



# New Towns Act (Northern Ireland) 1965

## 1965 CHAPTER 13

### DEVELOPMENT FUNCTIONS OF NEW TOWN COMMISSIONS

#### **14 Duty of new town commissions to submit development proposals.**

- (1) A new town commission shall submit to the Ministry, in accordance with any directions given by the Ministry in that behalf, their proposals for the development of any land in the area designated under section 1 as the site of the new town, and the Ministry may approve any such proposals, either with or without modification, or refuse to approve any such proposals.
- (2) It shall be the duty of a new town commission to carry out their development functions in accordance with proposals approved by the Ministry under this section, subject to any modifications made by subsequent proposals so approved.

#### **15 Acquisition of land by new town commissions.**

- (1) The power of a new town commission to acquire land under section 19(1)(a)(iv) of the Interpretation Act (Northern Ireland) 1954<sup>M1</sup> shall be exercisable only with the approval of the Ministry.
- (2) The power of a new town commission to acquire land for their development functions shall include power, exercisable in accordance with the succeeding provisions of this section, to acquire compulsorily—
  - (a) any land within the area designated by an order made under section 1 as the site of the new town, being land which, in the opinion of the new town commission, is required for purposes connected with the development of the new town (other than land within any portion of the said area distinguished under paragraph 1(b) of Part I of Schedule 1 that has been acquired by the Ministry under section 4);

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- (b) any other land, whether within the said area or not, which in the opinion of the new town commission is required for the provision of services for the purposes of the new town.
- (3) For the purposes of the compulsory acquisition of any land under subsection (2) the new town commission may apply to the Ministry for an order (in this section referred to as a “vesting order” ) vesting in them the fee simple or any lesser estate in that land, and—
- (a) on any such application the Ministry may make the vesting order for which the new town commission applied either in respect of the whole of the land or in respect of any portion thereof; and
  - (b) on an application for an order vesting the fee simple of any land in the new town commission the Ministry may make a vesting order vesting in them such lesser estate in the land or in any portion thereof as may be specified in the vesting order.
- (4) Section 22(2) of and Schedule 2 to the Local Government Act (Northern Ireland) 1934 shall, subject to the modifications thereof specified in Schedule 5, apply for the purposes of the acquisition of land by means of a vesting order made under subsection (3).
- (5) For the purposes of this section and of the application for such purposes of the enactments applied by this section, the interest of a grantee under a fee farm grant shall be deemed to be a lesser estate than a fee simple.
- (6) The provisions of section 4(4), (5) and (6) shall have effect for the purposes of this section in like manner as they have effect for the purposes of the said section 4, and as if for references therein to that section and the Ministry there were substituted references to this section and a new town commission.
- (7) Without prejudice to<sup>F1</sup> Article 6(2)(b) and (c) and (3) of the Land Compensation (Northern Ireland) Order 1982], in assessing compensation payable in respect of the compulsory acquisition of any land under this section, no account shall be taken of any increase or diminution in the value of the land that is attributable to the existence of the new town.

**F1** 1982 NI 9

**Marginal Citations**

**M1** 1954 c. 33

*S. 16 rep. by 1981 NI 13*

**17 General powers of new town commissions.**

- (1) A new town commission, in the exercise of their development functions, may do anything reasonably necessary or expedient for the purposes of the creation and development of the new town or for purposes incidental thereto, and, without prejudice to the generality of the foregoing provisions of this section or to any other power conferred on them under this Act, may, subject to subsection (2),—
- (a) develop or manage any land held by them;
  - (b) carry out building, engineering or other operations;
  - (c) provide<sup>F2</sup> . . . , electricity, gas, local transport,<sup>F3</sup> . . . or other services;

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- (d) carry on any business or undertaking in or for the purposes of the new town.
- (2) The powers conferred upon a new town commission by this section shall not—
- (a) authorise them to carry on any undertaking for the generation or supply of electricity; or
  - (b) save as is provided by or under this Act, authorise them to disregard any enactment or rule of law.

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| <p><b>F2</b> Word in s. 17(1)(c) repealed (1.4.2007) by <a href="#">Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21))</a>, arts. 1(2), 308(2), <b>Sch. 13</b> (with arts. 8(8), 121(3), 307); S.R. 2007/194, <b>art. 2(2)</b>, Sch. 1 Pt. II (subject to art. 3, Sch. 2)</p> <p><b>F3</b> Word in s. 17(1)(c) repealed (1.4.2007) by <a href="#">Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21))</a>, arts. 1(2), 308(2), <b>Sch. 13</b> (with arts. 8(8), 121(3), 307); S.R. 2007/194, <b>art. 2(2)</b>, Sch. 1 Pt. II (subject to art. 3, Sch. 2)</p> |
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## 18 Borrowing powers of new town commissions.

A new town commission may, with the consent of the Ministry, borrow temporarily from any other person by way of overdraft or otherwise such sums as they may require, but save as is provided by this section and subject to the provisions of this Act with respect to the making of advances to new town commissions, a new town commission shall not, for the purposes of their development functions, have power to borrow money.

## 19 Payment of certain contributions, etc., to new town commissions.

- (1) Where, in the exercise of their development functions, a new town commission—
- (a) acquire any land; or
  - (b) carry out any works; or
  - (c) establish any undertaking,

in such circumstances that, if the land had been acquired, the works carried out or, as the case may be, the undertaking established, by [<sup>F4</sup> a district council], a contribution would have been payable in respect thereof under any transferred provision to such a council, that contribution shall be payable by any person authorised in that behalf under any such provision to, and shall be receivable by, the new town commission as if the commission were [<sup>F4</sup> a district council].

- (2) For the purposes of this section—
- (a) “contribution” includes any grant, subsidy or payment;
  - (b) land shall be deemed to have been acquired for any purpose when it is appropriated by a new town commission for that purpose.

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| <p><b>F4</b> SRO (NI) 1973/285</p> |
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## 20 Power of new town commissions to make byelaws.

- (1) A new town commission, in the exercise of their development functions, may make byelaws, subject to confirmation by the Ministry, for the management, regulation, protection or preservation of any property vested in them or in their custody or any undertaking carried on by them, and in particular, but without prejudice to the

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generality of the foregoing provisions, may, in the exercise of such functions, make byelaws for any of the said purposes for which byelaws or regulations may be made by [<sup>F5</sup> a district council].

- (2) The power to make byelaws under subsection (1) shall include power to make byelaws with respect to—
- (a) the admission of persons to; or
  - (b) the exclusion of persons from; or
  - (c) the regulation of the conduct of persons resorting to, any place to which the byelaws apply.

<sup>F6</sup>(3) Part VI of the Local Government Act (Northern Ireland) 1972 (except section 90(1)(a) and (b) and section 93 thereof), and section 123 of that Act, so far as it relates to byelaws, shall apply to byelaws made under this section as if, in that Part and section,

- (a) any reference to a council were a reference to a new town commission;
- (b) any reference to the clerk of a council were a reference to the general manager of a new town commission;
- (c) any reference to the district of a council were a reference to the area designated under section 1 as the site of a new town; and
- (d) any reference to the Ministry concerned were a reference to the Ministry.]

- (4) The Ministry may authorise persons employed by a new town commission to enforce byelaws made by the new town commission under this section and to take all steps, and do all acts and things, necessary for that purpose, and in particular any person so authorised may after due warning remove or exclude from any place with respect to which any such byelaws are for the time being in force a person who commits, or whom he reasonably suspects of committing, in that place an offence against any such byelaw or against section 4 of the Vagrancy Act 1824 .

- (5) A person who—

- (a) acts in contravention of any byelaw made under this section; or
- (b) obstructs any person authorised under subsection (4),

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [<sup>F7</sup> level 1 on the standard scale] and, for a continuing offence, to a further fine not exceeding one pound in respect of each day during which the offence continues.

<b>F5</b>	SRO (NI) 1973/285
<b>F6</b>	1972 c. 9 (NI)
<b>F7</b>	1984 NI 3

*S. 21 rep. by SRO (NI) 1973/285*

## **22 Recovery of possession of premises let by new town commissions.**

On the termination of the tenancy of any premises let by a new town commission, possession of the premises may (without prejudice to any other method of recovery) be recovered by the new town commission in a summary manner under [<sup>F8</sup> Articles 67 to 74 of, and paragraph 8 of Schedule 5 to, the Magistrates' Courts (Northern Ireland) Order 1981], whatever may be the rent or term of the tenancy.

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**F8** 1981 NI 26

*Ss. 23, 24 rep. by 1985 NI 15*

## **25 Extinguishment by new town commissions of public rights of way.**

- (1) Subject to the provisions of this section, a new town commission may, by an order made with the approval of the Ministry, extinguish any public right of way which exists over—
  - (a) any land which the new town commission have acquired or have resolved to acquire; or
  - (b) any land in the area designated under section 1 as the site of the new town, where the new town commission are satisfied that the extinguishing of the right of way is necessary for the proper development of the land.
- (2) An order under this section shall be published in the prescribed manner, and objections to it may be made to the Ministry before the expiration of a period of six weeks from its publication.
- (3) The Ministry may, at any time after the expiration of the said period of six weeks, approve the order with or without modification or refuse to approve the order, but shall not, until a local inquiry is held into the matter, approve an order to which any objection is made in accordance with subsection (2) and is not withdrawn.
- (4) An order under this section shall take effect—
  - (a) in the case of an order under subsection (1)( a), on the date on which the land is acquired or on such date subsequent thereto as the Ministry in approving the order may direct; or
  - (b) in the case of an order under subsection (1)( b), on such date as the Ministry in approving the order may direct.
- (5) An order made under this section may contain any such provision as, by virtue of section 17(3)( c) of the Roads Act (Northern Ireland) 1948 (retention or removal of cables, etc.), may be contained in an order made under that section on the stopping up or abandonment of a road; and subsection (5) of the said section 17, and section 41 of the said Act of 1948 (Crown rights), shall apply to an order made under this section as they apply to an order made under the said section 17, as if for the references therein to the [<sup>F9</sup> Ministry] there were substituted references to the new town commission.
- (6) Where, by virtue of subsection (5), by an order made under this section—
  - (a) any person is required to carry out any works; or
  - (b) any right such as is described in section 17(3)( c) of the said Act of 1948 is extinguished or modified,the new town commission shall pay compensation to that person or, as the case may be, in respect of the extinction or modification of that right; and if any question of disputed compensation arises that question shall be referred to and determined by the Lands Tribunal for Northern Ireland.
- (7) If any person who is required by an order made under this section to carry out any works refuses or, within any reasonable period of time specified in a notice served upon him by the new town commission for the purposes of this subsection, fails to do so, the new town commission may carry out those works and the expenses incurred

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by them in so doing shall, without prejudice to any other remedy, but subject always to subsection (6), be recoverable by them from that person summarily as a debt.

(8) When a new town commission propose to make an order under subsection (1)( *b*) with respect to any land, they may enter into an agreement with any person who has an estate in the land as to the conditions subject to which the order is to be made, and the agreement may, in particular, make provision for—

- (a) the dedication by any such person of any land as a public right of way in place of the right of way proposed to be extinguished by the order; and
- (b) the payment to the new town commission by any such person of sums equivalent to—
  - (i) any sum payable by the new town commission in relation to the land by way of compensation under subsection (6); and
  - (ii) the amount of any costs and expenses reasonably incurred by the new town commission either in making the order or by reason of the reference to the Lands Tribunal for Northern Ireland, under subsection (6), of any question as to compensation such as is referred to in sub-paragraph (i).

(9) The powers conferred by this section shall be in addition to and not in derogation of any powers for the stopping up or abandonment of roads under section 17 of the said Act of 1948.

[<sup>F10</sup>(9A) Where in pursuance of an order under this section a public right of way over land is extinguished and, at the beginning of the day on which the order comes into operation there is under, in, on, over, along or across the land any [<sup>F11</sup> electronic communications apparatus] kept installed for the purposes of a [<sup>F11</sup> an electronic communications code network], the operator of that system shall have the same powers in respect of that apparatus as if the order had not come into operation; but any person entitled to land over which the right of way existed shall be entitled to require the alteration of the apparatus.

(9B) Where the Department has approved an order under this section in respect of any right of way in circumstances in which subsection (9A) applies in relation to the operator of [<sup>F11</sup> any electronic communications code network], the Department shall send a copy of the order to the operator.

(9C) Paragraph 1(2) of [<sup>F11</sup> the electronic communications code] (alteration of apparatus to include moving, removal, or replacement of apparatus) shall apply for the purposes of subsection (9A) as it applies for the purposes of that code.

(9D) Paragraph 21 of [<sup>F11</sup> the electronic communications code] (restriction on removal of [<sup>F11</sup> electronic communications apparatus]) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any [<sup>F11</sup> electronic communications apparatus] as it applies in relation to an entitlement to require the removal of any such apparatus.]

(10) For the purposes of this section a customary right of way shall be deemed to be a public right of way.

**F9** SRO (NI) 1973/285

**F10** 1984 c. 12

**F11** 2003 c. 21

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**26 Contributions by new town commissions towards expenditure in relation to, and for the provision of amenities in, new towns.**

- (1) Without prejudice to the generality of the powers conferred on a new town commission by any other provision of this Act, a new town commission may, with the consent of the Ministry given with the approval of the Ministry of Finance, contribute such sums as the new town commission may determine—
- (a) towards expenditure incurred or to be incurred by any government department (including a department of the Government of the United Kingdom), or any local or public body or voluntary body in the performance in relation to the new town of any of their functions, including expenditure so incurred in the acquisition of land; or
  - (b) by way of assistance towards the provision of amenities for the new town.
- (2) In this section “voluntary body” means any body of persons, whether corporate or unincorporate, carrying on or proposing to carry on an undertaking otherwise than for profit.

**27 Power of new town commissions to recover certain expenses from district councils.**

- (1) Where in any ...<sup>F12</sup> district ...<sup>F12</sup>, a new town commission ...<sup>F12</sup>
- (a) after consultation with the [<sup>F13</sup> district] council, and
  - (b) with the approval of the Ministry,
- incur expenses in the carrying out, for the purposes of the new town, of development of a kind the carrying out of which in relation to that district ...<sup>F12</sup> is a function of the [<sup>F13</sup> district] council, the [<sup>F13</sup> district] council shall pay to the new town commission, on such terms as may be approved by the Ministry with the concurrence of the Ministry of Finance, a sum equal in amount to those expenses.
- (2) Any question arising as to the amount payable by a [<sup>F13</sup> district] council under subsection (1) shall be referred to arbitration<sup>F14</sup> . . . .

<p><b>F12</b> SRO (NI) 1973/285 <b>F13</b> SRO (NI) 1973/285 <b>F14</b> 1996 c. 23</p>
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