



New Towns (Scotland) Act 1968

1968 CHAPTER 16

Disposal of land by development corporations

18 Disposal of land by development corporation.

- (1) Subject to this section and to any directions given by the Secretary of State 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 Secretary of State under the said section 6(1), or for purposes connected with the development of the new town.
- (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 [^{F1}alcohol] by retail on land acquired by them an opportunity of obtaining alternative accommodation for such a business.
- (3) Where land is disposed of under this section by a development corporation to any person for the erection of a church or other building for religious worship or buildings ancillary thereto, then, unless the parties otherwise agree, such disposal shall be by way of feu.
- (4) Nothing in this Act shall be construed as enabling a development corporation to dispose of land by way of gift or in security, 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 by way of [^{F2}sale] feu, excambion or lease, by the creation of any servitude, right or privilege, or otherwise.

Changes to legislation: There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, Cross Heading: Disposal of land by development corporations. (See end of Document for details)

- (5) Subject to the provisions of subsection (2) of this section, a development corporation shall not, except with the consent of the Secretary of State, dispose of land otherwise than on the best terms that can reasonably be obtained.

Textual Amendments

- F1** Word in s. 18(2) substituted (1.9.2009) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), **Sch. 6 para. 3(2)** (with s. 143); S.S.I. 2007/472, art. 3
- F2** Word inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:3, 4\)](#), s. 133, **Sch. 25 para. 7**

[^{F3}18AA Power of development corporation to dispose of housing land.

- (1) Notwithstanding the provisions of sections 3 and 18 of this Act, a development corporation may sell their whole interest in any land (within or outside the area of the new town) held for housing purposes.
- (2) A development corporation shall not sell their interest in any land under this section without the consent of the Secretary of State, which may be given—
- (a) subject to conditions;
 - (b) either generally to all development corporations or to a particular development corporation;
 - (c) in relation either to particular land or to land of a particular description.
- (3) A development corporation shall not, except with the consent of the Secretary of State, sell their interest in any land under this section otherwise than on the best terms that can be reasonably obtained.]

Textual Amendments

- F3** [S. 18AA](#) inserted as provided by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 71

[^{F4}18A Secretary of State's general power.

- (1) The Secretary of State may direct a development corporation to pay to him, on the date specified in the direction, such sum as is so specified, and any sum so received by him shall, subject to section 18C(2) below, be paid into the Consolidated Fund.
- (2) Before giving a direction under this section the Secretary of State shall consult the corporation.
- (3) The debt shall carry interest at the rate for the time being in force under section 40 of the ^{M1}Land Compensation (Scotland) Act 1963 from the date specified in the direction until payment.]

Textual Amendments

- F4** [Ss. 18A–C](#) inserted by [New Towns and Urban Development Corporations Act 1985 \(c. 5, SIF 123:3, 4\)](#), s. 14(1), **Sch. 3 para. 1**

Changes to legislation: There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, Cross Heading: Disposal of land by development corporations. (See end of Document for details)

Marginal Citations

M1 1963 c. 51(28:2).

18B Disposal of land to comply with direction under s. 18A.

- (1) Where, in order to comply with a direction under section 18A above, the corporation considers it desirable to dispose of any land, it may do so by virtue of this section.
- (2) The power of disposal by virtue of this section may be exercised notwithstanding anything in this Act but must be exercised in accordance with subsections (3) and (4) below.
- (3) The power shall not be exercised so as to dispose of land by way of standard security or charge.
- (4) In exercising the power a corporation shall comply with such directions as the Secretary of State may give to it—
 - (a) for restricting the exercise of the power; or
 - (b) for requiring the power to be exercised in any manner specified in the directions.
- (5) Before giving a direction under subsection (4) above the Secretary of State shall consult the corporation unless he is satisfied that because of urgency consultation is impracticable.
- (6) Where a corporation purports to dispose of land by virtue of this section, then—
 - (a) in favour of a person claiming under the corporation, the disposal so purporting to be made shall not be invalid by reason that any direction of the Secretary of State given under this section has not been complied with; and
 - (b) a person dealing with or claiming under the corporation shall not be concerned to see or enquire whether any direction has been given or complied with.
- (7) References in this section to disposing of land include references to granting an interest in or over land.

18C Payments under s. 18A treated as repayments.

- (1) The whole or part of any payment made to the Secretary of State under section 18A above shall, if the Secretary of State with the Treasury's approval so determines, be treated—
 - (a) as made by way of repayment of such part of the principal of advances under section 37(1) of this Act, and
 - (b) as made in respect of the repayments due at such times,as may be so determined.
- (2) Any sum treated under subsection (1) as a repayment of a loan shall be paid by the Secretary of State into the National Loans Fund.

Changes to legislation:

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