



# New Towns Act 1965

CHAPTER 59

*LONDON*  
HER MAJESTY'S STATIONERY OFFICE



# New Towns Act 1965

## CHAPTER 59

### ARRANGEMENT OF SECTIONS

#### *New towns and their development corporations*

Section

1. Designation of sites of new towns.
2. Establishment of development corporations for new towns.
3. Objects and general powers of development corporations.
4. Restrictions on powers of development corporations.
5. Allocation or transfer of new town functions to existing or new development corporation.

#### *Planning control in new towns*

6. Planning control in new towns.

#### *Acquisition of land by development corporations and highway authorities*

7. Acquisition of land by development corporation.
8. Acquisition of land for highways in connection with new towns.
9. Registration of compulsory purchase orders.
10. Special procedure for acquisition of statutory undertakers' operational land.
11. Right to require development corporation to acquire land.
12. Application of Compulsory Purchase Act 1965 and modification of Land Compensation Act 1961 for purposes of Act.
13. Measure of compensation for acquisition of statutory undertakers' operational land.
14. Extinguishment of rights over land compulsorily acquired.

#### *Expedited completion of compulsory acquisition*

15. Order providing for expedited completion.
16. General effect of order providing for expedited completion.
17. Special provisions as to certain tenancies.

#### *Disposal of land by development corporation*

18. Disposal of land by development corporation.

#### *Powers exercisable in relation to land acquired by development corporation or highway authority*

19. Power to override easements and other rights.
20. Use and development of consecrated land and burial grounds.
21. Use and development of open spaces.

## Section

22. Displacement of persons from land acquired.
23. Extinguishment of public rights of way over land acquired.
24. Provisions as to telegraphic lines.
25. Special power to create trunk roads.

*Statutory undertakers*

26. Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers.
27. Orders under s. 26.
28. Extension or modification of functions of statutory undertakers.
29. Procedure in relation to orders under s. 28.
30. Relief of statutory undertakers from obligations rendered impracticable.
31. Objections to orders under ss. 28 and 30.

*Provision of trolley vehicle services by development corporation*

32. Power to authorise provision of trolley vehicle services by development corporation.

*Public Health*

33. Power to make new town a united district for purposes of Public Health Acts.
34. Power to authorise provision of sewers and sewage disposal works by development corporation.

*The Commission for the New Towns*

35. Establishment of Commission for the New Towns.
36. Functions of Commission.
37. Restrictions on functions of Commission.
38. Power of local authorities, if requested, to do work for Commission.

*Transfer of property and undertakings of development corporations, and their dissolution*

39. Power of development corporation to transfer undertakings.
40. Power of Minister to transfer sewerage and sewage disposal undertakings to local authority.
41. Transfer to Commission of property of development corporation on achievement of their objects, and dissolution of the corporation.

*Financial and related provisions*

42. Advances and grants by Minister to development corporations and Commission.

## Section

- 43. Limit on certain advances under s. 42.
- 44. Provisions supplementary to s. 42.
- 45. Disposal of surplus funds of Commission.
- 46. Accounts, audit, annual reports, etc.
- 47. General provision as to expenses.

*Miscellaneous and supplementary*

- 48. Application and exclusion of certain enactments.
- 49. Rights of entry.
- 50. Local inquiries.
- 51. Service of notices.
- 52. Ecclesiastical property.
- 53. Regulations and orders.
- 54. Interpretation.
- 55. Application to Wales.
- 56. Saving and transitional provisions, consequential amendments and repeals.
- 57. Short title, commencement and extent.

## SCHEDULES:

- Schedule 1—Procedure for designating site of new town.
- Schedule 2—Constitution and proceedings of development corporations.
- Schedule 3—Procedure for authorising compulsory acquisitions.
  - Part I—Acquisitions by development corporations and local highway authorities.
  - Part II—Special provisions applying to acquisitions by local highway authorities.
  - Part III—Acquisitions by Minister of Transport.
  - Part IV—Special provisions as to certain descriptions of land.
  - Part V—Validity and date of operation of compulsory purchase orders and certificates.
- Schedule 4—Procedure for authorising compulsory acquisition of statutory undertakers' operational land.
  - Part I—Acquisitions by development corporations and local highway authorities.
  - Part II—Acquisitions by Minister of Transport.
  - Part III—Modification of Schedule 3, Part V, in relation to compulsory purchase orders made in pursuance of s. 10.
- Schedule 5—Assessment of compensation to statutory undertakers.

Schedule 6—Modifications of enactments for purposes of this Act.

Part I—The Compulsory Purchase Act 1965.

Part II—The Land Compensation Act 1961.

Schedule 7—Further provisions with respect to orders providing for expedited completion.

Schedule 8—Procedure for dealing with objections to orders under ss. 23, 28 and 30.

Schedule 9—Provisions as to Commission for the New Towns.

Schedule 10—Provisions relating to transfer to Commission of property of development corporation.

Schedule 11—Saving and transitional provisions.

Schedule 12—Repeals.

## ELIZABETH II



## 1965 CHAPTER 59

An Act to consolidate certain enactments relating to new towns and to matters connected therewith, being (except in the case of section 1(1) of the New Towns Act 1964) those enactments in their application to England and Wales; with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949. [5th August 1965]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*New towns and their development corporations*

1.—(1) If the Minister is satisfied, after consultation with any local authorities who appear to him to be concerned, that it is expedient in the national interest that any area of land should be developed as a new town by a corporation established under this Act, he may make an order designating that area as the site of the proposed new town. Designation  
of sites of  
new towns.

(2) An order under this section may include in the area designated as the site of the proposed new town any existing town or other centre of population; and references in this Act to a new town or proposed new town shall be construed accordingly.

(3) The provisions of Schedule 1 to this Act shall have effect with respect to the procedure to be followed in connection with the making of orders under this section and with respect to the validity and date of operation of such orders.

(4) As soon as may be after an order under this section becomes operative, it shall be registered in the prescribed manner in the register of local land charges by the proper officer of the council of each county borough or county district in which the land designated by the order, or any part of that land, is situated.

1925 c. 22.

The power conferred by section 15(6) of the Land Charges Act 1925 to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this subsection; and in this subsection "prescribed" means prescribed by rules made in exercise of that power.

(5) Section 10(4) of this Act applies where it is proposed to make an order under this section.

(6) Section 53(5) of this Act applies to any order under this section which designates an area as the site of a proposed new town, and to certain orders for extending the area of a new town.

Establishment  
of develop-  
ment  
corporations  
for new towns.

2.—(1) For the purposes of the development of each new town the site of which is designated under section 1 of this Act, the Minister shall by order establish a corporation (in this Act called a development corporation) consisting of a chairman, a deputy chairman and such number of other members, not exceeding seven, as may be prescribed by the order; and every such corporation shall be a body corporate by such name as may be prescribed by the order, with perpetual succession and a common seal.

(2) The provisions of Schedule 2 to this Act shall have effect with respect to the constitution and proceedings of any development corporation established under this Act.

(3) Nothing in this Act except the express provision relating to stamp duty in section 48(4) shall be construed as exempting a development corporation from liability for any tax, duty, rate, levy or other charge whatsoever, whether general or local.

Objects and  
general powers  
of develop-  
ment  
corporations.

3.—(1) The objects of a development corporation established for the purposes of a new town shall be to secure the laying out and development of the new town in accordance with proposals approved in that behalf under the following provisions of this Act.

(2) Subject to section 4 of this Act, every such corporation shall, for the purpose of securing the laying out and development of the new town as aforesaid, have power—

(a) to acquire, hold, manage and dispose of land and other property;



- (b) to carry out building and other operations ;
- (c) to provide water, electricity, gas, sewerage and other services ;
- (d) to carry on any business or undertaking in or for the purposes of the new town,

and generally to do anything necessary or expedient for the purposes of the new town or for purposes incidental thereto.

(3) Without prejudice to the generality of the powers conferred on development corporations by this Act, a development corporation established for the purposes of a new town—

- (a) may, with the consent of the Minister, contribute such sums as the Minister, with the concurrence of the Treasury, may determine towards expenditure incurred or to be incurred by any local authority or statutory undertakers in the performance, in relation to the new town, of any of their statutory functions, including expenditure so incurred in the acquisition of land ; and
- (b) may, with the like consent, contribute such sums as the Minister, with the like concurrence, may determine by way of assistance towards the provision of amenities for the new town.

(4) For the avoidance of doubt it is hereby declared that subsection (2) above relates only to the capacity of a development corporation as a statutory corporation; and nothing in this section shall be construed as authorising the disregard by a development corporation of any enactment or rule of law.

(5) For the avoidance of doubt it is hereby also declared—

- (a) that the power of acquiring land conferred by subsection (2) above on a development corporation established for the purposes of a new town includes power to acquire any land within the area of the new town, whether or not it is proposed to develop that particular land ; and
- (b) that the power of disposing of land conferred by that subsection on such a development corporation includes, in relation to any land within the area of the new town, power to dispose of that land whether or not the development of that particular land has been proposed or approved under section 6(1) of this Act.

4.—(1) A development corporation shall not have power to borrow money except by way of advance from the Minister under this Act. Restrictions on powers of development corporations.

(2) Without prejudice to any provision of this Act requiring the consent of the Minister to be obtained for anything to be

done by a development corporation, the Minister may give directions to any such corporation for restricting the exercise by them of any of their powers under this Act or for requiring them to exercise those powers in any manner specified in the directions.

(3) Before giving any directions to a development corporation under subsection (2) above the Minister shall consult with the chairman of the corporation, or, if the chairman is not available, with the deputy chairman, unless he is satisfied that, on account of urgency, such consultation is impracticable.

(4) A transaction between a person and a development corporation acting in purported exercise of their powers under this Act shall not be void by reason only that it was carried out in contravention of a direction given by the Minister under subsection (2) above unless that person had actual notice of that direction.

(5) Without prejudice to section 3(4) of this Act, nothing in this Act shall be construed as authorising a development corporation to carry on any undertaking for the supply of water, electricity or gas, or any railway, light railway, tramway or trolley vehicle undertaking except under the authority of an enactment not contained in this Act specifically authorising them to do so or, in the case of a trolley vehicle undertaking, under the authority of such an enactment or of an order under section 32 of this Act.

Allocation or transfer of new town functions to existing or new development corporation.

5.—(1) If it appears to the Minister, in the case of the area of any new town, that there are exceptional circumstances which render it expedient that the functions of a development corporation under this Act should be performed by the development corporation established for the purposes of any other new town instead of by a separate corporation established for the purpose, he may, instead of establishing such a separate corporation, by order direct that the said functions shall be performed by the development corporation established for the said other new town.

(2) If it appears to the Minister that there are exceptional circumstances which render it expedient that the functions of a development corporation established for the purposes of a new town should be transferred to the development corporation established for the purposes of any other new town, or to a new development corporation to be established for the purposes of the first-mentioned new town, he may by order provide for the dissolution of the first-mentioned corporation and for the transfer of its functions, property, rights and liabilities to the development corporation established for the purposes of the said other new

town, or, as the case may be, to a new corporation established for the purposes of the first-mentioned new town by the order.

(3) Without prejudice to the provisions of this Act with respect to the variation of orders made thereunder, an order under this section providing for the exercise of functions in relation to a new town by the development corporation established for the purposes of another new town, or for the transfer of such functions to such a corporation, may modify the name and constitution of that corporation in such manner as appears to the Minister to be expedient, and for the purposes of this Act that corporation shall be treated as having been established for the purposes of each of those new towns.

(4) Before making an order under this section providing for the transfer of functions from or to a development corporation or for the exercise of any functions by such a corporation, the Minister shall consult with that corporation.

#### *Planning control in new towns*

6.—(1) The development corporation established for the purposes of a new town shall from time to time submit to the Minister, in accordance with any directions given by him in that behalf, their proposals for the development of land within the area of the new town, and the Minister, after consultation with the local planning authority within whose area the land is situated, and with any other local authority who appear to him to be concerned, may approve any such proposals either with or without modification. Planning control in new towns.

(2) Without prejudice to the generality of the powers conferred by section 14 of the Town and Country Planning Act 1962, a special development order made by the Minister under that section with respect to the area of a new town may grant permission for any development of land in accordance with proposals approved under subsection (1) above, subject to such conditions, if any, (including conditions requiring details of any proposed development to be submitted to the local planning authority) as may be specified in the order. 1962 c. 38.

(3) It shall be the duty of the Minister to give to a development corporation established under this Act such directions with respect to the disposal of land acquired by them thereunder and with respect to the development by them of such land, as appear to him to be necessary or expedient for securing, so far as practicable, the preservation of any features of special architectural or historic interest, and in particular of buildings included in any list compiled or approved, or having effect as if

1962 c. 38.

compiled or approved, under section 32 of the Town and Country Planning Act 1962 (which relates to the compilation or approval by the Minister of lists of buildings of special architectural or historic interest).

(4) In the case of land which forms a frontage to a road, or abuts on or is adjacent to a road, a local highway authority or the Minister of Transport may enter into an agreement with any owner of the land imposing on the land, so far as that owner's interest in the land enables him to bind it, restrictions for controlling the development of the land.

(5) Any restrictions imposed by an agreement under subsection (4) above may be enforced by the local highway authority or the said Minister, as the case may be, against the said owner and any person deriving title under him in the like manner and to the like extent as if that authority or Minister were possessed of, or interested in, adjacent land and as if the agreement had been entered into for the benefit of such land.

*Acquisition of land by development corporations and highway authorities*

Acquisition  
of land by  
development  
corporations.

7.—(1) The development corporation established for the purposes of a new town may, with the consent of the Minister, acquire by agreement, or may, by means of an order made by the corporation and submitted to and confirmed by the Minister in accordance with the provisions of Part I of Schedule 3 to this Act, be authorised to acquire compulsorily—

- (a) any land within the area of the new town, whether or not it is proposed to develop that particular land;
- (b) any land adjacent to that area which they require for purposes connected with the development of the new town;
- (c) any land, whether adjacent to that area or not, which they require for the provision of services for the purposes of the new town.

(2) A compulsory purchase order under this section shall, in so far as it relates to land—

- (a) which is the property of a local authority, or which is held inalienably by the National Trust, or
- (b) which forms part of a common, open space or fuel or field garden allotment,

be subject to the special provisions of Part IV of the said Schedule 3.

(3) Where a development corporation have been authorised under subsection (1) above to acquire compulsorily land forming

part of a common, open space or fuel or field garden allotment, they may be authorised under that subsection to acquire compulsorily, or may, with the consent of the Minister, acquire by agreement, land for giving in exchange for the land acquired.

(4) The provisions of Part V of the said Schedule 3 shall have effect with respect to the validity and date of operation of compulsory purchase orders under this section.

(5) In relation to operational land of statutory undertakers the foregoing provisions of this section shall have effect subject to section 10 of this Act.

8.—(1) Where the Minister is satisfied that the construction or improvement of a road is needed—

(a) outside the area of a new town, for the purpose of securing the development of land in that area in accordance with proposals approved by the Minister under section 6 of this Act, or

(b) for the purpose of providing proper means of access to such an area,

a local highway authority may be authorised by means of an order made by the authority and submitted to and confirmed by the Minister in accordance with the provisions of Parts I and II of Schedule 3 to this Act, to acquire compulsorily any land as to which the Minister is satisfied that its acquisition by the authority is requisite—

(i) for the construction or improvement of the road, or

(ii) for carrying out the improvement, or controlling the development, of frontages to the road or of lands abutting on or adjacent to the road.

(2) Where the Minister of Transport is satisfied that the construction or improvement of a road is needed to supersede a part of a trunk road whose supersession appears to him to be expedient for any such purpose as is mentioned in subsection (1)(a) or (b) above, the said Minister may be authorised, by means of an order made by him in accordance with the provisions of Part III of Schedule 3 to this Act, to acquire compulsorily any land as to which he is satisfied that its acquisition by him is requisite—

(a) for the construction or improvement of the road, or

(b) for carrying out the improvement, or controlling the development, of frontages to the road or of lands abutting on or adjacent to the road.

Acquisition  
of land for  
highways in  
connection  
with new  
towns.

(3) A compulsory purchase order under this section shall, in so far as it relates to land—

- (a) which is the property of a local authority or which is held inalienably by the National Trust, or
- (b) which forms part of a common, open space or fuel or field garden allotment,

be subject to the special provisions of Part IV of the said Schedule 3.

(4) Where an acquiring authority have been authorised under subsection (1) or subsection (2) above to acquire compulsorily land forming part of a common, open space or fuel or field garden allotment, that authority may be authorised under the same subsection to acquire compulsorily land for giving in exchange for the land acquired.

(5) The provisions of Part V of Schedule 3 to this Act shall have effect with respect to the validity and date of operation of compulsory purchase orders under this section.

(6) A local highway authority may, with the consent of the Minister, acquire by agreement any land which they could be authorised under subsection (1) above to acquire compulsorily.

(7) In relation to operational land of statutory undertakers the foregoing provisions of this section shall have effect subject to section 10 of this Act.

Registration of compulsory purchase orders.

9.—(1) As soon as may be after a compulsory purchase order under section 7 or 8 of this Act becomes operative, it shall be registered in the prescribed manner in the register of local land charges by the proper officer of the council of each county borough or county district in which the land designated by the order, or any part of that land, is situated; and it shall be the duty of the acquiring authority, as soon as may be after a compulsory purchase order has become operative, to notify that fact to the proper officer of any authority (other than themselves) by whom it is required to be registered as aforesaid, and to furnish to him all information relating to the order requisite in that behalf.

1925 c. 22.

(2) The power conferred by section 15(6) of the Land Charges Act 1925 to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this section; and in this section “prescribed” means prescribed by rules made in exercise of that power.

**10.**—(1) In the case of operational land of statutory undertakers—

Special procedure for acquisition of statutory undertakers' operational land.

- (a) an order under section 7(1) of this Act authorising the compulsory acquisition of that land by a development corporation, or an order under section 8(1) of this Act authorising its compulsory acquisition by a local highway authority, may, instead of being made and confirmed as provided in the said section 7(1) or 8(1), as the case may be, be made by the Minister and the appropriate Minister in accordance with the provisions of Part I of Schedule 4 to this Act on the application of that development corporation or local highway authority ;
- (b) an order under section 8(2) of this Act authorising the compulsory acquisition of that land by the Minister of Transport may, instead of being made as provided in the said section 8(2), be made by the Minister of Transport and the appropriate Minister in accordance with the provisions of Part II of the said Schedule 4 ;

and in relation to a compulsory purchase order made as provided in paragraph (a) or (b) above the provisions of Parts IV and V of Schedule 3 to this Act shall apply accordingly subject, in the case of the said Part V, to the modifications set out in Part III of Schedule 4 to this Act.

(2) If any objection to an application for a compulsory purchase order to be made in accordance with subsection (1)(a) above, or to a proposal to make such an order in accordance with subsection (1)(b) above, is duly made by any statutory undertakers, and any of the land to which the application or proposal relates is operational land of those undertakers, then, unless that objection is withdrawn, any order made on the application or proposal shall be subject to special parliamentary procedure.

(3) Where a compulsory purchase order under section 7 or 8 of this Act, not being an order made as provided in subsection (1)(a) or (b) above, is submitted, or is proposed to be made, in accordance with Schedule 3 to this Act, and with respect to any land (being the whole or part of the land to which the order relates) statutory undertakers make to the appropriate Minister, in the prescribed manner and within the time within which objections to the order may be made—

- (a) a representation that the first-mentioned land is operational land, and
- (b) a request for that land to be excluded from the order,

and it is determined that that land is operational land, then, subject to the following provisions of this section—

- (i) if that land constitutes the whole of the land to which the order relates, the order shall not be confirmed or not be made, as the case may be, and
- (ii) if that land forms part only of the land to which the order relates, the order shall be modified so as to exclude that land.

(4) Where it is proposed to make an order under section 1 of this Act, any statutory undertakers may, with respect to any land within the area to be designated by the order as the site of the proposed new town, make to the appropriate Minister, in the prescribed form and within the time allowed for making objections to the order, a representation that that land is operational land.

(5) Where a representation is made under subsection (4) above with respect to any land, the Minister and the appropriate Minister may make an order, which shall be subject to special parliamentary procedure, declaring that it is expedient that that land should be subject to compulsory acquisition.

(6) Where, in the case of a compulsory purchase order under section 7 of this Act, any land to which the order relates is within the area of a new town and is land in relation to which, apart from this subsection, subsection (3) above would apply, the said subsection (3) shall not apply in relation to that land—

- (a) if no representation was made under subsection (4) above with respect thereto, or
- (b) if an order under subsection (5) above has come into force with respect thereto.

Right to  
require  
development  
corporation  
to acquire  
land.

**11.** Where any land within the area designated by an order under section 1 of this Act as the site of a new town has not been acquired by the development corporation within the period of seven years from the date on which that order, or the amending order by virtue of which that area was first extended to include that land, became operative and has not been so acquired since the end of that period, any owner of that land may by notice in writing served on the corporation require them to purchase his interest therein; and thereupon the corporation shall be deemed to have been authorised to acquire that interest compulsorily under the foregoing provisions of this



Act, and to have served notice to treat in respect thereof on the date on which the notice was served on them under this section.

**12.**—(1) Part I of the Compulsory Purchase Act 1965 shall apply in relation to the acquisition of land under this Act subject to any necessary adaptations and to the provisions of Part I of Schedule 6 to this Act.

Application of Compulsory Purchase Act 1965 and modification of Land Compensation Act 1961 for purposes of this Act.

1965 c. 56.

(2) The Land Compensation Act 1961 shall, in its application for the purposes of this Act, have effect subject to any necessary adaptations and to the provisions of Part II of Schedule 6 to this Act.

1961 c. 33.

(3) A compulsory purchase order may make provision for the incorporation with this Act of section 77 of the Railways Clauses Consolidation Act 1845 (which relates to the exception of minerals from purchases) and sections 78 to 85 of that Act (which relate to restrictions on the working of minerals) as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923, or of the said section 77 only.

1845 c. 20.

1923 c. 20.

Such provision may be made as to all or any of the land to which the compulsory purchase order relates, and may include such modification of references in the said sections to the railway or works, or to the company, as may be specified in the order ; and for the purposes of any such incorporation of those sections, this Act and the compulsory purchase order shall be deemed to be the special Act.

**13.**—(1) Where statutory undertakers are entitled to compensation in respect of a compulsory acquisition under this Act of operational land, the provisions of Schedule 5 to this Act shall have effect as regards the assessment of the amount of that compensation.

Measure of compensation for acquisition of statutory undertakers' operational land.

(2) In this section " compensation in respect of a compulsory acquisition " includes compensation payable in connection with the acquisition for damage sustained by reason of the severing of the land acquired from other land held therewith or otherwise injuriously affecting such other land, and compensation payable for disturbance or any other matter not directly based on the value of the land.

Extinguishment of rights over land compulsorily acquired.

**14.**—(1) Subject to the provisions of this section, upon the completion by the acquiring authority of a compulsory acquisition of land under this Act, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the acquiring authority.

(2) Subsection (1) above shall not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking.

(3) In respect of any right or apparatus not falling within subsection (2) above, subsection (1) above shall have effect subject—

(a) to any direction given by the acquiring authority before the completion of the acquisition that the said subsection (1) shall not apply to any right or apparatus specified in the direction, and

(b) to any agreement which may be made (whether before or after the completion of the acquisition) between the acquiring authority and the person in or to whom the right or apparatus in question is vested or belongs.

(4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this section shall be entitled to compensation from the acquiring authority.

1961 c. 33. (5) Any compensation payable under this section shall be determined in accordance with the Land Compensation Act 1961.

*Expedited completion of compulsory acquisition*

Order providing for expedited completion.

**15.**—(1) Where the Minister having jurisdiction to do so confirms or makes a compulsory purchase order, and—

(a) the order as submitted or the draft of the order or the application for the order, as the case may be, contained or included an application for a direction under this section, and

(b) when he confirms or makes the order the said Minister is satisfied that it is requisite that the acquiring authority should have power to enter upon any land (being the whole or any part of the land to which the order relates) and to secure its vesting in that authority before the expiry of the time which would be required for the service of notices to treat,

the order may include a direction that the provisions of this Act relating to expedited completion shall apply to the order so far as it relates to the first-mentioned land.

(2) Where a compulsory purchase order containing a direction under this section is made in respect of land which has sustained war damage within the meaning of the War Damage Act 1943, being damage which has not been made good before the date on which the order is registered under section 9 of this Act, the acquiring authority, when they notify the fact that the order has become operative to the proper officer under the said section 9, shall notify the Commissioners of Inland Revenue of that action having been taken. 1943 c. 21.

16.—(1) The provisions of this section, of section 17 of this Act and of Schedule 7 to this Act shall have effect in relation to a compulsory purchase order which includes such a direction as is mentioned in section 15(1) of this Act. General effect of orders providing for expedited completion.

(2) When the order becomes operative, the incorporated enactments shall apply as if, on the relevant date, a notice to treat had (except as provided by section 17 of this Act) been served on every person on whom under section 5 of the Compulsory Purchase Act 1965 (on the assumption that the acquiring authority required to take the whole of the relevant land and had knowledge of all parties referred to in that section) the authority could have served such a notice. 1965 c. 56.

(3) Subject to subsection (4) below the acquiring authority, at any time or from time to time after the order becomes operative, may execute, in respect of any area consisting of the whole or part of the relevant land, a declaration designating that area and stating—

- (a) that they intend to enter upon the land in the designated area, and take possession thereof, at the end of such period as may be specified in the declaration (not being less than fourteen days) from the date on which the service of notice on occupiers required by subsection (5) below is completed, and
- (b) that the land in the designated area is to vest in the acquiring authority at the end of that period.

(4) A declaration under subsection (3) above shall not be executed before the end of the period of two months from the date of the first publication of the notice of confirmation or making of the order as required by this Act:

Provided that the order may substitute a period longer than two months for the purposes of the operation of this subsection in relation to any land, or, if the order as submitted or the draft of the order or the application for the order, as the case may be, so provided in respect of any land, may substitute

a period shorter than two months for the purposes of the operation of this subsection in relation to that land.

(5) As soon as may be after executing a declaration under subsection (3) above, the acquiring authority shall serve—

- (a) on every occupier of any of the land in the area designated by the declaration (other than land excepted from this paragraph by section 17 of this Act) and
- (b) on every other person who has given information to the authority with respect to any land in that area, in pursuance of the invitation in that behalf required (in accordance with paragraph 2 of Schedule 7 to this Act) to be included in the notice of confirmation or making of the order,

a notice describing the designated area and stating the effect of the declaration.

(6) At the end of the period specified in such a declaration in accordance with subsection (3)(a) above there shall vest in the acquiring authority the right to enter upon, and take possession of, the land in the area designated by the declaration, or any of that land, without previous consent or compliance with section 11 of the Compulsory Purchase Act 1965 and the land in that area shall vest in the acquiring authority as if, at the end of that period—

1965 c. 56.

- (a) the circumstances in which, under that Act, an authority authorised to purchase land have powers to execute a deed poll (whether for vesting land or any interest in land in themselves or for extinguishing the whole or part of any rentcharge, rent-service, chief or other rent or other payment or incumbrance) had arisen in respect of all the land in the designated area and in respect of all interests in that land, and
- (b) the acquiring authority had duly exercised those powers accordingly:

Provided that, in relation to tenancies to which section 17 of this Act applies, this subsection shall have effect subject to the provisions of that section.

(7) In this section—

1961 c. 33.

“the incorporated enactments” means the provisions of Part I of the Compulsory Purchase Act 1965 and the Land Compensation Act 1961, as modified by Schedule 6 to this Act and by the provisions of this section, of section 17 of this Act and of Schedule 7 to this Act;

“ the relevant land ”, in relation to a compulsory purchase order, means the aggregate of the land in respect of which it is directed by the order, in accordance with section 15(1) of this Act, that the provisions of this Act relating to expedited completion shall apply to the order ;

and in this section and section 17 of this Act—

“ the relevant date ”, in relation to any land, means the date on which the compulsory purchase order in question is in accordance with section 9 of this Act registered in the register of local land charges by the proper officer of the council of the county borough or county district in which that land is situated.

(8) In this section and Schedule 7 to this Act any reference to the notice of confirmation or making of a compulsory purchase order is a reference—

- (a) in the case of an order made by a development corporation or local highway authority, to the notice of its confirmation, and
- (b) in the case of an order made by the Minister of Transport, or by the Minister and the appropriate Minister, or by the Minister of Transport and the appropriate Minister, to the notice of its making.

17.—(1) The tenancies to which this section applies are minor tenancies and long tenancies which are about to expire. Special provisions as to certain tenancies.

(2) Notwithstanding anything in section 16(2) of this Act, no notice to treat shall by virtue of that subsection be taken to have been served on any person in respect of a tenancy to which this section applies.

(3) Land in which there subsists a tenancy to which this section applies is excepted from section 16(5)(a) of this Act, and the reference in that paragraph to land excepted from that paragraph by this section shall be construed accordingly.

(4) Where any land in an area designated by a declaration under section 16(3) of this Act is land in which a minor tenancy is subsisting, then (without prejudice to any power, exercisable by virtue of the Compulsory Purchase Act 1965, to require a tenant to give up possession) the right of entry conferred by section 16(6) of this Act shall not be exercisable in respect of that land, and the vesting of the land in the acquiring authority by virtue of the said section 16(6) shall be subject to the tenancy during its subsistence. 1965 c. 56.

(5) Where any land in an area designated by a declaration under section 16(3) of this Act is land in which a long tenancy which is about to expire is subsisting—

- (a) the right of entry conferred by section 16(6) of this Act shall not be exercisable in respect of that land unless the acquiring authority have served a notice to treat in respect of the tenancy and have thereafter served upon every occupier of any of the land in which the tenancy subsists a notice, stating that, at the end of such period as may be specified in that notice (not being less than fourteen days) from the date on which the notice is served, they intend to enter upon and take possession of such land as may be specified in that notice, and the period specified in the last-mentioned notice has expired, and
- (b) the vesting of the land in the acquiring authority shall be subject to the tenancy until the end of the period specified in the last-mentioned notice, or the cesser of the tenancy, whichever first occurs.

(6) In this section “minor tenancy” means a tenancy for a year or from year to year or any lesser interest.

(7) In this section “long tenancy which is about to expire” means a tenancy granted for an interest greater than a minor tenancy, but having at the relevant date a period still to run which is not more than the specified period (that is to say, such period, longer than one year, as may for the purposes of this subsection be specified in the order in relation to the land in which the tenancy subsists); and in determining for the purposes of this subsection what period a tenancy still has to run at the relevant date it shall be assumed—

- (a) that the tenant will exercise any option to renew the tenancy, and will not exercise any option to terminate the tenancy, then or thereafter available to him, and
- (b) that the landlord will exercise any option to terminate the tenancy then or thereafter available to him.

*Disposal of land by development corporation*

Disposal of  
land by  
development  
corporation.

**18.**—(1) Subject to this section and to any directions given by the Minister under this Act, the development corporation established for the purposes of a new town may dispose of any land acquired by them (whether or not, in the case of land within the area of the new town, the development of that particular land has been proposed or approved under section 6(1) of this Act) to such persons, in such manner, and subject to such covenants or conditions, as they consider expedient for securing the development of the new town in accordance with proposals approved by the Minister under the said section 6(1), or for purposes connected with the development of the new town:

Provided that a development corporation shall not have power, except with the consent of the Minister, to transfer the freehold of any land or to grant a lease of any land for a term of more than ninety-nine years.

(2) The powers of a development corporation with respect to the disposal of land acquired by them under this Act shall be so exercised as to secure, so far as practicable, that persons who were living or carrying on business or other activities on land so acquired shall, if they desire to obtain accommodation on land belonging to the corporation, and are willing to comply with any requirements of the corporation as to its development and use, have an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them:

Provided that a development corporation shall not have any duty to afford to a person who was carrying on a business of selling intoxicating liquor by retail on land acquired by them an opportunity of obtaining alternative accommodation for such a business.

(3) Nothing in this Act shall be construed as enabling a development corporation to dispose of land by way of gift, mortgage or charge, but subject as aforesaid references in this Act to the disposal of land by a development corporation shall be construed as references to the disposal thereof in any manner, whether by way of sale, exchange or lease, by the creation of any easement, right or privilege, or otherwise.

(4) In this section "intoxicating liquor" has the meaning assigned by section 201 of the Licensing Act 1964.

1964 c. 26.

*Powers exercisable in relation to land acquired by development corporation or highway authority*

**19.**—(1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired by a development corporation or local highway authority for the purposes of this Act, whether done by the corporation or authority or by any other person, is authorised by virtue of this section if it is done in accordance with planning permission, notwithstanding that it involves interference with an interest or right to which this section applies, or involves a breach of a restriction as to the user of land arising by virtue of a contract:

Power to override easements and other rights.

Provided that nothing in this subsection shall authorise interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land,

being a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.

(2) This section applies to the following interests and rights, that is to say, any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.

1965 c. 56.

(3) In respect of any interference or breach in pursuance of subsection (1) above, compensation shall be payable under section 7 or 10 of the Compulsory Purchase Act 1965, to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase by a development corporation or local highway authority or the injury arises from the execution of works on land acquired by such a corporation or authority.

(4) Where a person other than the development corporation or local highway authority by whom the land in question was acquired is liable to pay compensation by virtue of subsection (3) above, and fails to discharge that liability, the liability shall be enforceable against that corporation or authority:

Provided that nothing in this subsection shall be construed as affecting any agreement between that corporation or authority and any other person for indemnifying the corporation or authority against any liability under this subsection.

(5) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in subsection (1) above.

(6) Nothing in this section shall be construed as authorising any act or omission on the part of a development corporation or local highway authority, or of any body corporate, in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the corporation, authority or body.

Use and  
development  
of consecrated  
land and burial  
grounds.

**20.—**(1) Any consecrated land, whether including a building or not, which has been acquired for the purposes of this Act by a development corporation or local highway authority, or which has been acquired under this Act by the Minister of Transport, may, subject to the following provisions of this section—

- (a) in the case of land acquired by such a corporation or authority, be used by them, or by any other person, in any manner in accordance with planning permission, and



- (b) in the case of land acquired by the Minister of Transport, be used in any manner by him or on his behalf for any purpose for which he acquired the land,

notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land:

Provided that this subsection does not apply to land which consists or forms part of a burial ground.

(2) Any use of consecrated land authorised by subsection (1) above, and the use of any land, not being consecrated land, acquired as therein mentioned which at the time of acquisition included a church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the prescribed requirements with respect to the removal and reinterment of any human remains, and the disposal of monuments and fixtures and furnishings; and, in the case of consecrated land, shall be subject to such provisions as may be prescribed for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on the land.

(3) Any regulations made for the purposes of subsection (2) above—

- (a) shall contain such provisions as appear to the Minister to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure, or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure;
- (b) shall contain requirements relating to the disposal of any such land as is mentioned in the said subsection (2) such as appear to the Minister requisite for securing that the provisions of that subsection shall be complied with in relation to the use of the land; and
- (c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Minister to be expedient for the purposes of the regulations.

(4) Any land consisting of a burial ground or part of a burial ground, which has been acquired as mentioned in subsection (1) above, may—

- (a) in the case of land acquired by a development corporation or local highway authority, be used by them in

any manner in accordance with planning permission, and

- (b) in the case of land acquired by the Minister of Transport, be used in any manner by him or on his behalf for any purpose for which he acquired the land,

notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds:

Provided that this subsection shall not have effect in respect of any land which has been used for the burial of the dead until the prescribed requirements with respect to the removal and reinterment of human remains, and the disposal of monuments, in or upon the land have been complied with.

(5) Provision shall be made by any regulations made for the purposes of subsection (2) above and the proviso to subsection (4) above—

- (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and reinterment of any human remains or the disposal of any monuments;
- (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and reinterment of the remains of the deceased, and the disposal of any monument commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, reinterment and disposal, not exceeding such amount as may be prescribed;
- (c) for requiring compliance with such reasonable conditions (if any) as may be imposed, in the case of consecrated land, by the bishop of the diocese, with respect to the manner of removal, and the place and manner of reinterment of any human remains, and the disposal of any monuments, and with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.

(6) Subject to the provisions of any such regulations, no faculty shall be required for the removal and reinterment in accordance with the regulations of any human remains, or for the removal or disposal of any monuments, and the provisions of section 25 of the Burial Act 1857 (which prohibits the removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.

(7) Any power conferred by this section to use land in a manner therein mentioned shall be construed as a power so to use the land, whether it involves the erection, construction or carrying out of any building or work, or the maintenance of any building or work, or not.

(8) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such obligation, restriction or enactment as is mentioned in subsection (1) or subsection (4) above.

(9) Subsection (6) of section 19 of this Act shall apply in relation to this section as it applies in relation to that section.

(10) In this section "burial ground" includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment, and "monument" includes a tombstone or other memorial.

**21.**—(1) Any land being, or forming part of, a common, open space or fuel or field garden allotment, which has been acquired for the purposes of this Act by a development corporation or local highway authority, or which has been acquired under this Act by the Minister of Transport, may—

Use and development of open spaces.

(a) in the case of land acquired by such a corporation or authority, be used by them, or by any other person, in any manner in accordance with planning permission, and

(b) in the case of land acquired by the Minister of Transport, be used in any manner by him or on his behalf for any purpose for which he acquired the land, notwithstanding anything in any enactment relating to land of that kind, or in any enactment by which the land is specially regulated.

(2) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such enactment as is mentioned in subsection (1) above.

(3) Subsection (6) of section 19 of this Act shall apply in relation to this section as it applies in relation to that section.

**22.**—(1) Where any land has been acquired for the purposes of this Act by a development corporation or local highway authority, and the carrying out of redevelopment on the land will involve the displacement of persons residing in premises thereon, it shall be the duty of the corporation or authority, in

Displacement of persons from land acquired.

so far as there is no other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacements from time to time becoming necessary as the redevelopment proceeds.

Where the land so acquired is within the area of a new town, the references in this subsection to residential accommodation shall be construed as references to residential accommodation in that area.

1957 c. 56.

(2) Section 144 of the Housing Act 1957 (which imposes obligations as to the provision of housing accommodation where land is acquired under statutory powers) shall not apply in relation to an acquisition under this Act.

(3) If the Minister certifies that possession of a house which has been acquired for the purposes of this Act by a development corporation or local highway authority and is for the time being held by that corporation or authority for the purposes for which it was acquired, is immediately required for those purposes, nothing in the Rent and Mortgage Interest Restrictions Acts 1920 to 1939 shall prevent that corporation or authority from obtaining possession of the house.

1838 c. 74.

(4) Where any land has been acquired for the purposes of this Act by a development corporation or local highway authority, or has been acquired under this Act by the Minister of Transport, and the acquiring authority require possession of a building on the land, or of part of such a building, for the purposes for which the land was acquired, then, whatever may be the value or rent of the building or part of a building, the acquiring authority may obtain possession thereof under the Small Tenements Recovery Act 1838 at any time after the tenancy of the occupier has expired or has been determined.

(5) Where any land has been acquired for the purposes of, or under, this Act by a development corporation or a local highway authority or the Minister of Transport, the acquiring authority—

- (a) may pay to any person who is displaced in the carrying out of redevelopment on the land such reasonable allowance as the acquiring authority think fit towards his expenses in removing, and
- (b) may pay to a person carrying on any business in a building from which he is so displaced such reasonable allowance as the acquiring authority think fit towards the loss which, in the acquiring authority's opinion, that person will sustain by reason of the disturbance to his business consequent on his having to quit the building.

(6) In estimating loss for the purposes of subsection (5)(b) above, the acquiring authority shall have regard to the period for which the premises occupied by the person referred to in that paragraph might reasonably have been expected to be available for the purpose of that person's business, and to the availability of other premises suitable for that purpose.

23.—(1) Where any land—

- Extinguish-  
ment of public  
rights of way  
over land  
acquired.
- (a) has been acquired for the purposes of this Act by a development corporation or local highway authority and is for the time being held by that corporation or authority for those purposes, or
- (b) has been acquired under this Act by the Minister of Transport and is for the time being held for the purposes for which he acquired it,

the Minister may by order extinguish any public right of way over the land.

(2) Where the Minister proposes to make an order under this section, he shall publish in such manner as appears to him to be requisite a notice—

- (a) stating the effect of the order, and
- (b) specifying the time (not being less than twenty-eight days from the publication of the notice) within which and the manner in which, objections to the proposal may be made,

and shall serve a like notice—

- (i) on the local planning authority in whose area the land is situated, and
- (ii) on the relevant highway authority.

In this subsection "the relevant highway authority" means any authority who are a highway authority in relation to the right of way proposed to be extinguished by the order, other than an authority who have applied for the order to be made.

(3) Where an objection to a proposal to make an order under this section is duly made and is not withdrawn, the provisions of Schedule 8 to this Act shall have effect in relation to the proposal.

(4) For the purposes of this section an objection to such a proposal 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 this section, and
- (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.

1935 c. 47. (5) Where it is proposed to make an order under this section extinguishing a public right of way over a road on land acquired for the purposes of this Act by a development corporation, and compensation in respect of restrictions imposed under section 1 or section 2 of the Restriction of Ribbon Development Act 1935 in respect of that road has been paid by the highway authority (or, in the case of a trunk road, by the authority who, when the compensation was paid, were the authority for the purposes of section 4 of the Trunk Roads Act 1936), the order may provide for the payment by the development corporation to that authority, in respect of the compensation so paid, of such sums as the Minister, with the consent of the Treasury, may determine.

1936 c. 5  
(1 Edw. 8 &  
1 Geo. 6).

(6) Where the Minister is satisfied that the construction or improvement of a road is or will be needed in consequence of the extinguishment under this section of a public right of way, section 8 of this Act shall apply as it applies where the Minister is satisfied that the construction or improvement of a road is needed as mentioned in subsection (1) of that section.

Provisions  
as to  
telegraphic  
lines.

**24.**—(1) Where an order under section 23 of this Act extinguishing a public right of way is made on the application of a development corporation or local highway authority, and at the time of the publication of the notice required by subsection (2) of that section there was under, in, on, over, along or across the land over which the right of way subsisted a telegraphic line belonging to or used by the Postmaster General—

- (a) the power of the Postmaster General to remove the line shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished, and shall be exercisable in respect of the whole or any part of the line after the end of that period if before the end of that period the Postmaster General has given notice to the development corporation or local highway authority of his intention to remove the line or that part thereof, as the case may be ;
- (b) the Postmaster General may by notice given in that behalf to the development corporation or local highway authority not later than the end of the said period of three months abandon the telegraphic line or any part thereof ;
- (c) subject to paragraph (b) above, the Postmaster General shall be deemed at the end of that period to have abandoned any part of the line which he has then

neither removed nor given notice of his intention to remove ;

- (d) the Postmaster General shall be entitled to recover from the development corporation or local highway authority the expense of providing, in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line, a telegraphic line in such other place as the Postmaster General may require ;
- (e) where under the foregoing provisions of this subsection the Postmaster General has abandoned the whole or any part of a telegraphic line, it shall vest in the development corporation or local highway authority, and the provisions of the Telegraph Acts 1863 to 1962 shall not apply in relation to the line or that part thereof with respect to anything done or omitted after its abandonment.

(2) In this section “ telegraphic line ” has the same meaning as in the Telegraph Act, 1878.

1878 c. 76.

**25.** The Minister of Transport may direct that any road constructed by him on land transferred to or acquired by him under this Act shall, on such date as may be specified in the direction, become a trunk road within the meaning of the Highways Act 1959 ; and the provisions of that Act relating to trunk roads shall apply to the road accordingly.

Special power to create trunk roads.  
1959 c. 25.

*Statutory undertakers*

**26.**—(1) This section applies to land—

- (a) which has been acquired for the purposes of this Act by a development corporation or local highway authority and is for the time being held by that corporation or authority for those purposes, or
- (b) which has been acquired under this Act by the Minister of Transport and is for the time being held for the purposes for which he acquired it.

Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers.

(2) Where, in the case of any land to which this section applies—

- (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land, or

(b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, the acquiring authority may serve on the statutory undertakers a notice stating that, at the end of such period as may be specified in the notice, the right will be extinguished, or requiring that, before the end of such period as may be so specified, the apparatus shall be removed.

(3) The statutory undertakers on whom a notice is served under subsection (2) above may, before the end of the period of twenty-eight days from the service of the notice, serve a counter-notice on the acquiring authority stating that they object to all or any of the provisions of the notice, and specifying the grounds of their objection.

(4) If no counter-notice is served under subsection (3) above—

(a) any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice, and

(b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been complied with, the acquiring authority may remove the apparatus and dispose of it in any way the authority may think fit.

(5) If a counter-notice is served under subsection (3) above on a development corporation or local highway authority, the corporation or authority may either withdraw the notice (without prejudice to the service of a further notice) or may apply to the Minister and the appropriate Minister for an order under this section embodying the provisions of the notice, with or without modification; and if such an application is made, the Minister and the appropriate Minister may make an order under this section accordingly.

(6) If a counter-notice is served under subsection (3) above on the Minister of Transport, he may withdraw the notice (without prejudice to the service of a further notice) or he and the appropriate Minister may make an order under this section embodying the provisions of the notice, with or without modification.

(7) Where, by virtue of this section, any right vested in or belonging to statutory undertakers is extinguished, or any requirement is imposed on statutory undertakers, those undertakers shall be entitled to compensation from the acquiring authority at whose instance the right was extinguished or the requirement imposed; and the provisions of Schedule 5 to this Act shall have effect as regards the assessment of the amount of that compensation.



**27.**—(1) Where the Minister of Transport and the appropriate Orders under Minister propose to make an order under section 26(6) of this s. 26. Act, they shall prepare a draft of the order.

(2) Before making an order under section 26(5) or (6) of this Act, the Ministers proposing to make the order—

(a) shall afford to the statutory undertakers on whom notice was served under subsection (2) of that section an opportunity of objecting to the application for, or proposal to make, the order, and

(b) if any objection is made, shall consider the objection and afford to those statutory undertakers (and, in a case falling within subsection (5) of that section, to the development corporation or local highway authority on whom the counter-notice was served) an opportunity of appearing before, and being heard by, a person appointed by the Minister and the appropriate Minister for the purpose,

and may then, if they think fit, make the order in accordance with the application or in accordance with the draft order, as the case may be, either with or without modification.

(3) Where an objection to an order under the said section 26 is duly made and is not withdrawn before the making of the order, the order shall be subject to special parliamentary procedure.

(4) Subject to subsection (3) above, where an order is made under section 26 of this Act—

(a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order, and

(b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the acquiring authority may remove the apparatus and dispose of it in any way the authority may think fit.

**28.**—(1) The powers conferred by this section shall be exercisable where, on a representation made by statutory undertakers, it appears to the Minister and the appropriate Minister to be expedient that the powers and duties of those undertakers should be extended or modified, in order—

(a) to secure the provision of services which would not otherwise be provided, or satisfactorily provided, for the purposes of a new town under this Act, or

(b) to facilitate an adjustment of the carrying on of the undertaking necessitated by any of the acts and events mentioned in subsection (2) below.

Extension or modification of functions of statutory undertakers.

(2) The said acts and events are—

- (a) the acquisition under this Act of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers in question;
- (b) the extinguishment of a right or the imposition of any requirement by virtue of section 26 of this Act.

(3) The powers conferred by this section shall also be exercisable where, on a representation made by a development corporation, it appears to the Minister and the appropriate Minister to be expedient that the powers and duties of statutory undertakers should be extended or modified, in order to secure the provision of new services, or the extension of existing services, for the purposes of a new town under this Act.

(4) Where the powers conferred by this section are exercisable, the Minister and the appropriate Minister may, if they think fit, by order provide for such extension or modification of the powers and duties of the statutory undertakers as appears to them to be requisite in order to secure the provision of the services in question, as mentioned in subsection (1)(a) or (3) above or to secure the adjustment in question, as mentioned in subsection (1)(b) above, as the case may be.

(5) Without prejudice to the generality of subsection (4) above, an order under this section may make provision—

- (a) for empowering the statutory undertakers to acquire (whether compulsorily or by agreement) any land specified in the order, and to erect or construct any buildings or works so specified;
- (b) for applying, in relation to the acquisition of any such land or the construction of any such works, enactments relating to the acquisition of land and the construction of works;
- (c) where it has been represented that the making of the order is expedient for the purposes mentioned in subsection (1)(a) or (3) above, for giving effect to such financial arrangements between the development corporation and the statutory undertakers as they may agree, or as, in default of agreement, may be determined to be equitable in such manner and by such tribunal as may be specified in the order;
- (d) for such incidental and supplemental matters as appear to the Minister and the appropriate Minister to be expedient for the purposes of the order.

29.—(1) As soon as may be after making such a representation as is mentioned in section 28(1) or (3) of this Act—

Procedure in relation to orders under s. 28.

- (a) the statutory undertakers, in a case falling within subsection (1) of that section, or
- (b) the development corporation, in a case falling within subsection (3) thereof,

shall publish, in such form and manner as may be directed by the Minister and the appropriate Minister, a notice giving such particulars as may be so directed of the matters to which the representation relates, and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, and shall also, if it is so directed by the Minister and the appropriate Minister, serve a like notice on such persons, or persons of such classes, as may be so directed.

(2) Orders under the said section 28 shall be subject to special parliamentary procedure.

30.—(1) Where, on a representation made by statutory undertakers, the appropriate Minister is satisfied that the fulfilment of any obligation incurred by those undertakers in connection with the carrying on of their undertaking has been rendered impracticable by an act or event to which this subsection applies, the appropriate Minister may, if he thinks fit, by order direct that the statutory undertakers shall be relieved of the fulfilment of that obligation, either absolutely or to such extent as may be specified in the order.

Relief of statutory undertakers from obligations rendered impracticable.

(2) Subsection (1) above applies to the following acts and events, that is to say—

- (a) the compulsory acquisition under this Act of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers ;
- (b) the extinguishment of a right or the imposition of any requirement by virtue of section 26 of this Act.

(3) As soon as may be after making a representation to the appropriate Minister under subsection (1) above, the statutory undertakers shall, as may be directed by the appropriate Minister, either—

- (a) publish (in such form and manner as may be so directed) a notice giving such particulars as may be so directed of the matters to which the representation relates, and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, or
- (b) serve such a notice on such persons, or persons of such classes, as may be so directed, or

(c) both publish and serve such notices.

(4) If any objection to the making of an order under this section is duly made and is not withdrawn before the order is made, the order shall be subject to special parliamentary procedure.

(5) As soon as may be after an order has been made under this section the appropriate Minister shall publish in such form and manner as he thinks fit a notice stating that the order has been made.

(6) The provisions of Part V of Schedule 3 to this Act as to the validity and date of operation of compulsory purchase orders shall have effect in relation to an order under this section with the substitution for references to a compulsory purchase order and to publication in accordance with the provisions of that Schedule in that behalf of references to an order under this section and to publication in accordance with subsection (5) above.

Objections to orders under ss. 28 and 30.

**31.**—(1) For the purposes of sections 28 and 30 of this Act an objection to the making of an order thereunder shall not be treated as duly made unless—

(a) the objection is made within the time and in the manner specified in the notice required by the section under which the order is proposed to be made, and

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

(2) Where an objection to the making of such an order is duly made in accordance with subsection (1) above and is not withdrawn, the provisions of Schedule 8 to this Act shall have effect in relation thereto.

*Provision of trolley vehicle services by development corporation*

Power to authorise provision of trolley vehicle services by development corporation.

**32.**—(1) The development corporation established for the purposes of a new town may by means of an order made by the Minister of Transport be authorised to operate trolley vehicle services for the purposes of the new town.

(2) An order under this section may impose such conditions as appear to the Minister of Transport to be required in the interests of the public safety, and may contain such incidental and consequential provisions as appear to that Minister to be necessary or expedient for the purposes of the order, including provisions—

(a) authorising the construction and maintenance in highways of any works or equipment required in connection with the services ;

(b) providing for the making and enforcement of regulations and byelaws with respect to the construction and operation of any vehicles or equipment used for the purposes of the services, and with respect to the conduct of passengers on, and of the drivers and conductors of, any such vehicles.

(3) An order under this section shall be subject to special parliamentary procedure.

#### *Public health*

33. Where an order is made under section 1 of this Act designating an area as the site of a new town and the Minister is satisfied that, in consequence of the making of that order, it is expedient that that area, or any larger area which comprises that area, should be constituted a united district for any purpose for which a united district may be constituted under section 6 of the Public Health Act 1936, the Minister may make an order under the said section 6 constituting the area as to which he is so satisfied a united district, notwithstanding that no application in that behalf is made to him by the local authorities for the districts concerned or any of them.

Power to make new town a united district for purposes of Public Health Acts.

1936 c. 49.

34.—(1) The Minister, on an application made to him by the development corporation established for the purposes of a new town, may by order authorise that corporation to exercise, for the purpose of the sewerage of the area of the new town, any powers exercisable by a local authority under section 15 of the Public Health Act 1936 (construction of sewers and sewage disposal works); and, without prejudice to the provisions of this Act with respect to the acquisition of land by development corporations, any such order may provide for transferring to the development corporation any sewers or sewage disposal works vested in the sewerage authority for any district which comprises the area of the new town or any part of that area.

Power to authorise provision of sewers and sewage disposal works by development corporation.

(2) Before making an order under this section the Minister shall consult with the council of every county and of every county district in which the whole or any part of the area of the new town is situated.

(3) An order under this section may include a direction that such of the provisions of the Public Health Acts 1936 and 1937 or of the Public Health Act 1961 relating to sewerage and sewage disposal, or to sewers, drains, cesspools and sanitary conveniences (including the provisions of the said Acts of 1936 and 1961 relating to the payment of compensation, the breaking

1961 c. 64,

up of streets and the power to enter on land) as may be specified in the order shall apply in relation to the area of the new town, subject to such modifications as may be so specified, as if the development corporation were a local authority as defined by those Acts, and as if the sewers vested in the corporation were public sewers as so defined.

1936 c. 49.

(4) Where, in pursuance of an order under this section, sewers or sewage disposal works are constructed by or vested in a development corporation for the purposes of the sewerage of any part of the district of a sewerage authority within the meaning of the Public Health Act 1936, that authority shall make towards the expenses of the development corporation in the construction or maintenance of the sewers or sewage disposal works contributions of such amount, and subject to such conditions, as may be agreed upon between that authority and the corporation or as may, in default of such agreement, be determined by the Minister; and the payment of any such contributions shall be a purpose for which the sewerage authority may borrow money.

(5) Any order under this section which provides for transferring to the development corporation sewers or sewage disposal works vested in a sewerage authority may provide for the payment by the corporation to that authority, in consideration of the transfer, of such sum as may be agreed upon between the corporation and that authority or as may, in default of such agreement, be determined by the Minister.

*The Commission for the New Towns*

Establishment  
of Commission  
for the New  
Towns.

**35.**—(1) There shall be a body corporate by the name of the Commission for the New Towns (in this Act referred to as the Commission) having perpetual succession and a common seal.

(2) The provisions of Schedule 9 to this Act shall have effect with respect to the constitution and proceedings of the Commission and other matters relating to the Commission and its members.

(3) It is hereby declared that the Commission is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown, and no property of the Commission is to be regarded as property of, or held on behalf of, the Crown; and nothing in this Act, except the express provision relating to stamp duty in section 48(4), shall be construed as exempting the Commission from liability to any tax, duty, rate, levy or other charge whatsoever, whether general or local.

**36.**—(1) The Commission is incorporated for the purpose of *Functions of Commission.* taking over, holding, managing and turning to account the property previously vested in the development corporation for a new town and transferred to the Commission by an order under the following provisions of this Act.

(2) It shall be the general duty of the Commission to maintain and enhance the value of the land held by them and the return obtained by them from it, but in discharging their functions in relation to any town the Commission shall have regard to the purpose for which the town was developed under this Act and to the convenience and welfare of persons residing, working or carrying on business there.

(3) Subject to the provisions of this Act and to any direction given to them by the Minister under section 37 thereof, the Commission shall have power, with a view to the better fulfilment of the purpose mentioned in subsection (1) above by the improvement of any of their towns, or to the convenience or welfare of persons residing, working or carrying on business there—

- (a) to acquire (otherwise than by transfer under this Act), hold, manage and turn to account land situated in or near the town, or any interest in or rights over such land ;
- (b) with the approval of the Minister given with the concurrence of the Treasury, to make contributions towards the cost of providing amenities for the town, or of providing for it water supplies or sewerage or sewage disposal services ;
- (c) to promote or assist by any means, and in particular by making advances towards the cost of purchasing land, or of erecting, extending, improving or adapting buildings or works, the setting up or extension of businesses in the town ;
- (d) to dispose of any property for such purposes and in such manner as they think fit.

(4) A transaction between a person and the Commission shall not be invalidated by reason of any non-compliance by the Commission with subsection (2) above ; nor shall any such transaction be invalidated by reason of any non-compliance by the Commission with the requirement of subsection (3) above that they shall exercise the powers conferred by that subsection with the view there mentioned.

(5) References in this section to disposing of property shall be construed as including references to granting any interest in or rights over it.

**Restrictions on functions of Commission.** **37.—**(1) The Commission shall not have power to borrow money except by way of advance from the Minister under this Act.

(2) The Commission in discharging their functions shall comply with such directions as may be given to them by the Minister, but in giving any such direction he shall have regard to the provisions of section 36(2) of this Act.

(3) The Commission shall not without the authority given generally or specially of the Minister—

(a) transfer the freehold in any land, or grant a lease of any land for a term of more than ninety-nine years, except in the case of a private dwelling and in pursuance of an agreement to make the transfer or grant to the person occupying or proposing to occupy it as his residence ; or

(b) develop any land, except in accordance with proposals submitted to the Minister and approved by him.

(4) The Commission shall not have power to dispose by way of gift, mortgage or charge of any land or, except as provided by section 36(3)(b) of this Act, of any other property.

(5) A transaction between a person and the Commission shall not be invalidated by reason of any failure by the Commission to comply with directions given by the Minister under subsection (2) above unless the transaction is carried out in contravention of such a direction and that person had actual notice of that direction.

(6) References in this section to disposing of land, or of property, shall be construed as including references to granting any interest in or rights over it.

**Power of local authorities, if requested, to do work for Commission.** **38.—**(1) The council of a county or county district in which the whole or any part of the area of a new town is situated may, at the request of the Commission and for such consideration and on such other terms and conditions as may be agreed between the council and the Commission—

(a) do for the Commission any building or other work on land (including land outside the county or county district), being work undertaken for the purposes of the Commission's functions in relation to the new town, or any work preliminary to or connected with any such work on land as aforesaid, or

(b) allow the Commission to have for the purpose of any such work as aforesaid the services of officers or servants of the council or the use of premises or equipment of the council.



(2) This section shall apply in relation to a joint board discharging functions of any such council as aforesaid as it applies in relation to the council.

*Transfer of property and undertakings of development corporations, and their dissolution*

39.—(1) Subject to the provisions of this section, a development corporation may, by an agreement made with any local authority or any statutory undertakers and approved by the Minister with the concurrence of the Treasury—

Power of development corporation to transfer undertakings.

- (a) transfer to that local authority any part of the undertaking of the corporation, or
- (b) transfer to those statutory undertakers any part of the undertaking of the corporation which consists of a statutory undertaking,

upon such terms as may be prescribed by the agreement.

The foregoing provision is without prejudice to the powers of development corporations under this Act to dispose of any of their property, including any trade or business carried on by them.

(2) Before approving an agreement under this section the Minister shall consult with the council of every county and of every county district in which the whole or any part of the area of the new town is situated, except, in the case of an agreement made with such a council, the council with whom it is made.

(3) Before approving an agreement under this section for the transfer of a statutory undertaking, the Minister shall publish in the London Gazette, and in one or more newspapers circulating in the area in which the new town is situated, a notice stating that the agreement has been submitted for approval, and describing the general effect of the agreement.

(4) If within twenty-eight days from the publication of the notice in the London Gazette in accordance with subsection (3) above any objection to the agreement is made by any statutory undertakers who, within the area in which the new town is situated or any area adjacent thereto, are carrying on, or are authorised to carry on, a statutory undertaking of a character similar to the statutory undertaking proposed to be transferred by the agreement, subsection (1) above shall apply in relation to the agreement as if for the reference to the Minister there was substituted a reference to the Minister and the appropriate Minister.

(5) If the Minister is satisfied that it is expedient, having regard to any agreement made or proposed to be made under this section, that the liability of the development corporation in

respect of advances made to them under the following provisions of this Act should be reduced, he may, by an order made with the consent of the Treasury, reduce that liability to such extent as may be specified in the order.

Section 53(6) of this Act applies to orders under this subsection.

(6) The payment of any sums payable by a local authority for the purposes of an agreement under this section shall be a purpose for which that authority may borrow money.

Power of  
Minister to  
transfer  
sewerage and  
sewage  
disposal  
undertakings  
to local  
authority.

1936 c. 49.

40.—(1) Where—

(a) the development corporation for a new town has, in pursuance of an order under section 34 of this Act, been carrying on a sewerage or sewage disposal undertaking; and

(b) it appears to the Minister that, having regard to the extent to which the new town has been developed, the undertaking should be transferred to the local authority charged by section 14 of the Public Health Act 1936 with the duty of providing public sewers in the area of the new town or any part of it,

then, subject to the provisions of this section, the Minister may by order provide for the transfer of the undertaking to that local authority, and any such order may contain such incidental, consequential and supplementary provisions as the Minister thinks necessary or expedient for the purposes of the order (including provisions enlarging the area to which any powers and duties of the local authority extend).

(2) In subsection (1) above the expression “local authority” shall include any joint board constituted for a united district under section 6 of the Public Health Act 1936; and, where it appears to the Minister expedient for the efficient provision of sewerage or sewage disposal services that the area of a new town or any larger area comprising it should be constituted a united district under that section for any purposes with a view to the transfer to the joint board of a sewerage or sewage disposal undertaking of the development corporation, then—

(a) he may make an order accordingly constituting that area a united district, notwithstanding that no application in that behalf is made to him by the local authorities for the districts concerned or any of them; and

(b) he may by the same order exercise the powers conferred by subsection (1) above for transferring the undertaking to the joint board.

(3) The terms upon which an undertaking is transferred by an order under this section shall be such as the Minister, with

the consent of the Treasury, may specify in the order, and those terms may provide for the payment by the transferee of such sums, to be satisfied in such manner, as may be so specified:

Provided that the total of the sums so paid shall not exceed the total capital cost of the undertaking less depreciation written off.

(4) Before making an order under this section the Minister shall consult with the local authority or joint board to which it is proposed to transfer the undertaking (or, if that is a joint board to be constituted by the order, then with each council which would be represented on that board), and also with the council of the county comprising the area of that local authority or, as the case may be, of any local authority represented or to be represented on the board, and with any other authority appearing to him to be concerned.

(5) The provisions of section 6(4) and section 9(2) of the Public Health Act 1936 (which provide for the giving of notice, 1936 c. 49. for special parliamentary procedure in the event of objection, and for revocation and variation), shall apply in relation to any order under this section as they apply in relation to an order constituting a united district, except that the notice to be given of a proposed order other than an order for constituting, or for amending an order constituting, a united district shall be notice to the authority or board to which the undertaking in question is to be or has been transferred under subsection (1) above.

41.—(1) Where, after consultation with the council of every county and of every county district in which the whole or any part of the area of a new town is situated, the Minister is satisfied that the purposes for which the development corporation is established under this Act have been substantially achieved, he shall by order direct—

- Transfer to Commission of property of development corporation or achievement of their objects, and dissolution of corporation
- (a) that on such date as may be specified in the order the property of the corporation (other than property excepted under the following provisions of this Act) shall vest in the Commission, and the corporation shall cease to act except for the purpose of taking such steps (if any) as may be authorised or required by the order to dispose of any property so excepted, to prepare its final accounts and report, or otherwise to wind up its affairs; and
- (b) that on that date or such later date as may be fixed by or under the order, the corporation shall be dissolved.

(2) The provisions of Schedule 10 to this Act shall have effect with respect to the transfer to the Commission by an order under this section of the property of a development corporation and with respect to matters arising out of the transfer or out of the dissolution of the corporation; and the Minister may by order under this section make such further incidental or supplementary provisions as appear to the Minister to be necessary or expedient in relation to any such matter.

(3) Where a development corporation's sewerage or sewage disposal undertaking is transferred to the Commission under this Act, section 40 of this Act shall continue to apply to the undertaking as if the Commission were the development corporation.

(4) Where by virtue of an order under section 5 of this Act a development corporation discharges functions in relation to more than one new town, the Minister may make an order under subsection (1) above in relation to that corporation and to any of those towns without the other or others, as if the corporation were not concerned with the other or others, but without providing for the dissolution of the corporation; and in the case of any such order the provisions of Schedule 10 to this Act shall apply subject to such modifications as may be provided by the order for the purpose in particular of determining what part of the corporation's property, rights, liabilities and obligations is to be transferred to the Commission.

*Financial and related provisions*

Advances and grants by Minister to development corporations and Commission.

**42.**—(1) For the purpose of enabling a development corporation to meet expenditure properly chargeable to capital account (including the provision of working capital), or to make good to revenue account sums applied in meeting liabilities so chargeable, the Minister may, subject to section 43 of this Act, make to the corporation advances repayable over such periods and on such terms as may be approved by the Treasury.

(2) For the purpose of enabling a development corporation to meet any other expenditure, the Minister may, out of moneys provided by Parliament, make grants to the corporation of such amount as may be approved by the Treasury.

(3) It shall be a condition of the making of advances to a development corporation under subsection (1) above that the proposals for development submitted to the Minister under section 6 of this Act shall be approved by the Minister with the concurrence of the Treasury as being likely to secure for the corporation a return which is reasonable, having regard

to all the circumstances, when compared with the cost of carrying out those proposals.

(4) For the purpose of enabling the Commission to meet liabilities properly chargeable to capital account (including the provision of working capital), or to make good to revenue account sums applied in meeting liabilities so chargeable, the Minister may, subject to section 43 of this Act, make to the Commission advances repayable over such period and on such terms as may be approved by the Treasury.

(5) The Minister may also advance to the Commission any sums required by them to meet a deficit on revenue account, and any such advance shall be repayable over such period and shall be made on such terms as may be approved by the Treasury; but the aggregate amount of the advances made before the commencement of this Act under section 3(2) of the New Towns Act 1959 (to which this subsection corresponds), 1959 c. 62. and after the commencement of this Act under this subsection, shall not exceed £1,000,000.

- 43.** The sum of the following amounts, that is to say—
- (a) the aggregate amount of the advances made to development corporations before the commencement of this Act under section 12(1) of the New Towns Act 1946 in its application to England and Wales (to which section 42(1) of this Act corresponds), and after the commencement of this Act under the said section 42(1); Limit on certain advances under s. 42. 1946 c. 68.
  - (b) the aggregate amount of the advances made to development corporations, whether before or after the commencement of this Act, under the said section 12(1) in its application to Scotland; and
  - (c) the aggregate amount of the advances made to the Commission before the commencement of this Act under section 3(1) of the New Towns Act 1959 (to which section 42(4) of this Act corresponds), and after the commencement of this Act under the said section 42(4),

shall not exceed £550,000,000.

**44.—**(1) The Treasury may issue to the Minister out of the Consolidated Fund such sums as are necessary to enable him to make advances— Provisions supplementary to s. 42.

- (a) to a development corporation under section 42(1) of this Act, or
- (b) to the Commission under section 42(4) or (5) of this Act.

1939 c. 117.

(2) For the purpose of providing the whole or part of any sum to be issued under subsection (1) above, or of providing for the replacement in whole or in part of any sum so issued, the Treasury may, at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(3) Any sums received by the Minister by way of repayment of or interest on advances under section 42(1), (4) or (5) of this Act shall be paid into the Exchequer; and the Minister shall lay before each House of Parliament a statement of any sums payable to him by way of repayment of or interest on any such advances and not duly received by him.

(4) The sums paid into the Exchequer under subsection (3) above shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

- (a) so much of those sums as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit; and
- (b) so much of those sums as represents interest shall be applied towards meeting such part of the annual charges for the national debt as represents interest.

Disposal of  
surplus  
funds of  
Commission.

**45.**—(1) Where it appears to the Minister, after consultation with the Treasury and with the Commission, that the Commission have a surplus whether on capital or on revenue account after making allowance by way of transfer to reserve or otherwise for their future requirements (including any contributions that may be required to be made in any of their towns under section 36(3)(b) of this Act), the Commission shall, if the Minister after such consultation as aforesaid so directs, pay to the Minister such sum not exceeding the amount of that surplus as may be specified in the direction; and any sum received by the Minister under this subsection shall be paid into the Exchequer.

(2) The whole or part of any payment made to the Minister by the Commission under subsection (1) above shall, if the Minister with the approval of the Treasury so determines, be treated as made by way of repayment of such part of the principal of advances under section 42(4) and (5) of this Act, and as made in respect of the repayments due at such times, as may be so determined; and section 44(4) of this Act shall apply to the corresponding payment into the Exchequer accordingly.

**46.**—(1) The Commission and every development corporation shall keep proper accounts and other records in relation thereto, and shall respectively prepare in respect of each financial year annual accounts in such form as the Minister may with the approval of the Treasury direct, being, in the case of the Commission, a form which will show the Commission's financial position both generally and in relation to each of their towns. Accounts,  
audit, annual  
reports etc.

(2) The accounts of the Commission and of every development corporation shall be audited by an auditor to be appointed annually by the Minister in relation to the Commission or corporation.

(3) No person shall be qualified to be so appointed auditor unless he is a member of one or more of the following bodies:—

the Institute of Chartered Accountants in England and Wales;

the Institute of Chartered Accountants of Scotland;

the Association of Certified and Corporate Accountants;

the Institute of Chartered Accountants in Ireland;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 c. 38. 1948 by the Board of Trade.

(4) As soon as the annual accounts of the Commission or a development corporation for any financial year have been audited, the Commission or corporation, as the case may be, shall send to the Minister a copy of the accounts prepared by them for that year in accordance with this section, together with a copy of any report made by the auditor thereon.

(5) The Minister shall prepare in respect of each financial year, in such form and manner and at such times as the Treasury may direct—

(a) an account of the sums issued to him out of the Consolidated Fund and advanced to the Commission under this Act, of sums received by him from the Commission and paid into the Exchequer in respect of the principal of and interest on sums so advanced, and of sums received by him from the Commission and paid into the Exchequer under section 45(1) of this Act; and

(b) an account of the sums issued to him out of the Consolidated Fund and advanced to a development corporation under this Act and of sums received by him from that development corporation and paid into the Exchequer in respect of the principal of and interest on sums so advanced.

(6) On or before 30th November in each year, the Minister shall transmit to the Comptroller and Auditor General—

- (a) the account prepared by the Minister under subsection (5)(a) above in respect of the last foregoing financial year, and
- (b) the account prepared by him under subsection (5)(b) above in respect of the last foregoing financial year and a copy of the annual accounts last sent to him by the development corporation in question under subsection (4) above, together with the report of the auditor thereon ;

and the Comptroller and Auditor General shall examine and certify every account so prepared by the Minister and lay before each House of Parliament copies of each such account together with his report thereon.

(7) As soon as possible after the end of each financial year—

- (a) the Commission shall make to the Minister a report dealing generally and in relation to each of their towns with their operations during that year, and shall include in the report a copy of their audited accounts for that year ;
- (b) every development corporation shall make to the Minister a report dealing generally with the operations of the corporation during that year, and shall include in the report a copy of their audited accounts for that year ;

and the Minister shall lay a copy of every such report before each House of Parliament.

(8) Without prejudice to the requirements imposed by subsection (7) above, the Commission and every development corporation shall respectively provide the Minister with such information relating to their undertaking as the Minister may from time to time require, and for that purpose shall permit any person authorised by the Minister in that behalf to inspect and make copies of the accounts, books, documents or papers of the Commission or corporation, as the case may be, and shall afford such explanation thereof as that person or the Minister may reasonably require.

(9) Directions under subsection (1) or (5) above may make different provisions as regards the Commission and as regards a development corporation.

(10) The financial year of the Commission and of every development corporation shall begin with 1st April, and



references to a financial year in relation to the Commission or a development corporation shall be construed accordingly.

**47.** There shall be paid out of money provided by Parliament (in addition to any sums authorised or required by virtue of any other provision of this Act to be so paid)— General provision as to expenses.

- (a) any expenses incurred by the Minister of Transport in the payment of compensation under section 14(4) or 26(7) of this Act ;
- (b) any expenses incurred by a government department under section 20(5)(b) of this Act ;
- (c) any administrative expenses incurred by the Minister for the purposes of this Act.

*Miscellaneous and supplementary*

**48.**—(1) References to undertakers in section 15 of the Local Government Superannuation Act 1953 (which enables local authorities to admit to their superannuation schemes employees of undertakers exercising powers under any Act or statutory order) shall extend to the Commission ; and for the avoidance of doubt it is hereby declared that development corporations are undertakers within the meaning of that section. Application and exclusion of certain enactments. 1953 c. 25.

(2) For the purposes of section 6(3) of the Acquisition of Land (Authorisation Procedure) Act 1946 (which relates to the acquisition of inalienable land) this Act shall be deemed to have been passed before the commencement of that Act. 1946 c. 49.

(3) Section 192 of the Highways Act 1959 (which provides for payments in respect of street works to be made where a new building is erected on a private street) shall not apply in a case where the building is proposed to be erected on land belonging to or in the possession of the Commission. 1959 c. 25.

(4) Property vested in any person by virtue of an order under section 40 or 41 of this Act transferring that property from a development corporation or from the Commission shall not be treated as so vested by way of sale for the purpose of section 12 of the Finance Act 1895 (which provides for charging stamp duty in the case of certain statutory transfers by way of sale). 1895 c. 16.

**49.**—(1) Where an authority, being either a development corporation or a local highway authority or the Minister of Transport, are authorised to acquire any land compulsorily under this Act or have under consideration the purchase of any land compulsorily thereunder, any person, being an officer of the Valuation Office or a person authorised in writing by the said authority, may at any reasonable time enter upon the land for the purpose of surveying it or estimating its value. Rights of entry.

(2) Any person, being an officer of the Valuation Office or a person authorised in writing by the Minister, may at any reasonable time enter upon any land for the purpose of surveying it or estimating its value in connection with any proposals relating to the land submitted or to be submitted under section 6(1) of this Act.

(3) A person authorised under the foregoing provisions of this section to enter upon any land shall, if so required, produce evidence of his authority before entering, and shall not demand admission as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

(4) Any person who obstructs a person acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

Local inquiries. **50.**—(1) Subject to the following provisions of this section, the Minister or any other Minister may, for the purposes of the exercise of any of his functions under this Act, cause to be held such local inquiries as are directed by this Act and such other local inquiries as he may think fit.

1933 c. 51.

(2) Subsections (2), (3) and (5) of section 290 of the Local Government Act 1933 (which relate to the giving of evidence at, and the costs of parties to, local inquiries) and, except as regards an inquiry held for the purposes of the exercise of the Minister's functions under any of the provisions of this Act specified in subsection (3) below, subsection (4) of that section (which relates to recovery of the costs of holding local inquiries) shall apply to inquiries held in pursuance of this Act as they apply to inquiries held under that section.

(3) The provisions of this Act referred to in the last foregoing subsection are the following, that is to say sections 37, 40, 41, 42(4) and (5) and 45 and Schedules 9 and 10.

(4) The provisions of this section are without prejudice to any other enactment authorising the holding of local inquiries.

Service of notices.

**51.**—(1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under this Act may be served or given either—

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given, or
- (b) by leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address, or

- (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address, or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

(2) Where the notice or document is required or authorised to be served on or given to any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice or document shall be taken to be duly served if—

- (a) being addressed to him by the description of “the owner” or “the occupier”, as the case may be, of the premises (describing them), it is delivered, left or sent in the manner specified in subsection (1)(a), (b) or (c) above, or
- (b) being addressed to him either by name or in accordance with paragraph (a) above, and marked in such manner as may be prescribed for securing that it shall be plainly identifiable as a communication of importance, it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or is delivered to some person on those premises, or is affixed conspicuously to some object on those premises.

(3) Where the notice or other document is required to be served on or given to all persons having interests in, or being occupiers of, premises comprised in any land, and it appears to the authority required to serve or give the notice or other document that any part of that land is unoccupied, the notice or document shall be taken to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than an owner who in accordance with the provisions of this Act in that behalf has given to that authority an address for the service of the notice on him) if, being addressed to “the owners and any occupiers” of that part of the land (describing it) and marked as mentioned in the subsection (2) above, it is affixed conspicuously to some object on the land.

Ecclesiastical property.

**52.**—(1) Where the fee simple of any ecclesiastical property is in abeyance, it shall be treated for the purposes of a compulsory acquisition of the property under this Act as being vested in the Church Commissioners, and any notice to treat shall be served, or be deemed to have been served, accordingly.

(2) Where under this Act any notice, other than a notice to treat, is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.

Regulations and orders.

**53.**—(1) The Minister may make regulations for the purpose of prescribing anything which is authorised or required to be prescribed under this Act.

(2) The power to make regulations under this Act shall be exercisable by statutory instrument; and any statutory instrument containing regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any power to make an order conferred by any of the provisions of this Act except section 40 shall include a power, exercisable in the like manner and subject to the like conditions, to vary or revoke the order.

(4) The power to make orders conferred by any of the following provisions of this Act, that is to say sections 1, 40 and 41, shall be exercisable by statutory instrument.

(5) A statutory instrument containing an order under section 1 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament if—

(a) the order is one designating an area as the site of a proposed new town, or designating an additional area of not less than 500 acres which would extend the area of a new town by not less than ten per cent.; and

(b) an objection to the order was duly made by a local planning authority and had not been withdrawn at the time the order was made.

(6) An order under section 39(5) of this Act shall be of no effect until it is approved by a resolution of the Commons House of Parliament.

Interpretation.

**54.**—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“acquiring authority”, in relation to the acquisition under or for the purposes of this Act of any land (whether compulsorily or by agreement) or to a proposal so to acquire any land, means the development corporation, local highway authority or Minister of the Crown by whom the land is, or is proposed to be, acquired;

- “the appropriate Minister”—
- (a) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, means the Minister of Power ;
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of water, means the Minister ; and
- (c) in relation to any other statutory undertakers, means the Minister of Transport ;
- “the Commission” means the Commission for the New Towns ;
- “common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green ;
- “compulsory purchase order” means an order under section 7(1), 8(1) or 8(2) of this Act ;
- “development” includes re-development and “develop” shall be construed accordingly ;
- “development corporation” has the meaning assigned by section 2 of this Act ;
- “ecclesiastical property” means land belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction ;
- “enactment”, except in Schedule 10 to this Act, includes an enactment in any local or private Act of Parliament, and an order, byelaw or scheme made under an Act of Parliament ;
- “fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act ;
- “held inalienably”, in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the National Trust Act 1907 or section 8 of the National Trust Act 1939 ; 1907 c. cxxxvi.  
1939 c. lxxxvi.
- “local authority” means the council of a county, county borough, London borough, or county district, the Common Council of the City of London and any other authority being a local authority within the meaning of the Local Loans Act 1875, and includes a local highway authority, any drainage board and any joint board or joint committee if all the constituent authorities are such local authorities as aforesaid ; 1875 c. 83.
- “local highway authority” means a highway authority other than the Minister of Transport ;

- 1962 c. 38. “local planning authority” means the local planning authority within the meaning of the Town and Country Planning Act 1962 ;
- “the Minister” means the Minister of Housing and Local Government ;
- 1907 c. cxxxvi. “National Trust” means the National Trust for Places of Historic Interest or National Beauty incorporated by the National Trust Act 1907 ;
- “open space” means any land laid out as a public garden, or used for purposes of public recreation, or land being a disused burial ground ;
- “operational land”, in relation to statutory undertakers, means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings ;
- “owner”, in relation to any building or land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or reversion, or who holds or is entitled to the rents and profits of the building or land under a lease or agreement of which the unexpired term exceeds three years ;
- “planning permission” means permission under Part III of the Town and Country Planning Act 1962 ;
- “prescribed” (except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act ;
- “statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, and “statutory undertaking” shall be construed accordingly ;
- “trolley vehicle” means a mechanically propelled vehicle adapted for use on roads without rails and moved by power transmitted to it from some external source ;
- “Valuation Office” means the Valuation Office of the Inland Revenue Department.

(2) Any reference in this Act to the area of a new town is a reference to the area designated as the site of that new town by the relevant order under section 1 of this Act.

(3) Any reference in this Act to the Minister and the appropriate Minister shall be construed, in relation to statutory undertakers for whom the Minister is the appropriate Minister, as a reference to the Minister; and any reference in this Act to the Minister of Transport and the appropriate Minister shall be construed, in relation to statutory undertakers for whom the Minister of Transport is the appropriate Minister, as a reference to the Minister of Transport.

(4) If, in relation to anything required or authorised to be done under this Act, any question arises as to which Minister is or was the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury; and if, in relation to the authorisation under this Act of a compulsory acquisition of land, any question arises whether land of statutory undertakers is operational land, that question shall be determined—

- (i) in the case of an acquisition by a development corporation or local highway authority, by the Minister and the appropriate Minister;
- (ii) in the case of an acquisition by the Minister of Transport, by that Minister and the appropriate Minister.

(5) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.

(6) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

**55.**—(1) In so far as the provisions of this Act, other than—  
 section 20,  
 sections 36 and 37,  
 section 41(1), (2), (4),  
 paragraph 6 of Schedule 3,  
 Schedules 9 and 10, and  
 so far as they relate to the Commission, sections 42 to 46,  
 apply to Wales, the functions of the Minister under those provisions shall be exercisable by the Secretary of State, instead of by the Minister.

Application  
to Wales.

(2) In so far as the provisions of this Act apply to Wales the functions of the Minister of Transport under those provisions, other than his functions as the appropriate Minister or under section 32 of this Act, shall be exercisable by the Secretary of State, instead of by that Minister.

(3) In this section "Wales" includes Monmouthshire.

Saving and transitional provisions, consequential amendments and repeals.  
1956 c. 33.  
1946 c. 68.

**56.**—(1) The saving and transitional provisions contained in Schedule 11 to this Act shall have effect.

(2) Without prejudice to paragraph 5 of the said Schedule 11, section 9(2) of the Housing Subsidies Act 1956 (under which the Minister, if he makes grants under section 12(2) of the New Towns Act 1946 in respect of certain dwellings, may recover contributions in respect of them from local authorities) and section 4(4) of the New Towns Act 1959 (which applies the said section 9(2) in relation to grants made to the Commission under the said section 4(4)) shall be amended by the substitution, for the references to section 12(2) of the New Towns Act 1946, of references to section 42(2) of this Act.

(3) The enactments specified in Schedule 12 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

1959 c. 62.

Short title, commencement and extent.

**57.**—(1) This Act may be cited as the New Towns Act 1965.

(2) This Act shall come into operation at the expiration of a period of one month beginning with the date on which it is passed.

(3) The following provisions of this Act, that is to say section 43 and, so far as they effect the repeal of section 1(1) of the New Towns Act 1964, section 56(3) and Schedule 12, shall extend to Scotland; but except as aforesaid this Act does not extend to Scotland.

1964 c. 8.

(4) Nothing in this Act extends to Northern Ireland.



## SCHEDULES

## SCHEDULE 1

Section 1.

## PROCEDURE FOR DESIGNATING SITE OF NEW TOWN

*Making of orders under section 1*

1.—(1) Where the Minister proposes to make an order under section 1 of this Act, 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. Before making the order the Minister shall publish in the London Gazette, in one or more newspapers circulating in the locality in which the proposed new town will be situated, and in such other newspapers, if any, as he considers appropriate in the circumstances, a notice—

- (a) describing the area to be designated as the site of the proposed new town ;
- (b) stating that the draft of an order under section 1 of this Act has been prepared by the Minister in relation to that area and is about to be considered by him ;
- (c) naming a place within that area where a copy of the draft order (including any map or descriptive matter annexed thereto) and of the statement required by paragraph 1 above may be seen at any reasonable hour ; and
- (d) specifying the time (not being less than twenty-eight 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,

and 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 county 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 Minister 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.

4. Subject to the provisions of paragraph 3 above, the Minister may make the order either in terms of the draft or subject to such modifications as he thinks fit:

Provided that, except with the consent of all persons interested, the Minister shall not make the order subject to a modification including in the area designated as the site of the proposed new town any land not so designated in the draft order.

SCH. 1

5. As soon as may be after an order has been made as aforesaid, the Minister shall publish in the London Gazette, in one or more newspapers circulating in the locality in which the proposed new town will be situated, and in such other newspapers, if any, as he considers appropriate in the circumstances, 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, and shall serve a like notice—

- (a) on any local authority on whom notice of the proposed order was served under paragraph 2 above ; and
- (b) on any other person who has duly made an objection to the proposed order and, at the time of making it or thereafter, has sent to the Minister 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. If any person aggrieved by an order under section 1 of this Act desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with in relation to the order, he may, within six weeks from the date on which notice of the making of the order is first published in accordance with the provisions of this Schedule in that behalf, make an application to the High Court ; and on any such application the Court—

- (a) may by interim order suspend the operation of the order or any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings ; and
- (b) if satisfied that the order or any provision contained therein is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order or any provision contained therein, either generally or in so far as it affects any property of the applicant.

7. Subject to the provisions of paragraph 6 above, an order under section 1 of this Act 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.

Section 2.

## SCHEDULE 2

## 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 Minister 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 the Minister 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.

SCH. 2

(2) The Minister 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 Minister, resign his membership; and the chairman or deputy chairman may, by the like notice, resign his office as such.

5. If the Minister 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 three consecutive months without the permission of the corporation; or
- (d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,

the Minister 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 Minister with the consent of the Treasury, and shall pay to the chairman and deputy chairman, in respect of their office as such, such additional remuneration as may be so determined.

#### *Meetings and proceedings*

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

9. 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.

## SCH. 2

*Instruments, etc.*

10. 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.

11. 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.

12. 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.

Sections 7, 8, 10.

## SCHEDULE 3

## 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 or maps annexed thereto, 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 or maps 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 Minister, the acquiring authority—

(a) shall publish a notice in the prescribed form describing the land, stating that an order authorising the compulsory acquisition thereof has been submitted to the Minister, naming a place where a copy of the order and of the map or maps and any descriptive matter annexed thereto may be seen at any reasonable hour, and specifying the time (not being less than twenty-eight days from the first local advertisement) within which, and the manner in which, objections to the order may be made; and

(b) if the Minister 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:

Provided 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—

SCH. 3

- (a) in the case of such an order as is described in the proviso 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 it in the London Gazette and, 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 by affixing a copy of the notice, 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 the said head (b), by publishing it in one or more newspapers circulating as aforesaid.
- (3) Publication and, if applicable, service in accordance with the foregoing provisions of this paragraph shall be effected—
- (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 Minister as to service on owners under sub-paragraph (1)(b) above has been given or the Minister 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 thereof.

3. Subject to the provisions of paragraph 4 below in any case in which those provisions have effect, the Minister 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 Minister 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 Minister shall, before making a final decision, consider the grounds of the objection as set out in the statement, and may, if he thinks fit,

SCH. 3 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 Minister, 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,

the Minister may treat the objection as irrelevant for the purpose of making a final decision.

(4) If, after considering the grounds of the objection as set out in the original statement and any such further statement, the 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 if, where a further statement has been required, it is not submitted within the specified period, the Minister may make a final decision without further investigation as to those matters.

(5) Subject to sub-paragraphs (3) and (4) above, the Minister, before making a final decision, shall afford to the objector an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister; and if the person making the objection avails himself of that opportunity, the Minister shall 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 Minister to be expedient to afford it.

(6) Notwithstanding anything in the foregoing provisions of this paragraph, if it appears to the 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; and 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 whether to confirm the order or 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 thereby designated is situated a notice in the prescribed form describing the land, stating that the order has been confirmed and naming a place where a copy of the order and of the map or maps and any descriptive matter annexed thereto may be seen at any reasonable hour, and shall serve a like notice on—

(a) any owner or occupier of any of the land thereby designated 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 ;

SCH. 3

- (b) any person who has duly made an objection to the order and at the time of making it or thereafter has sent to the acquiring authority such a request as aforesaid ; and
- (c) such other persons, if any, as the Minister may specify, whether individually or as members of a class of persons.

6. The Minister may by regulations make provision for enabling proceedings required to be taken for the purposes of paragraphs 1, 2 and 4 above in relation to an order authorising a compulsory acquisition of land 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, to be taken, so far as may be practicable, contemporaneously with the proceedings on the last-mentioned order.

## PART II

### *Special provisions applying to acquisitions by local highway authorities*

7.—(1) Subject to this paragraph, where a compulsory purchase order under section 8(1) of this Act is submitted to the Minister, 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 Minister is satisfied that the land to which the compulsory purchase order relates is required for the purpose of a project—

- (a) which was adequately set out in a statement prepared for the purposes of an order under section 1 of this Act which has been made, or
- (b) which has been the subject of an inquiry for the purposes of section 7 or 9 of the Highways Act 1959, or of any of the following enactments no longer in force, that is to say section 1(3) of the Trunk Roads Act 1936 and section 1 of the Trunk Roads Act 1946 (to which the said section 7 corresponds), and section 4 of the Trunk Roads Act 1946 and section 14(1) of the Special Roads Act 1949 (to which the said section 9 corresponds).

8. Where there is submitted to the Minister a compulsory purchase order under section 8(1) of this Act authorising the acquisition of any land forming a frontage to, or abutting on or adjacent to, a road, and the Minister 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

SCH. 3

Minister of Transport as is provided for by section 6(4) of this Act, or is bound by such an agreement, and that the agreement or proposed agreement is satisfactory for the said purpose,

the order shall not be confirmed so as to authorise the acquisition of any part of the land as to which the Minister is satisfied as aforesaid.

## PART III

*Acquisitions by Minister of Transport*

9.—(1) A compulsory purchase order made under section 8(2) of this Act by the Minister of Transport—

- (a) shall designate the land to which it relates by reference to a map or maps annexed thereto, either with or without descriptive matter, and
- (b) subject to that, shall be in such form as the Minister of Transport may determine.

(2) In the case of any discrepancy between the map or maps 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 Minister of Transport proposes to make such an order, he shall prepare a draft thereof, and as soon as may be thereafter 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) above.

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 Minister and to the acquiring authority, of references to the Minister of Transport ;
- (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 8(1) of this Act and to the notice required by paragraph 2 above, of references respectively to a compulsory purchase order under section 8(2) of this Act and to the notice required by paragraph 10 above ; and



- (e) with the substitution, in paragraph 8, of the words "the Minister of Transport proposes to make" for the words "there is submitted to the Minister".

SCH. 3

## PART IV

*Special provisions as to certain descriptions of land*

12. In so far as a compulsory purchase order authorises the acquisition of land which is the property of a local authority, or of land belonging to the National Trust 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.

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 Minister of Agriculture, Fisheries and Food (in the case of a common or of a fuel or field garden allotment), or the Minister (in the case of an open space, not being a common or such an allotment), 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 Minister having jurisdiction to give the certificate 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 said Minister may, after considering any representations and objections made and, if an 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.

SCH. 3

(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.

## PART V

*Validity and date of operation of compulsory purchase orders and certificates*

14. 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 that it is not within the powers of this Act or that any requirement of this Act or of any regulation made thereunder has not been complied with in relation to the order or certificate, he may, within six 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 the provisions of this Schedule in that behalf, make an application to the High Court; and on any such application the Court—

- (a) may by interim order suspend the operation of the order or any provision contained therein, or of the certificate, either generally or in so far as it affects the property of the applicant, until the final determination of the proceedings; and
- (b) if satisfied that the order or any provision contained therein, or the certificate, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act or of any regulation made thereunder not having been complied with, may quash the order or any provision contained therein, or the certificate, either generally or in so far as it affects any property of the applicant.

15. Subject to the provisions of paragraph 14 above, a compulsory purchase order or a certificate under paragraph 13 above shall not, either before or after it has been made or confirmed or given, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which notice is first published as mentioned in the said paragraph 14.

1945 c. 18  
(9 & 10 Geo. 6).

16. This Part of this Schedule shall not apply to an order which is confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945 but, except as aforesaid, shall have effect in relation to a compulsory purchase order to which that Act applies as if in paragraph 14 for the reference to the date on which notice of the confirmation or making of the order is first published in accordance with the provisions of this Schedule in that behalf there were substituted a reference to the date on which the order becomes operative under the said Act of 1945, and as if in paragraph 15 the words from "and shall become operative" to the end were omitted.

## SCHEDULE 4

Section 10.

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 10(1)(a) of this Act 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 Minister 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 describing the land, stating that an application under the said section 10(1)(a) has been submitted in relation to the land and is about to be considered by the Minister and the appropriate Minister, naming a place where a copy of the application and of the map referred to therein may be seen at all reasonable hours, and specifying the time (not being less than twenty-eight days from the service of the notice) within which, and the manner in which, objections to the application may be made.

3.—(1) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Minister 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 Minister and the appropriate Minister shall, before making an order on the application, consider the objection and 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 Minister and the appropriate Minister for the purpose, and may then, if they think fit, make an order as aforesaid.

(3) An objection shall not be deemed for the purposes of section 10 of this Act 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
- (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 Minister and the appropriate Minister

SCH. 4 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 therein may be seen at any reasonable hour.

## PART II

### *Acquisitions by Minister of Transport*

6. A compulsory purchase order made by the Minister of Transport and the appropriate Minister in pursuance of section 10(1)(b) of this Act shall be in such form as they may determine, and shall describe by reference to a map the land to which the order relates.

7. Where the Minister of Transport and the appropriate Minister propose to make such an order they shall prepare a draft thereof, and shall as soon as may be thereafter serve on every owner, lessee and occupier of any land to which the draft relates a notice in such form as they may determine describing the land, stating that the making of the order is proposed, naming a place where a copy of the draft and of the map referred to therein may be seen at any reasonable hour, and specifying the time (not being less than twenty-eight 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 of this Schedule shall have effect in relation to such an order—

- (a) with the substitution, for references to the Minister, of references to the Minister of Transport and, for references to an application and to the making of a compulsory purchase order thereon, 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 3, Part V in relation to compulsory purchase orders made in pursuance of s. 10*

9. Part V of Schedule 3 to this Act shall have effect in relation to a compulsory purchase order made in pursuance of section 10(1) of this Act 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 the provisions of that Schedule in that behalf, of references to the date on which the service of notices required by paragraph 5 above is completed.

SCH. 4

## SCHEDULE 5

Sections 13, 26.

## ASSESSMENT OF COMPENSATION TO STATUTORY UNDERTAKERS

*Measure of compensation*

1.—(1) Where statutory undertakers are entitled to compensation as mentioned in section 13 or section 26(7) of this Act, 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) The said amount, subject to sub-paragraph (3) below, shall be the aggregate of the following amounts, that is to say—

(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, 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 such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the 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) of this Act, 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

SCH. 5

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 immovable 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 to say, 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 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.

1961 c. 33.

(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 two months from the date of service of notice to treat in respect of the interest of the statutory undertakers.

*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 the said 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. SCH. 5

(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, the provisions of sections 2 and 4 of the Land Compensation Act 1961 shall 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. 1961 c. 33.

## SCHEDULE 6

Section 12.

### MODIFICATIONS OF ENACTMENTS FOR PURPOSES OF THIS ACT

#### PART I

##### *Compulsory Purchase Act 1965*

1.—(1) Part I of the 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. 1965 c. 56.

(2) In construing the said 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 ” shall have the meaning given by this Act ;
- (c) “ subject to compulsory purchase ” in relation to a compulsory acquisition shall mean land the compulsory purchase of which is authorised by the compulsory purchase order, and in relation to the acquisition of land by agreement shall mean 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 the said 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 Minister of Transport on land acquired by him under section 8 of this Act, where the buildings or works are erected, constructed or carried out for the purposes for which the land was acquired.

D

SCH. 6  
1965 c. 56.

2. Nothing in the provisions of Part I of the Compulsory Purchase Act 1965 as applied by this Act in relation to the acquisition of land by agreement, or 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 the provisions of this paragraph.

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 the said 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 therein.

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 thereafter 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 furnished them with an address for service thereof,

describing the land to which the notice relates and stating their intention to enter on and take possession thereof at the expiration of such period (not being less than fourteen days) as may be specified in the notice.

(2) At the expiration of the period specified in such a notice (or, where two or more such notices are required, and the periods specified in the several notices do not expire at the same time, of the last of those periods to expire), or at any time thereafter, the acquiring authority may enter on and take possession of the land to which the notice or notices relate without previous consent or compliance with section 11 of the 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 shall have effect instead of section 11(1) of the Compulsory Purchase Act 1965.

1946 c. 49.

5. Section 30(3) of the Compulsory Purchase Act 1965 (service of notices in accordance with Acquisition of Land Act of 1946) shall 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 51 of this Act in relation to notices required to be served under this Act.

## PART II

1961 c. 33.

### *The Land Compensation Act 1961*

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 the Lands Tribunal is satisfied that the creation of the interest, the erection of the building, the doing of the work, the making of the improvement or the alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation. SCH. 6

7. The power conferred by section 31 of the Land Compensation Act 1961 to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of section 11 of this Act. 1961 c. 33.

#### SCHEDULE 7

Section 16.

#### FURTHER PROVISIONS WITH RESPECT TO ORDERS PROVIDING FOR EXPEDITED COMPLETION

##### *Introductory*

1. The provisions of this Schedule shall have effect with respect to any compulsory purchase order which includes a direction, under section 15(1) of this Act, that the provisions of this Act relating to expedited completion shall apply to the order so far as it relates to land specified in the direction; and in this Schedule "the relevant land" means the land so specified.

##### *Particulars to be included in notice of confirmation of order*

2. The notice of the confirmation or making of the order required by this Act to be published—

- (a) shall refer to the provisions as to entry and vesting contained in section 16(6) of this Act, and
- (b) shall include a notification to the effect that every person entitled to claim compensation in respect of any of the relevant land or any interest in such land is invited to give information to the acquiring authority, in the prescribed form, with respect to his name and address and the land and interest in question.

##### *Certificate of acquiring authority for purpose of determining date of vesting*

3. For the purposes of section 16 of this Act, a certificate given by the acquiring authority stating that the service of notices on occupiers required by subsection (5) of that section was completed on a date specified in the certificate shall be conclusive evidence of the fact so stated.

##### *Exclusion of power of entry conferred by Schedule 6 to this Act*

4. Paragraph 4 of Schedule 6 to this Act shall not have effect in relation to the order.

## SCH. 7

*Restriction on withdrawal of constructive notice to treat*

1961 c. 33.

5. The power conferred by section 31 of the Land Compensation Act 1961 to withdraw a notice to treat shall, in the case of a notice to treat which is deemed to have been served by virtue of section 16(2) of this Act, not be exercisable at any time after the interest in respect of which the notice is deemed to have been served has vested in the acquiring authority by virtue of section 16(6) of this Act.

*Special provisions with respect to parts of buildings, etc.*

6.—(1) Where a part only of a house, building or manufactory, or of a park or garden belonging to a house, is comprised in the relevant land, then, if notice in that behalf is given to the acquiring authority in accordance with the provisions of sub-paragraph (2) below, no notice to treat shall be deemed by virtue of section 16(2) of this Act to have been served in respect of any interest in the said part; and, as from the giving of the first-mentioned notice, the order shall have effect in relation to that part as if it had not been comprised in the relevant land.

(2) A notice under sub-paragraph (1) above in respect of any premises consisting of part of a house, building, manufactory, park or garden may be given to the acquiring authority by any person having in those premises an interest in respect of which, but for that sub-paragraph, a notice to treat would be deemed to have been served, but shall not have effect if given before the order has come into operation or after the acquiring authority have executed in respect of those premises a declaration under section 16(3) of this Act.

1965 c. 56.

(3) Section 8(1) of the Compulsory Purchase Act 1965 (which is superseded by the foregoing provisions of this paragraph) shall not have effect in relation to the order.

*Compensation not to be affected by provision for expedited completion*

7. Where any of the relevant land has become vested in the acquiring authority by virtue of section 16(6) of this Act, the authority shall be liable to pay the like compensation for the land, and the like interest on the compensation agreed or awarded, as they would have been required to pay if section 11 of the Compulsory Purchase Act 1965, and the provisions of that Act compliance with which would have been requisite in order to render exercisable by them the powers referred to in the said section 16(6), had been complied with.

*Exclusion of provisions of Compulsory Purchase Act 1965 relating to absent parties and interests omitted to be purchased*

8.—(1) Where a notice to treat is deemed by virtue of section 16(2) of this Act to have been served in respect of any interest section 22 of, and Schedule 2 to, the Compulsory Purchase Act 1965 shall not apply.

*Rentcharges and leases affecting relevant land and  
other land*

SCH. 7

9.—(1) Where land consisting or forming part of the relevant land is, together with other land not comprised in the relevant land, charged with a rentcharge, such portion of the rentcharge as may be apportioned under section 18(2) of the Compulsory Purchase Act 1965 c. 56. 1965 to the first-mentioned land shall, subject to sub-paragraph (3) below, be treated as having been extinguished by virtue of section 16(6) of this Act on the vesting of that land in the acquiring authority under that subsection.

(2) Where by virtue of sub-paragraph (1) above a portion of a rentcharge is treated as having been extinguished, section 18 of the said Act of 1965 shall have effect as if the extinguishment had taken place under section 18(3) of that Act.

(3) If, in the circumstances described in sub-paragraph (1) above, the person entitled to the rentcharge and the owner of the land subject thereto, enter into an agreement to that effect, the said section 18 shall have effect as if, at the time of the vesting of the relevant land in the acquiring authority under section 16(6) of this Act, the person entitled to the rentcharge had released that land from the rentcharge on the condition mentioned in section 18(2) of the said Act of 1965 ; and, in that case, no part of the rentcharge shall be treated as having been extinguished by virtue of the said section 16(6) so far as regards the remaining part of the land charged therewith.

(4) In this paragraph references to a rentcharge include references to any such rent-service, chief or other rent, or other payment or incumbrance, as is mentioned in the words introductory to the said section 18.

10. Where land consisting or forming part of the relevant land is, together with other land not comprised in the relevant land, comprised in a lease for a term of years unexpired, section 19 of the said Act of 1965 shall have effect in relation thereto with the substitution, for references therein to the time of the apportionment of rent therein mentioned, of references to the time of the vesting in the acquiring authority of the leasehold interest in the first-mentioned land under section 16(6) of this Act.

*Miscellaneous*

11. Where any of the relevant land has become vested in the acquiring authority under section 16(6) of this Act, any person who, in consequence thereof, is relieved from any liability (whether in respect of a rentcharge, rent under a lease, mortgage interest or any other matter) and makes any payment as in satisfaction or part satisfaction of that liability shall, if he shows that when he made the payment he did not know of the facts which constitute the cause of his being so relieved, or of some one or more of those facts, be entitled to recover the sum paid as money had and received to his use by the person to whom it was paid.

12. Where, at the time of the vesting of an interest in the acquiring authority by virtue of section 16(6) of this Act, the compensation payable in respect thereof is not finally ascertained, section

SCH. 7  
1895 c. 16.

12 of the Finance Act 1895 (which provides for the collection of stamp duty, where property is vested by way of sale by virtue of an Act, within three months from the date of vesting) shall have effect, with respect to the vesting of that interest, with the substitution, for the reference therein to the date of vesting, of a reference to the date on which the compensation has become finally ascertained.

1925 c. 20.

13. Where, after land has become vested in the acquiring authority under section 16(6) of this Act, a person retains possession of any document relating to the title to the land, he shall be deemed to have given to the acquiring authority an acknowledgment in writing of the right of the authority to production of that document and to delivery of copies thereof and (except where he retains possession of the document as mortgagee or as trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof, and section 64 of the Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgment and undertaking did not contain any such expression of contrary intention as is mentioned in that section.

1939 c. 21.

14.—(1) The time within which a question of disputed compensation, arising out of an acquisition of an interest in land in respect of which a notice to treat is deemed to have been served by virtue of section 16(2) of this Act, may be referred to the Lands Tribunal shall be six years from the date at which the person claiming compensation, or a person under whom he derives title, first knew, or could reasonably be expected to have known, of the vesting of the interest by virtue of section 16(6) of this Act.

(2) This paragraph shall be construed as one with Part I of the Limitation Act 1939.

Sections 23,  
28, 30.

## SCHEDULE 8

### PROCEDURE FOR DEALING WITH OBJECTIONS TO ORDERS UNDER SS. 23, 28 AND 30

1.—(1) In this Schedule “the relevant Minister” means—

- (a) in relation to an order under section 23 of this Act, the Minister ;
- (b) in relation to an order under section 28 of this Act, the Minister and the appropriate Minister ;
- (c) in relation to an order under section 30 of this Act, the appropriate Minister.

(2) In this Schedule 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 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 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.

SCH. 8

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 compensation, the relevant Minister may treat the objection as irrelevant for the purpose of making a final decision.

4. If, 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 if, 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, before making a final decision, shall afford to the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the relevant Minister; and if the objector avails himself of that opportunity, the relevant Minister shall afford an opportunity of appearing and being heard on the same occasion to the statutory undertakers, development corporation or other person, if any, on whose representation the order is proposed to be made, and to any other persons to whom it appears to the relevant Minister to be expedient to afford such an opportunity.

6. 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; and 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 of that determination shall be dispensed with.

#### SCHEDULE 9

Section 35

##### PROVISIONS AS TO COMMISSION FOR THE NEW TOWNS

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

1.—(1) The members of the Commission, of whom there shall be not more than fifteen, shall be appointed by the Minister, 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.

SCH. 9

(4) A member of the Commission may, by notice in writing addressed to the Minister, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.

(5) If the Minister 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 three 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 Minister 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 Minister 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 Treasury 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 Minister may with the consent of the Treasury determine, the Minister 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 Minister 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.

1953 c. 25.

(4) Section 15 of the Local Government Superannuation Act 1953 (which enables local authorities to admit to their superannuation schemes employees of statutory undertakers), as extended by section 48(1) of this Act, shall apply to members of the Commission as if they were employees of the Commission ; but where a member of the Commission is admitted by virtue of this sub-paragraph 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 Minister shall make out of moneys provided by Parliament any payments which in consequence of the agreement 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 in consequence of the agreement the employing authority might make in respect of his contributions to that fund.

SCH. 9

#### *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 shall be the duty of the Commission 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 Minister.

(3) The Commission's appointments to any committee set up by virtue of this paragraph shall be subject to the Minister'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 county 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.

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

4.—(1) The quorum of the Commission and the arrangements relating to its meetings shall, subject to any directions given by the Minister, be such as the Commission may determine.

(2) The quorum of any committee set up under paragraph 2 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.

(3) The validity of any proceeding 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*

5.—(1) The fixing of the seal of the Commission shall be authenticated by the signature of the chairman or of some other member 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

SCH. 9 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.

Section 41.

#### SCHEDULE 10

##### PROVISIONS RELATING 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 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) for any 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.



SCH. 10

(4) Without prejudice to the generality of the foregoing subparagraphs, 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 by or against the Commission.

2.—(1) Any such order as aforesaid may, if the Minister 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 Minister 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 of this Act as the site 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.

- Sch. 10 (3) Without prejudice to the generality of sub-paragraph (2) above—
- 1962 c. 38. (a) any permission for development in the new town granted by an order made, or having effect as if made, under section 14 of the Town and Country Planning Act 1962 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) where an undertaking for the supply of water or a sewerage or sewage disposal undertaking carried on by the development corporation is transferred to the Commission, the Commission shall have power to carry on the undertaking, and any enactment applying in relation to the carrying on or disposal of the undertaking by the corporation or to the corporation in virtue of the undertaking shall have effect also in relation to the carrying on or disposal of it by the Commission and to the Commission in virtue of it ;
- (c) where the development corporation were making contributions under section 3(3)(a) of this Act to expenditure of a local authority or statutory undertakers, or had obtained the Minister'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 ;
- 1958 c. 42. (d) where the development corporation had entered into authorised arrangements within the meaning of Part I of the Housing (Financial Provisions) Act, 1958, then for the purpose of those arrangements the Commission shall be deemed to be a housing association within the meaning of the Housing Act 1957, and any enactment applying in relation to the development corporation as a housing association or in virtue of the arrangements shall apply in like manner to the Commission.
- 1957 c. 56.
- (4) Section 8 of this Act and, so far as they have effect for the purposes of the said section 8, 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 of this Act 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.
- 1889 c. 63. (5) Where an enactment ceases to apply in relation to the town by virtue of this Schedule, section 38(2) of the Interpretation Act 1889 (which relates to the effect of repeals), shall have effect as it has effect on the repeal of one Act by another.
- 4.—(1) Where—
- (a) the Commission, by virtue of this Schedule, provide any housing accommodation in pursuance of authorised arrangements made between a development corporation and a local authority ; or

- (b) any housing accommodation provided by a development corporation (whether in pursuance of any such arrangements or not) is transferred to the Commission under this Act, including housing accommodation not completed at the transfer date, SCH. 10

section 4(1) to (4) of the New Towns Act 1959 shall not apply, 1959 c. 62. but (without prejudice to the generality of the foregoing paragraphs of this Schedule) there shall or may be made to or by the Commission, the Minister and any local authority the like payments by way of or in respect of any subsidy, grant or contribution as would be required or authorised to be made by any enactment, or by any agreement or arrangements made by virtue of any enactment, as if the Commission were that corporation and were acting in discharge of the corporation's functions under this Act.

(2) Where a house or hostel provided by or transferred to the Commission as aforesaid is transferred to a local authority within the meaning of Part I of the Housing (Financial Provisions) Act, 1958 c. 42. 1958, sub-paragraph (1) above shall not have the effect of applying section 19(3) or section 22(2) of that Act, but—

(a) any subsidy or contribution payable by virtue of that sub-paragraph in respect of the house or hostel shall cease to be payable ; and

(b) the Minister shall (subject to any power under that Act to reduce, suspend or discontinue any payments) pay to the local authority sums equivalent to the subsidies or contributions which would be payable in respect of the house or hostel if it had not been transferred to the authority ;

and any payment which the Minister is authorised to make under paragraph (b) of this sub-paragraph shall be included in the expression "exchequer payment" as defined in section 58(2) of that Act.

(3) In respect of expenditure of a development corporation on matters other than the provision of housing accommodation, the Minister may with the approval of the Treasury make to the Commission payments not exceeding those which, in his opinion, he would have made to the corporation under section 42(2) of this Act.

(4) There shall be paid out of moneys provided by Parliament any expenses of the Minister under sub-paragraph (2) or (3) above, and there shall be paid into the Exchequer any sums received by the Minister by virtue of sub-paragraph (1) above.

5.—(1) The power of the Minister to make advances to the Commission under section 42(4) of this Act 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 42(1) of this Act, or for the

SCH. 10 payment of interest on such advances, are transferred to the Commission, sections 44(3) and (4), 45(2) and 46(5)(a) of this Act shall apply in relation to those advances as if those advances had been made to the Commission under section 42(4) of this Act, and section 46(5)(b) of this Act shall cease to apply in relation to them.

6.—(1) 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.

(2) Without prejudice to the foregoing sub-paragraph, the references in paragraph 4(1) above to any enactment shall be construed as including references to an enactment passed at any time before, on or after the date of the passing of this Act and, in particular, to the provisions of the Housing Act 1961.

1961 c. 66.

Section 56.

#### SCHEDULE 11

##### SAVING AND TRANSITIONAL PROVISIONS

1. In so far as any order, regulation, certificate, declaration or other instrument made, given or executed under any enactment repealed by this Act, or any other thing done under or by virtue of any such enactment, could have been made, given, executed or done under or by virtue of a corresponding provision of this Act, it shall not be invalidated by the repeals effected by section 56 of this Act but, subject to paragraph 3 below, shall have effect as if made, given, executed or done under or by virtue of that corresponding provision.

2. Without prejudice to paragraph 1 above, 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 paragraph 3 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.

3. Notwithstanding anything in paragraph 1 or 2 above—

- 1946 c. 68. (a) any advance made to a development corporation before the commencement of this Act under section 12(1) of the New Towns Act 1946 shall be regarded for the purposes of section 43 of this Act as having been made under the said section 12(1) and not under section 42(1) (the corresponding provision) of this Act ;
- 1959 c. 62. (b) any advance made to the Commission before the commencement of this Act under section 3(1) of the New Towns Act 1959 shall be regarded for the purposes of the said section 43 as having been made under the said section 3(1) and not under section 42(4) (the corresponding provision) of this Act ; and
- (c) any advance made to the Commission before the commencement of this Act under section 3(2) of the New Towns Act 1959 shall be regarded for the purposes of section 42(5)

of this Act as having been made under the said section 3(2) and not under the said section 42(5) (the corresponding provision) of this Act. SCH. 11

4. Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act.

5.—(1) Where any Act (whether passed before, or in the same Session as, this Act) or any document refers, either expressly or by implication, to an enactment (including an enactment as applied by the New Towns Act 1946) repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act. 1946 c. 68.

(2) Sub-paragraph (1) above shall not apply to section 9(1) or 10 of the New Towns Act 1959. 1959 c. 62.

6.—(1) Notwithstanding section 8(3) of this Act, paragraph 12 of Schedule 3 to this Act shall not apply to a compulsory purchase order under section 8 of this Act in the case of which any of the following things is done before the commencement of this Act, that is to say—

- (a) the order is submitted to the Minister under Part I of Schedule 3 to this Act or an application for the order is submitted to the Minister and the appropriate Minister under Part I of Schedule 4 to this Act ;
- (b) a notice relating to a draft of the order is published under Part III of the said Schedule 3 or served under Part II of the said Schedule 4.

(2) Notwithstanding the said section 8(3), paragraph 13 of Schedule 3 to this Act shall not apply to a compulsory purchase order under section 8(2) of this Act in the case of which either of the things mentioned in sub-paragraph (1)(b) above is done before the commencement of this Act.

7. Where immediately before the commencement of this Act the Minister was entitled to recover any sum from a local authority under section 9(2) of the Housing Subsidies Act 1956 or the said section 9(2) as applied by section 4(4) of the New Towns Act 1959, his right to recover that sum under the said section 9(2) shall not be affected by anything in this Act. 1956 c. 33.

8. Without prejudice to paragraph 5 above, the reference to section 53 of the Town and Country Planning Act 1944 as applied by the New Towns Act 1946 contained in Part II of Schedule 3 to the War Damage Act 1964 (which lists enactments repealed as from 1st October 1968) shall be construed as a reference to section 15(2) of this Act. 1944 c. 47. 1964 c. 25.

9. Nothing in this Schedule shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals). 1889 c. 63.

Section 56.

## SCHEDULE 12

## REPEALS

Chapter	Short title	Extent of Repeal
7 & 8 Geo. 6. c. 47.	The Town and Country Planning Act 1944.	The whole Act.
8 & 9 Geo. 6. c. 42.	The Water Act 1945.	In Schedule 2, paragraph 1(b).
9 & 10 Geo. 6. c. 18.	The Statutory Orders (Special Procedure) Act 1945.	In Schedule 2, the entries relating to the Town and Country Planning Act 1944.
9 & 10 Geo. 6. c. 68.	The New Towns Act 1946.	The whole Act.
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act 1947.	Section 46. In Schedule 8, the entry relating to the New Towns Act 1946.
12 & 13 Geo. 6. c. 59.	The Licensing Act 1949.	Section 4(1).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 54.	The Town Development Act 1952.	Section 18. The Schedule.
6 & 7 Eliz. 2. c. 12.	The New Towns Act 1958.	The whole Act.
7 & 8 Eliz. 2. c. 62.	The New Towns Act 1959.	The whole Act, except— section 4; section 9(1) and (3); section 10; section 12(1); in section 14(1), the words from the beginning to “the New Towns Act 1959”; section 14(2) and (3); paragraph 1(10) of Schedule 1.
9 & 10 Eliz. 2. c. 33.	The Land Compensation Act 1961.	In Schedule 4, paragraphs 1 to 5.
9 & 10 Eliz. 2. c. 64.	The Public Health Act 1961.	In section 84(1), the words from “Subsection (3)” to “to new towns”.
9 & 10 Eliz. 2. c. 65.	The Housing Act 1961.	In Schedule 2, paragraph 16.
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	In Schedule 14, paragraph 47.
1964 c. 8.	The New Towns Act 1964.	The whole Act.
1964 c. 68.	The New Towns (No. 2) Act 1964.	The whole Act.

PRINTED BY SIR PERCY FAULKNER, K.B.E., C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament  
(37613)



Published by  
**HER MAJESTY'S STATIONERY OFFICE**

To be purchased from  
York House, Kingsway, London w.c.2  
423 Oxford Street, London w.1  
13A Castle Street, Edinburgh 2  
109 St. Mary Street, Cardiff  
39 King Street, Manchester 2  
50 Fairfax Street, Bristol 1  
35 Smallbrook, Ringway, Birmingham 5  
80 Chichester Street, Belfast 1  
or through any bookseller

*Printed in England*

ISBN 0 10 850370 4