SCHEDULES

SCHEDULE 3

Section 5(1).

THE NEW TOWNS CODE

PART I

PLANNING CONTROL

1 (1) Where proposals submitted by the Board under section 3(1)(b) of this Act include proposals relating to the development of land within the area of a new town, the Secretary of State shall, before approving the proposals (with or without modifications) consult the local planning authority within whose area the land is situated.

(2) Without prejudice to the generality of the powers conferred by section 24 of the Town and Country Planning Act 1971, a special development order made by the Secretary of State under that section with respect to the area of a new town situated within the area for which the Board is responsible may grant permission for any development of land in accordance with proposals approved under section 3(7) of this Act in accordance with sub-paragraph (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.

(3) It shall be the duty of the Secretary of State to give to the Board under section 1 of this Act such directions with respect to the disposal of land acquired by the Board under the new towns code or by agreement under this Act where the land could have been or have been required to be acquired under the new towns code and with respect to the development by the Board 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 compiled or approved under section 54(1) of the Town and Country Planning Act 1971.

(4) In the case of land which forms a frontage to a road, or abuts on or is adjacent to a road, which—

(a) is situated within the area of a new town, or

(b) was constructed or improved to serve a new town, or

(c) was constructed or improved to supersede a trunk road in connection with the development of the area of a new town,

a local highway authority or the Secretary of State 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 sub-paragraph (4) above may be enforced by the local highway authority or the Secretary of State, as the case may be, against the owner and any person deriving title under him in the like manner

and to the like extent as if that authority or the Secretary of State were possessed of, or interested in, adjacent land and as if the agreement had been entered into for the benefit of such land.

(6) References in this paragraph to the local planning authority shall be construed as references to the district planning authority and also, in relation to proposals for any development which is a county matter (as defined in paragraph 32 of Schedule 16 to the Local Government Act 1972) as references to the county planning authority.

PART II

ACQUISITION OF LAND FOR ROADS BY LOCAL HIGHWAY AUTHORITY OR THE SECRETARY OF STATE

2 (1) Where the Secretary of State is satisfied that the construction or improvement of a road is needed—

(a) outside the area of a new town situated within the area for which the Board is responsible, for the purpose of securing the development of land in the area of that new town in accordance with proposals approved by the Secretary of State under section 3(7) 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 a compulsory purchase order under this sub-paragraph made by the authority and submitted to and confirmed by the Secretary of State in accordance with Part III of the new towns code, to acquire compulsorily any land as to which the Secretary of State 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 Secretary of State 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 sub-paragraph (1)(a) or (b) above, the Secretary of State may be authorised by means of a compulsory purchase order under this sub-paragraph made by him in accordance with Part III of the new towns code 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.

(3) Where an acquiring authority has been authorised under sub-paragraph (1) or (2) of this paragraph to acquire compulsorily land forming part of a common, open space or fuel or field garden allotment, it may be authorised under that sub-paragraph to acquire compulsorily land for giving in exchange for the land acquired.

(4) A local highway authority may, with the consent of the Secretary of State, acquire by agreement any land which they could be authorised under sub-paragraph (1) above to acquire compulsorily.

PART III

PROCEDURE ON COMPULSORY ACQUISITION

Acquisitions by the Board or a local highway authority

3 (1) Where land is to be acquired by means of a compulsory purchase order made, submitted and confirmed in accordance with this Part of the new towns code by the Board or a local highway authority, the order—

(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.

4 (1) After submitting the order to the Secretary of State, the acquiring authority—

(a) shall publish a notice in the prescribed form describing the land, stating that an order authorising the compulsory acquisition thereof has been submitted to the Secretary of State, 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 28 days from the first local advertisement) within which, and the manner in which, objections to the order may be made ; and

(b) if the Secretary of State so directs in the case of the order in question, shall serve on every owner of any of the land to which the order relates a notice to the like effect as the notice required to be published under (a) above:

Provided that (b) above shall not apply if the order relates only to land within the area of a new town.

(2) The notice required to be published by sub-paragraph (1)(a) above shall be published—

(a) in the case of such an order as is described in the proviso to sub-paragraph (1) above, and in any other case where service on owners is not effected under (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 (b) of sub-paragraph (1) above, 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 Secretary of State as to service on owners under sub-paragraph (1)(b) above has been given or the Secretary of State has notified the Board or the local highway 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 chculating 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.

5 Subject to the provisions of paragraph 6 below in any case in which those provisions have effect, the Secretary of State may confirm the order with or without modification, but shall not, unless all persons interested consent, so modify it as to extend it to any land which was not designated by the order as submitted.

6 (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 Part of the new towns code 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 4 above, and

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

(2) Unless the Secretary of State decides apart from the objection not to confirm the order, or decides to make a modification which is agreed to by the objector as meeting the objection, the Secretary of State shall, before making a final decision, consider the grounds of the objection as set out in the statement, and may, if he thinks fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.

(3) In so far as the Secretary of State, after considering the grounds of the objection as set out in the original statement and any such further statement, is satisfied—

(a) that the objection relates to a matter which can be dealt with in the assessment of compensation, or

(b) in the case of an order relating to land within the area of a new town, that the objection is made on the ground that the acquisition is unnecessary or inexpedient,

the Secretary of State 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 Secretary of State 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 Secretary of State may make a final decision without further investigation as to those matters.

(5) Subject to sub-paragraphs (3) and (4) above, the Secretary of State, 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 Secretary of State ; and if the person making the objection avails himself of that opportunity, the Secretary of State shall afford an opportunity of appearing and being heard on the same occasion to the Board or the local highway authority and to any other persons to whom it appears to the Secretary of State to be expedient to afford it.

(6) Notwithstanding anything in the foregoing provisions of this paragraph, if it appears to the Secretary of State that the matters to which the objection relates are such as

to require investigation by public local inquiry before he makes a final decision, 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.

7 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;

(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 z. request as aforesaid ; and

(c) such other persons, if any, as the Secretary of State may specify, whether individually or as members of a class of persons.

8 The Secretary of State may by regulations make provision for enabling proceedings required to be taken for the purposes of the foregoing provisions of this Part of the new towns code 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 the New Towns Act 1965, to be taken, so far as may be practicable, contemporaneously with the proceedings on the last-mentioned order.

Special provisions as to acquisitions by local highway authorities

9 (1) Except in a case falling within sub-paragraph (2) below, where a compulsory purchase order made by the local highway authority under Part II of the new towns code is submitted to the Secretary of State, the notice required to be published under paragraph 4 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 local highway authority to be suitable for bringing it to the attention of all persons concerned.

(2) Sub-paragraph (1) above shall not apply in any case where the Secretary of State is satisfied that the land to which the compulsory purchase order relates is required for the purpose of a project—

(a) which was adequately set out in a statement prepared for the purposes of an order under section 1 of the New Towns Act 1965 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.

10 Where there is submitted to the Secretary of State a compulsory purchase order made by the local highway authority under Part II of the new towns code authorising

the acquisition of any land forming a frontage to, or abutting on or adjacent to, a road, and the Secretary of State is satisfied as respects the whole or any part of the land—

(a) that the acquisition would be requisite only for the purpose of controlling development, and

(b) that every owner has entered, or is willing to enter, into such an agreement with the local highway authority or the Secretary of State as is provided for by paragraph 1(4) of this Schedule, 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 Secretary of State is satisfied as aforesaid.

Acquisitions for roads by the Secretary of State

11 (1) Where land is to be acquired by means of a compulsory purchase order made by the Secretary of State in accordance with this Part of the new towns code, the order—

(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 Secretary of State 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.

12 Where the Secretary of State 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 4 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 4(1) above.

13 Paragraphs 5, 6, 7, 9 and 10 above shall have effect in relation to such an order—

(a) with the substitution, for references to the Board and to the local highway authority, of references to the Secretary of State;

(b) with the substitution, for references to an order as submitted and to 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 6(5), of the references to the Board and the local highway authority ;

(d) with the substitution, for the references to a compulsory purchase order made by the local highway authority and to the notice required by paragraph 4 above, of references respectively to a compulsory purchase order made by the Secretary of State and to the notice required by paragraph 12 above; and

(e) with the substitution, in paragraph 10, of the words " the Secretary of State proposes to make " for the words " there is submitted to the Secretary of State ".

Special provisions as to local authority and National Trust land and commons and allotments

14 In so far as a compulsory purchase order made under the new towns code 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.

15 (1) In so far as a compulsory purchase order made under the new towns code authorises the acquisition of land forming part of any common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State 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 any existing highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

and certifies accordingly.

(2) Where it is proposed to give a certificate under this paragraph, the Secretary of State shall give public notice of his intention so to do, and—

(a) after affording an opportunity to all persons interested to make representations and objections in relation thereto, and

(b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,

the Secretary of State 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.

(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.

Alternative procedure for acquiring operational land of statutory undertakers

16 (1) In the case of operational land of statutory undertakers—

(a) a compulsory purchase order under the new towns code authorising the Board or a local highway authority to acquire that land may, instead of being made and confirmed in accordance with the foregoing provisions of this Part

of the new towns code, be made by the Secretary of State and the appropriate Minister in accordance with the provisions of paragraphs 17 to 21 below on the application of the Board or local highway authority ;

(b) a compulsory purchase order under Part II of the new towns code authorising the Secretary of State to acquire that land may, instead of being made in accordance with the foregoing provisions of this Part of the new towns code, be made by the Secretary of State and the appropriate Minister in accordance with the provisions of paragraphs 22 to 24 below.

(2) If any objection to an application for a compulsory purchase order to be made in accordance with sub-paragraph (1)(a) above, or to a proposal to make such an order in accordance with sub-paragraph (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 the new towns code, (not being an order made in accordance with paragraphs 17 to 21 or 22 to 24 below), is submitted, or is proposed to be made, in accordance with the foregoing provisions of this Part of the new towns code, 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 sub-paragraph (4) below—

(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, in the case of a compulsory purchase order under the new towns code, 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 sub-paragraph, sub-paragraph (3) above would apply, the said sub-paragraph (3) shall not apply in relation to that land—

(a) if no representation was made under subsection (4) of section 10 of the New Towns Act 1965 with respect thereto, or ,

(b) if an order under subsection (5) of that section has come into force with respect thereto.

17 An application by the Board or local highway authority for the purpose of paragraph 16(1)(a) above shall be in such form as may be prescribed, and shall describe by reference to a map the land to which the application relates.

18 As soon as may be after submitting the application to the Secretary of State and the appropriate Minister the acquiring authority shall serve on every owner, lessee and occupier of any land to which application relates a notice in the prescribed form describing the land, stating that an application under the said paragraph 16(1)(a) has been submitted in relation to the land and is about to be considered by the Secretary of State 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.

19 (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 Secretary of State and the appropriate Minister may, if they think fit, make a compulsory purchase order in accordance with the application, with or without modification, but shall not, unless all persons interested consent, make the order with any modification which would extend it to any land to which the application did not relate.

(2) If any objection is duly made by any of the persons on whom notices are required to be served and is not withdrawn, the Secretary of State and the appropriate Minister 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 desires, afford that person and the acquiring authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State and the appropriate Minister for the purpose, and may then, if they think fit, make an order as aforesaid.

(3) An objection shall not be deemed for the purposes of paragraphs 16 to 18 above and this paragraph 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.

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

21 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.

22 A compulsory purchase order made by the Secretary of State and the appropriate Minister in pursuance of paragraph 16(1)(b) of this Schedule shall be in such form as they may determine, and shall describe by reference to a map the land to which the order relates.

23 Where the Secretary of State 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, objection to the proposal may be made.

24 Paragraphs 19 and 21 of this Schedule shall have effect in relation to such an order—

(a) with the substitution, for references to an application and to the making of a compulsory purchase order 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 19(2) to the acquiring authority.

Validity and date of operation of compulsory purchase orders and certificates

25 (1) If a person aggrieved by a compulsory purchase order, or by a certificate under paragraph 15 above, desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers conferred by the new towns code or that any requirement of that code 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 foregoing provisions of this Part of the new towns code in that behalf, make an application to the High Court.

(2) The High Court, on such an application—

(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 conferred by the new towns code or that the interests of the applicant have been substantially prejudiced by any requirement of that code 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.

26 Subject to the provisions of paragraph 25 above, a compulsory purchase order or a certificate under paragraph 15 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 25.

27 Paragraphs 25 and 26 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 25 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 Part of the new towns code 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 26 the words from " and shall become operative " to the end were omitted.

28 Paragraphs 25 to 27 above shall, in their application to a compulsory purchase order made in pursuance of paragraph 16(1) above, have effect 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 this Part of the new towns code in that behalf, of references to the date on which the service of notices required by paragraph 21 above is completed.

Registration as local land charge

29 A compulsory purchase order made under the new towns code shall, when operative, be a local land charge.

PART IV

ACQUISITION OF LAND : SUPPLEMENTARY PROVISIONS

Modifications of Land Compensation Act 1961

30 (1) The Land Compensation Act 1961 shall, in its application to the acquisition of land under the new towns code, have effect subject to any adaptations necessary to make it apply to such an acquisition and subject to the following provisions of this paragraph.

(2) 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 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.

(3) The provisions of Part II of Schedule 1 shall not have effect with regard to paragraph 3 and (so far as applicable) 3 A of Part I of that Schedule (disregard of value of certain development in new town areas) where the development corporation established for the purposes of a new town ceases to act on being dissolved by an order under section 3(2)(a) of this Act.

(4) The provisions of paragraph 2 of Schedule 2 (special basis for compensation for compulsory acquisition of houses unfit for human habitation) shall apply in relation to an acquisition of land under the new towns code by an acquiring authority as they apply to an acquisition of land under the New Towns Act 1965 by the corporation, authority or Minister mentioned in sub-paragraph (1)(e) thereof.

Modifications of Compulsory Purchase Act 1965

31 (1) The provisions of sub-paragraphs (2) and (3) below have effect, in relation to an acquisition of land under the new towns code, instead of section 11(1) of the Compulsory Purchase Act 1965.

(2) If the acquiring authority has, in respect of any of the land, served notice to treat on every owner of that land, it 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 a notice under this sub-paragraph and has furnished it with an address for service thereto,

describing the land to which the notice relates and stating the acquiring authority's 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.

(3) 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 said 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 the acquiring authority would be required to pay if those provisions had been complied with.

(4) Sections 55 and 56 of the Land Compensation Act 1973 shall, subject to any necessary modifications, have effect in relation to a notice of entry under this paragraph as they have effect in relation to a notice of entry under the said section 11(1).

Extinguishment of rights over land compulsorily acquired

32 (1) Subject to the provisions of this paragraph, upon the completion by the acquiring authority of an acquisition of land under the new towns code, 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) Sub-paragraph (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 sub-paragraph (2) above, sub-paragraph (1) above shall have effect subject—

(a) to any direction given by the acquiring authority before the completion of the acquisition that the said sub-paragraph (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 paragraph shall be entitled to compensation from the acquiring authority.

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

Minerals

33 (1) A compulsory purchase order made under the new towns code may make provision for the incorporation with that code 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 oily.

(2) The provision authorised by sub-paragraph (1) above 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 sections mentioned in that sub-paragraph 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, the new towns code and the compulsory purchase order shall be deemed to be the special Act.

PART V

SPECIAL POWERS IN RELATION TO LAND ACQUIRED

Land to which this Part applies

34 This Part of the new towns code applies to land of the following descriptions, that is to say—

(a) land acquired under the new towns code, and

(b) land acquired under this Act by agreement which could have been or have been required to be acquired under the new towns code.

Power to override easements and other rights

35 (1) The erection, construction or carrying out, or maintenance, of any building or work on land to which this Part of the new towns code applies, whether done by the Board or a local highway authority or by any other person, is authorised by virtue of this paragraph if it is done in accordance with planning permission, notwithstanding that it involves interference with an interest or right to which this paragraph applies, or involves a breach of a restriction as to the use of land arising by virtue of a contract:

Provided that nothing in this sub-paragraph 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 paragraph 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.

(3) In respect of any interference or breach in pursuance of sub-paragraph (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 the Board or a local highway authority or the injury arises from the execution of works on land acquired by the Board or such an authority.

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

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

(5) Nothing in this paragraph 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 sub-paragraph (1) above.

(6) Nothing in this paragraph shall be construed as authorising any act or omission on the part of the Board or a 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 Board, authority or body.

Use and development of consecrated land and burial grounds

36 (1) Any land to which this Part of the new towns code applies which is consecrated land may, subject to the following provisions of this paragraph—

(a) in the case of land acquired by the Board or a local highway 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 Secretary of State, 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 sub-paragraph does not apply to land which consists or forms part of a burial ground.

(2) Any use of consecrated land authorised by sub-paragraph (1) above, and the use of any land which is not consecrated land but is land to which this Part of the new towns code applies 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 sub-paragraph (2) above—

(a) shall contain such provisions as appear to the Secretary of State 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 the New Towns Act 1965 or 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 sub-paragraph (2) such as appear to the Secretary of State requisite for securing that the provisions of that sub-paragraph 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 Secretary of State to be expedient for the purposes of the regulations.

(4) Any land to which this Part of the new towns code applies which consists of a burial ground or part of a burial ground may—

(a) in the case of land acquired by the Board or a 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 Secretary of State, 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 sub-paragraph 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 sub-paragraph (2) above and the proviso to sub-paragraph (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 paragraph 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 paragraph 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 sub-paragraph (1) or sub-paragraph (4) above.

(9) Nothing in this paragraph shall be construed as authorising any act or omission on the part of the Board or a 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 Board, authority or body.

(10) In this paragraph " burial ground " includes any church-yard, 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.

Use and development of open spaces

37 (1) Any land to which this Part of the new towns code applies which is or forms part of a common, open space or fuel or field garden allotment, may—

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

(b) in the case of land acquired by the Secretary of State, 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 paragraph 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 sub-paragraph (1) above.

(3) Nothing in this paragraph shall be construed as authorising any act or omission on the part of the Board or a 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 Board, authority or body.

Extinguishment of public rights of way over land acquired

38 (1) Where any land to which this Part of the new towns code applies is for the time being held by the Board, a local highway authority or the Secretary of State, the Secretary of State may by order extinguish any public right of way over the land.

(2) Where the Secretary of State proposes to make an order under this paragraph, 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 district planning authority in whose area the land is situated, and

(ii) on the relevant highway authority.

In this sub-paragraph "the relevant highway authority" means any authority which is a highway authority in relation to the right of way proposed to be extinguished by the order, other than an authority which has applied for the order to be made.

(3) Where an objection to a proposal to make an order under this paragraph is duly made and is not withdrawn, the provisions of Part VII of the new towns code shall have effect in relation to the objection.

(4) For the purposes of this paragraph 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 paragraph, and

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

(5) Where it is proposed to make an order under this paragraph extinguishing a public right of way over a road on land to which this Part of the new towns code applies which has been acquired by the Board, 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 Board to that authority, in respect of the compensation so paid, of such sums as the Secretary of State, with the consent of the Treasury, may determine.

(6) Where the Secretary of State is satisfied that the construction or improvement of a road is or will be needed in consequence of the extinguishment under this paragraph of a public right of way, paragraph 2 of this Schedule shall apply as it applies where the Secretary of State is satisfied that the construction or improvement of a road is needed as mentioned in sub-paragraph (1) of that paragraph.

(7) Where the Secretary of State makes an order under this paragraph on the application of the Board or a local highway authority, he shall send a copy of it to the Post Office.

Provisions as to telegraphic lines

39 (1) Where an order under paragraph 38 above extinguishing a public right of way is made on the application of the Board or a local highway authority, and at the time of the publication of the notice required by sub-paragraph (2) of that paragraph 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 Post Office—

(a) the power of the Post Office to remove the line shall, not-Withstanding 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 Post Office has given notice to the Board or local highway authority of its intention to remove the line or that part thereof, as the case may be ;

(b) the Post Office may by notice given in that behalf to the Board 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 Post Office shall be deemed at the end of that period to have abandoned any part of the line which the Post Office has then neither removed nor given notice of its intention to remove ;

(d) the Post Office shall be entitled to recover from the Board 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 Post Office may require ;

(e) where under the foregoing provisions of this paragraph the Post Office has abandoned the whole or any part of a telegraphic line, it shall vest in the Board 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 paragraph " telegraphic line " has the same meaning as in the Telegraph Act 1878.

Creation of trunk roads

40 The Secretary of State may direct that any road constructed by him on land to which this Part of the new towns code applies 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 roads accordingly.

PART VI

STATUTORY UNDERTAKERS

Assessment of compensation for compulsory acquisition of statutory undertakers' operational land

41 (1) Where statutory undertakers are entitled to compensation in respect of an acquisition of operational land under the new towns code or in respect of the extinguishment of a right or the imposition of a requirement as mentioned in paragraph 44(8) below, the amount of the compensation shall, subject to paragraph 42 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 purposes 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 right to compensation arises under paragraph 44(8) below, 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 movable or immovable) belonging to the statutory undertakers and used for the carrying on of their undertaking which, in consequence of the adjustment, ceases to be so used, in so far as the value of the property has not been taken into account under sub-paragraph (2)(c) above, and

(b) the estimated amount of any increase in net receipts from the carrying on of the undertaking in the period after the adjustment has been completed, in so far as that amount has not been taken into account under sub-paragraph (2)(b) above and is directly attributable to the adjustment,

and by any further amount which appears to the Lands Tribunal to be appropriate, having regard to any increase in the capital value of 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—

" compensation in respect of an 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 ;

" 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.

42 (1) Where statutory undertakers are entitled to compensation in respect of an acquisition of land under the new towns code, 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 41 above ; and if the undertakers so elect the compensation shall be ascertained accordingly.

(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 paragraph 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.

43 (1) Where the amount of any such compensation as is mentioned in sub-paragraph (1) of paragraph 41 above falls to be ascertained in accordance with the provisions of that paragraph, the compensation shall, in default of agreement, be assessed by the Lands Tribunal if apart from this paragraph it would not fall to be so assessed.

(2) For the purposes of any proceedings arising before the Lands Tribunal in respect of compensation falling to be ascertained as mentioned in sub-paragraph (1) above, 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.

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

44 (1) Subject to sub-paragraph (2) below, this paragraph applies to land which fulfils the following conditions, that is to say—

(a) it must be land acquired under the new towns code or land acquired under this Act by agreement which could have been or have been required to be acquired under the new towns code ; and

(b) it must be land for the time being held by the Board, a local highway authority or the Secretary of State.

(2) This paragraph shall not have effect, so far as regards a right of the Post Office with respect to a telegraphic line and so far as regards a telegraphic line of the Post Office, in a case in which paragraph 39 has effect.

(3) Where, in the case of any land to which this paragraph 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.

(4) The statutory undertakers on whom a notice is served under sub-paragraph (3) 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.

(5) If no counter-notice is served under sub-paragraph (4) 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.

(6) If a counter-notice is served under sub-paragraph (4) above on the Board or local highway authority, the Board or authority may either withdraw the notice (without prejudice to the service of a further notice) or may apply to the Secretary of State and

the appropriate Minister for an order under this paragraph embodying the provisions of the notice, with or without modification; and if such an application is made, the Secretary of State and the appropriate Minister may make an order under this paragraph accordingly.

(7) If a counter-notice is served under sub-paragraph (4) above on the Secretary of State, 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 paragraph embodying the provisions of the notice, with or without modification.

(8) Where, by virtue of this paragraph, 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 paragraphs 41 to 43 above shall have effect as regards the assessment of the amount of that compensation.

(9) In this paragraph " telegraphic line " has the same meaning as in the Telegraph Act 1878.

Orders under paragraph 44

45 (1) Where the Secretary of State and the appropriate Minister propose to make an order under paragraph 44(7) above, they shall prepare a draft of the order.

(2) Before making an order under paragraph 44(6) or (7) above, the Ministers proposing to make the order—

(a) shall afford to the statutory undertakers on whom notice was served under sub-paragraph (3) of that paragraph 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 sub-paragraph (b) of that paragraph, to the Board 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 Secretary of State 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 paragraph 44 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 sub-paragraph (3) above, where an order is made under paragraph 44 above—

(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.

Extension or modification of functions of statutory undertakers

46 (1) The powers conferred by this paragraph shall be exercisable where, on a representation made by statutory undertakers, it appears to the Secretary of State 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 sub-paragraph (2) below.

(2) The said acts and events are—

(a) the acquisition of any land under the new towns code or the acquisition by agreement under this Act of any land which could have been or have been required to be acquired under the new towns code where that land is (in either case) land in which an interest was held, or land 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 paragraph 44 above.

(3) The powers conferred by this paragraph shall also be exercisable where, on a representation made by the Board, it appears to the Secretary of State 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 paragraph are exercisable, the Secretary of State 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 appear to them to be requisite in order to secure the provision of the services in question, as mentioned in sub-paragraph (1)(a) or (3) above or to secure the adjustment in question, as mentioned in sub-paragraph (1)(b) above, as the case may be.

(5) Without prejudice to the generality of sub-paragraph (4) above, an order under this paragraph 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 sub-paragraph (1)(a) or (3) above, for giving effect to such financial arrangements between the Board 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 Secretary of State and the appropriate Minister to be expedient for the purposes of the order.

Procedure in relation to orders under paragraph 46

47 (1) As soon as may be after making such a representation as is mentioned in paragraph 46(1) or (3) above—

(a) the statutory undertakers, in a case falling within sub-paragraph (1) of that paragraph, or

(b) the Board, in a case falling within sub-paragraph (3) thereof,

shall publish, in such form and manner as may be directed by the Secretary of State 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 Secretary of State 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 paragraph 46 shall be subject to special parliamentary procedure.

Relief of statutory undertakers from obligations rendered impracticable

48 (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 sub-paragraph 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.

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

(a) the acquisition under the new towns code 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 paragraph 44 above.

(3) As soon as may be after making a representation to the appropriate Minister under sub-paragraph (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 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 paragraph 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 paragraph 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 III of the new towns code as to the validity and date of operation of compulsory purchase orders shall have effect in relation to an order under this paragraph with the substitution for references to a compulsory purchase order and to publication in accordance with the provisions of that Part of the new towns code in that behalf of references to an order under this paragraph and to publication in accordance with sub-paragraph (5) above.

Objections to orders under paragraphs 46 and 48

49 (1) For the purposes of paragraphs 46 and 48 above 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 provisions 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 sub-paragraph (1) above and is not withdrawn, the provisions of Part VII of the new towns code shall have effect in relation to the objection.

PART VII

PROCEDURE FOR DEALING WITH OBJECTIONS TO ORDERS UNDER PARAGRAPHS 38, 46 AND 48

50 (1) Where the provisions of this Part of the new towns code are to have effect in relation to an objection then, 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.

(2) 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.

(3) 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.

(4) Subject to sub-paragraphs (2) and (3) 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, the Board 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.

(5) Notwithstanding anything in the foregoing provisions of this Part of the new towns code, 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.

(6) In this Part of the new towns code 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.

(7) In this Part of the new towns code "the relevant Minister" means—

(a) in relation to an order under paragraph 38, the Secretary of State ;

(b) in relation to an order under paragraph 46, the Secretary of State and the appropriate Minister ;

(c) in relation to an order under paragraph 48, the appropriate Minister.

PART VIII

SEWERAGE SERVICES

51 (1) The Secretary of State, on an application made to him by the Board, may by order authorise the Board to exercise, for the purpose of the sewerage of the area of any new town situated within the area for which the Board is responsible, any powers exercisable by a water authority under section 15 of the Public Health Act 1936 (provision of sewers and sewage disposal works); and, without prejudice to the provisions of this Act with respect to the acquisition of land by the Board, any such order may provide for transferring to the Board any sewers or sewage disposal works vested in any water authority whose area comprises the area of the new town or any part of that area.

(2) Before making an order under this paragraph, the Secretary of State shall consult the council of every county and of every district and the water authority for every water authority area in which the whole or any part of the area of that new town is situated.

(3) An order under this paragraph 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 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 Board were a water authority (or, where the provision confers or imposes a function on or provides for a thing to be done by or to a local authority, as if the Board were a local authority) and as if the sewers vested in the Board were public sewers.

(4) Where in pursuance of an order under this paragraph, sewers or sewage disposal works are constructed by or vested in the Board for the purposes of the sewerage of any part of the area of a water authority, that authority shall make towards the expenses of the Board 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 Board or as may, in default of such agreement, be determined by the Secretary of State; and the payment of any such contributions shall be a purpose for which the water authority may borrow money.

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

52 (1) Where the Board has, in pursuance of an order under paragraph 51 above, been carrying on a sewerage or sewage disposal undertaking the Board may by agreement with a water authority and with the consent of the Secretary of State and the Treasury, transfer the whole or any part of the undertaking to that authority.

(2) The Secretary of State may by order provide for the transfer to a water authority of the whole or any part of a sewerage or sewage disposal undertaking which has, in pursuance of an order under paragraph 51 above, been carried on by the Board, and any such order may contain such incidental, consequential and supplementary provisions as the Secretary of State thinks necessary or expedient for the purposes of the order.

(3) The terms on which the whole or any part of an undertaking is transferred by an order under this paragraph shall be such as the Secretary of State, with the consent of the Treasury, may specify in the order, and those terms may provide for the payment by the water authority 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 paragraph the Secretary of State shall consult the water authority and any other authority appearing to him to be concerned.

(5) The Secretary of State shall give notice of any order which he proposes to make under this paragraph to the water authority and the Board and, if within 28 days after he has given notice to them either the authority or the Board give notice to him that it objects to the proposal and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

PART IX

SUPPLEMENTAL

Local inquiries

53 (1) The Secretary of State may, for the purposes of the exercise of any of his functions under the new towns code, cause to be held such local inquiries as are directed by this Act and such other local inquiries as he may think fit.

(2) Section 250 of the Local Government Act 1972 shall extend to any local inquiry held by virtue of this paragraph.

Service of notices under the code

54 (1) Subject to the provisions of this paragraph, any document required or authorised to be served under the new towns code may be served either—

(a) by delivering it to the person on whom it is to be served, 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 document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the document is required or authorised to be served on any person as an occupier of premises, the 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 sub-paragraph (1)(a), (b) or (c) above, or

(b) being addressed to him either by name or in accordance with sub-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 document is required to be served on all persons having interests in, or being occupiers of, premises comprised in any land, and it appears to the authority required to serve the document that any part of that land is unoccupied, the 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 the new towns code 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 sub-paragraph (2) above, it is affixed conspicuously to some object on the land.

(4) This paragraph applies also to the service of documents by the acquiring authority under any provision of the Compulsory Purchase Act 1965 as that Act applies by virtue of section 6(4)(b) of this Act to an acquisition of land under the new towns code.

Ecclesiastical property

55 (1) Where the fee simple in any ecclesiastical land is in abeyance, it shall be treated for the purposes of an acquisition of land under the new towns code 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 the new towns code any notice, other than a notice to treat, is required to be served on an owner of land, and the land is ecclesiastical land, a like notice shall be served on the Church Commissioners.

(3) In this paragraph " ecclesiastical land " 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.

Interpretation

56 (1) In this Schedule—

" acquired under the new towns code " means acquired by means of a compulsory purchase order made under any provision of the new towns code (and any reference to an acquisition of land under that code or to land acquired under that code shall be construed accordingly);

" acquiring authority ", in relation to an acquisition of land under the new towns code or by agreement under this Act or to a proposal so to acquire land, means the Board, the Secretary of State or a local highway authority ;

" common " includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882 and any town or village green ;

" enactment " includes an enactment in a 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;

" National Trust " means the National Trust for Places of Historic Interest or Natural Beauty ;

" 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;

" 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 1971 ;

" prescribed " means prescribed by regulations made by the Secretary of State.

(2) If, in relation to the authorisation under the new towns code of a compulsory acquisition of land, any question arises whether land of statutory undertakers is

operational land that question shall be determined by the Secretary of State and the appropriate Minister.

(3) For the purposes of this Schedule " the appropriate Minister " is, in relation to any statutory undertakers specified in column (1) of the following Table, the Minister specified in relation to those undertakers in column (2) of that Table.

(1)	(2)
Statutory undertakers	*Appropriate Minister*
1. Statutory undertakers authorised to carry on any railway, light railway, tramway, road transport, dock, harbour or pier undertaking.	The Secretary of State for Transport.
2. Statutory undertakers authorised to carry on any water transport, canal or inland navigation undertaking.	The Secretary of State for the Environment.
3. Statutory undertakers authorised to carry on any lighthouse undertaking.	The Secretary of State for Trade.
4. Statutory undertakers authorised to carry on an undertaking for the supply of electricity, gas or hydraulic power.	The Secretary of State for Energy.
5. Statutory undertakers authorised to carry on an undertaking for the supply of water.	The Secretary of State for Wales.
6. The Post Office.	The Secretary of State for Industry.
7. The Civil Aviation Authority or the British Airports Authority.	The Secretary of State for Trade.
8. The National Coal Board.	The Secretary of State for Energy.
9. The United Kingdom Atomic Energy Authority.	The Secretary of State for Energy.

(4) References in this Schedule to the Secretary of State and the appropriate Minister shall have effect—

(a) as references to the Secretary of State and the appropriate Minister, if the appropriate Minister is not the one concerned as the Secretary of State ; and

(b) as references to the one concerned as the Secretary of State alone, if he is also the appropriate Minister.

(5) If, in relation to anything required or authorised to be done under the new towns code, 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.