodation suitable to his reasonable requirements on terms such as are mentioned in the said subsection (5).

18 Saving for necessity to obtain planning permission for development for the purposes of Part II.

Nothing in this Part of this Act or in any authorisation given thereunder shall be taken to authorise the carrying out of any development not authorised by planning permission granted or deemed to have been granted under the ^{M5}Town and Country Planning (Scotland) Act, 1947.

Marginal Citations

M5 1947 c. 53.

19 Interpretation of Part II.

(1) In this Part of, and in the Second Schedule to, this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“functions” includes powers and duties;

^{F19} ...

“overspill agreement” has the meaning assigned to it by subsection (1) of section nine of this Act;

“sewerage service” includes sewage disposal service;

“town development scheme” has the meaning assigned to it by subsection (1) of section ten of this Act.

(2) In this Part of, and in the Second Schedule to, this Act—

- (a) any reference to water supply includes a reference to the supply of water in bulk under section nineteen of the Water (Scotland) Act, 1946;
- (b) any reference to the district of a development corporation shall be construed as a reference to the area designated under the ^{M6}New Towns Act, 1946, as the site of the new town for the purposes of which the development corporation has been established.

Textual Amendments

F19 Words in s. 19(1) repealed (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\)](#), art. 1, [Sch. para. 2\(5\)](#)

Marginal Citations

M6 1946 c. 68.

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Changes to legislation: There are currently no known outstanding effects for the Housing and Town Development (Scotland) Act 1957. (See end of Document for details)

PART III

MISCELLANEOUS MODIFICATIONS OF PRINCIPAL ACT

20 F20

Textual Amendments

F20 Ss. 20, 22, Sch. 1 Pt. I para. 1, Pt. II para. 7 repealed by Housing (Scotland) Act 1966 (c. 49), **Sch. 10 Pt. I**

21 F21

Textual Amendments

F21 S. 21, Sch. 1 Pt. I paras. 5, 6, Pt. II paras. 8, 10–12 repealed by Housing (Financial Provisions) (Scotland) Act 1968 (c. 31), s. 70, **Sch. 10**

22 F22

Textual Amendments

F22 Ss. 20, 22, Sch. 1 Pt. I para. 1, Pt. II para. 7 repealed by Housing (Scotland) Act 1966 (c. 49), **Sch. 10 Pt. I**

23 F23

Textual Amendments

F23 Ss. 1–7, 23, Sch. 1 Pt. I paras. 2, 3 repealed with saving by Housing (Financial Provisions) (Scotland) Act 1972 (c. 46), s. 79(3), **Sch. 11 Pt. III**

24 **Minor modifications of principal Act.**

The principal Act shall have effect subject to the modifications specified in Part II of the First Schedule to this Act, being modifications of a minor character.

Modifications etc. (not altering text)

C4 The text of s. 24, Sch. 1 Pt. II para. 9 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.

Status: Point in time view as at 25/06/2003.

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PART IV

MISCELLANEOUS AND SUPPLEMENTAL

25 F24

Textual Amendments

F24 S. 25 repealed by [Local Employment Act 1960 \(c. 18\)](#), [Sch. 3](#)

26 Financial provisions.

- (1) There shall be defrayed out of moneys provided by Parliament—
 - (a) all sums payable by the Secretary of State under this Act; and
 - (b) any increase attributable to the provisions of this Act in the sums required or authorised under any other Act to be so defrayed.
- (2) Any receipts of the Secretary of State under this Act shall be paid into the Exchequer.

27 Interpretation.

- (1) This Act shall be construed as one with the principal Act, and, without prejudice to the generality of the foregoing provision, any reference in the principal Act . . . ^{F25} to—
 - (a) any enactment contained in the principal Act which is amended by this Act shall be construed as a reference to that enactment as so amended, and
 - (b) an Exchequer contribution payable under Part VI of the principal Act shall be construed as including a reference to an Exchequer contribution payable under Part I of this Act.
- (2) In this Act the expression “principal Act” means the ^{M7}Housing (Scotland) Act, 1950.
- (3) Any reference in this Act to a provision of the principal Act shall include a reference to the corresponding provision of any enactment repealed by that Act.
- (4) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by any subsequent enactment, including this Act.
- (5) Any provision of this Act containing a reference to the sixteenth day of May shall, in its application to a local authority whose financial year begins on a day other than the sixteenth day of May, have effect with the substitution for the said reference of a reference to that other day.

Textual Amendments

F25 Words repealed by [Housing \(Financial Provisions\) \(Scotland\) Act 1968 \(c. 31\)](#), s. 70, [Sch. 10](#)

Marginal Citations

M7 1950 c. 34.

Status: Point in time view as at 25/06/2003.

Changes to legislation: There are currently no known outstanding effects for the Housing and Town Development (Scotland) Act 1957. (See end of Document for details)

28 Citation, repeals and extent.

- (1) This Act may be cited as the Housing and Town Development (Scotland) Act, 1957; and this Act and the ^{M8}Housing (Scotland) Acts, 1950 and 1952 and Part I (and Part III so far as relating to Part I) of the ^{M9}Housing (Repairs and Rents) (Scotland) Act, 1954 may be cited together as the Housing (Scotland) Acts, 1950 to 1957.
- (2) ^{F26}
- (3) This Act shall extend to Scotland only.

Textual Amendments

F26 Ss. 9(8), 28(2), Sch. 3 repealed by Statute Law (Repeals) Act 1974 (c. 22), s. 1, Sch. Pt. V

Marginal Citations

M8 1952 c. 63.

M9 1954 c. 50.

Status: Point in time view as at 25/06/2003.

*Changes to legislation: There are currently no known outstanding effects for the
Housing and Town Development (Scotland) Act 1957. (See end of Document for details)*

FIRST SCHEDULE

Sections 6, 24.

MODIFICATIONS TO HOUSING (SCOTLAND) ACT, 1950 (14 GEO. 6. C. 34)

PART I

1 F27

Textual Amendments

F27 Ss. 20, 22, Sch. 1 Pt. I para. 1, Pt. II para. 7 repealed by [Housing \(Scotland\) Act 1966 \(c. 49\)](#), **Sch. 10 Pt. I**

2, 3. F28

Textual Amendments

F28 Ss. 1—7, 23, Sch. 1 Pt. I paras. 2, 3 repealed with saving by [Housing \(Financial Provisions\) \(Scotland\) Act 1972 \(c. 46\)](#), s. 79(3), **Sch. 11 Pt. III**

4 F29

Textual Amendments

F29 Sch. 1 Pt. I para. 4 repealed by [Housing \(Financial Provisions, &c.\) \(Scotland\) Act 1967 \(c. 20\)](#), **Sch. 5 Pt. II para. 10**

5, 6. F30

Textual Amendments

F30 S. 21, Sch. 1 Pt. I paras. 5, 6, Pt. II paras. 8, 10–12 repealed by [Housing \(Financial Provisions\) \(Scotland\) Act 1968 \(c. 31\)](#), s. 70, **Sch. 10**

PART II

OTHER MINOR MODIFICATIONS

7 F31

Textual Amendments

F31 Ss. 20, 22, Sch. 1 Pt. I para. 1, Pt. II para. 7 repealed by [Housing \(Scotland\) Act 1966 \(c. 49\)](#), **Sch. 10 Pt. I**

8 F32

Status: Point in time view as at 25/06/2003.

Changes to legislation: There are currently no known outstanding effects for the Housing and Town Development (Scotland) Act 1957. (See end of Document for details)

Textual Amendments

F32 S. 21, Sch. 1 Pt. I paras. 5, 6, Pt. II paras. 8, 10–12 repealed by [Housing \(Financial Provisions\) \(Scotland\) Act 1968 \(c. 31\)](#), s. 70, **Sch. 10**

- 9 Subsection (1) of section one hundred and six (which relates to the nature and amounts of Exchequer contributions towards the annual loss likely to be incurred by a local authority as a result of giving effect to approved improvement proposals) shall have effect with the addition at the end thereof of the words “or for such period, not exceeding sixty financial years beginning as aforesaid, as may be determined by the Secretary of State.”.

Modifications etc. (not altering text)

C5 The text of s. 24, Sch. 1 Pt. II para. 9 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.

10—12. **F33**

Textual Amendments

F33 S. 21, Sch. 1 Pt. I paras. 5, 6, Pt. II paras. 8, 10–12 repealed by [Housing \(Financial Provisions\) \(Scotland\) Act 1968 \(c. 31\)](#), s. 70, **Sch. 10**

13, 14. **F34**

Textual Amendments

F34 Sch. 1 Pt. II paras. 13, 14 repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\)](#), **Sch. 1 Pt. VI**

SECOND SCHEDULE

Section 10.

TOWN DEVELOPMENT SCHEMES

- 1 Every town development scheme shall in such manner as the Secretary of State may direct (either generally or in relation to the particular scheme) specify—
- (a) the area to which the scheme relates;
 - (b) the uses to which it is proposed that the various parts of the area are to be put; and
 - (c) the arrangements proposed to be made for the provision of any water supply or sewerage service required for the purposes of the scheme, ^{F35}....

Textual Amendments

F35 Words in Sch. **SECOND** para. 1(c) repealed (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\)](#), art. 1, **Sch. para. 2(6)(a)**

Status: Point in time view as at 25/06/2003.

Changes to legislation: There are currently no known outstanding effects for the Housing and Town Development (Scotland) Act 1957. (See end of Document for details)

- 2 Where a town development scheme is promoted by a receiving authority who are not the local planning authority for the area or any part of the area to which the scheme relates they shall before submitting the scheme to the Secretary of State consult the local planning authority for the area, or, as the case may be, that part of the area, and shall on submission of the scheme deliver to them a copy of the scheme as submitted.

F363

Textual Amendments

F36 Sch. SECOND para. 3 repealed (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\)](#), art. 1, **Sch. para. 2(6)(b)**

- 4 Any authority entitled to receive a copy of a town development scheme under paragraph 2^{F37}... of this Schedule may within sixty days of the receipt thereof submit to the Secretary of State objections thereto.

Textual Amendments

F37 Words in Sch. SECOND para. 4 repealed (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\)](#), art. 1, **Sch. para. 2(6)(c)**

- 5 (1) Subject to the next following sub-paragraph, where any objections to a town development scheme have been duly submitted to the Secretary of State under the last foregoing paragraph, and have not been withdrawn, the Secretary of State shall not approve the scheme except after causing a local inquiry to be held with respect to such objections and considering the report of the person holding the inquiry.
- (2) If every authority who have submitted, and not withdrawn, objections to a town development scheme agree that a local inquiry should be dispensed with, so much of the foregoing sub-paragraph as relates to the holding of such an inquiry shall not apply to that scheme.
- (3) Section three hundred and fifty-five of the ^{M10}Local Government (Scotland) Act, 1947 (which contains provisions as to local inquiries) shall apply to local inquiries held under this paragraph.

Marginal Citations

M10 1947 c. 43.

- 6 If the Secretary of State proposes to approve a town development scheme with any modification imposing any duty on any public authority he shall give notice of his intention to the receiving authority and any public authority affected by the modification, who may within sixty days of the notification submit to the Secretary of State objections to the modification; and paragraph 5 of this Schedule shall apply to objections so submitted in like manner as it applies to objections to a town development scheme submitted under paragraph 4 of this Schedule.

Status: Point in time view as at 25/06/2003.

Changes to legislation: There are currently no known outstanding effects for the Housing and Town Development (Scotland) Act 1957. (See end of Document for details)

F38F38 THIRD SCHEDULE

Textual Amendments

F38 Ss. 9(8), 28(2), Sch. 3 repealed by Statute Law (Repeals) Act 1974 (c. 22), s. 1, **Sch. Pt. V**

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F38

Status:

Point in time view as at 25/06/2003.

Changes to legislation:

There are currently no known outstanding effects for the Housing and Town Development (Scotland) Act 1957.