



# Local Government, Planning and Land Act 1980

## 1980 CHAPTER 65

### PART XVI

#### URBAN DEVELOPMENT

##### *Urban development areas*

#### **134 Urban development areas**

- (1) Subject to subsection (2) below, if the Secretary of State is of opinion that it is expedient in the national interest to do so, he may by order made by statutory instrument designate any area of land as an urban development area.
- (2) An area of land in England may only be so designated if—
  - (a) it is in a metropolitan district; or
  - (b) it is in an inner London borough or partly in an inner London borough and partly in an outer London borough which has a boundary in common with that inner London borough.
- (3) Separate parcels of land may be designated as one urban development area.
- (4) No order under this section shall have effect until approved by a resolution of each House of Parliament.

##### *Urban development corporations*

#### **135 Urban development corporations**

- (1) For the purposes of regenerating an urban development area, the Secretary of State shall by order made by statutory instrument establish a corporation (an urban development corporation) for the area.

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- (2) An order under this section may be made at the same time as an order under section 134 above.
- (3) No order under this section shall have effect until approved by a resolution of each House of Parliament.
- (4) An urban development corporation shall be a body corporate by such name as may be prescribed by the order establishing it.
- (5) Schedule 26 below shall have effect with respect to urban development corporations.
- (6) It is hereby declared that an urban development corporation is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and that the corporation's property is not to be regarded as the property of, or property held on behalf of, the Crown.

### **136 Objects and general powers**

- (1) The object of an urban development corporation shall be to secure the regeneration of its area.
- (2) The object is to be achieved in particular by the following means (or by such of them as seem to the corporation to be appropriate in the case of its area), namely, by bringing land and buildings into effective use, encouraging the development of existing and new industry and commerce, creating an attractive environment and ensuring that housing and social facilities are available to encourage people to live and work in the area.
- (3) Subject to sections 137 and 138 below, for the purpose of achieving the object an urban development corporation may—
  - (a) acquire, hold, manage, reclaim and dispose of land and other property;
  - (b) carry out building and other operations;
  - (c) seek to ensure the provision of water, electricity, gas, sewerage and other services ;
  - (d) carry on any business or undertaking for the purposes of the object; and
  - (e) generally do anything necessary or expedient for the purposes of the object or for purposes incidental to those purposes.
- (4) No provision of this Part of this Act by virtue of which any power is exercisable by an urban development corporation shall be construed as limiting the effect of subsection (3) above.
- (5) Without prejudice to the generality of the powers conferred on urban development corporations by this Act, such a corporation, for the purpose of achieving the object.—
  - (a) may, with the consent of the Secretary of State, contribute such sums as he with the Treasury's concurrence may determine towards expenditure incurred or to be incurred by any local authority or statutory undertakers in the performance of any statutory functions of the authority or undertakers, including expenditure so incurred in the acquisition of land ; and
  - (b) may, with the like consent, contribute such sums as the Secretary of State with the like concurrence may determine by way of assistance towards the provision of amenities.

- (6) To avoid doubt it is declared that subsection (3) above relates only to the capacity of an urban development corporation as a statutory corporation ; and nothing in this section authorises such a corporation to disregard any enactment or rule of law.
- (7) A transaction between a person and an urban development corporation shall not be invalidated by reason of any failure by the corporation to observe the object in subsection (1) above or the requirement in subsection (3) above that the corporation shall exercise the powers conferred by that subsection for the purpose of achieving that object.

### **137 Exclusion of functions**

- (1) An order under section 135 above may provide that any functions which may be exercisable by an urban development corporation by virtue of this Part of this Act and which are specified in the order are not to be exercised by the corporation established by the order, either as regards the whole of its area or as regards a portion of that area; and this Part of this Act shall apply to the corporation accordingly.
- (2) An order under section 135 above may amend any provision of a previous order under that section which was included in that order by virtue of subsection (1) above.
- (3) Nothing in subsection (2) above shall prejudice the operation of section 14 of the Interpretation Act 1978 (power to amend orders etc.).

### **138 Restrictions on powers**

- (1) Without prejudice to any provision of this Act requiring the consent of the Secretary of State to be obtained for anything to be done by an urban development corporation, he may give directions to such a corporation for restricting the exercise by it of any of its powers under this Act or for requiring it to exercise those powers in any manner specified in the directions.
- (2) Before giving a direction under subsection (1) above, the Secretary of State shall consult the corporation, unless he is satisfied that because of urgency consultation is impracticable.
- (3) A transaction between a person and an urban development corporation acting in purported exercise of its powers under this Act shall not be void by reason only that it was carried out in contravention of a direction given under subsection (1) above, and such a person shall not be concerned to see or enquire whether a direction under that subsection has been given or complied with.

### **139 Allocation or transfer of functions**

- (1) If it appears to the Secretary of State, in the case of an urban development area, that there are exceptional circumstances which render it expedient that the functions of an urban development corporation under this Part of this Act should be performed by the urban development corporation established for the purposes of any other area instead of by a separate corporation established for the purpose, he may, instead of establishing such a separate corporation, by order direct that those functions shall be performed by the urban development corporation established for the other area.
- (2) If it appears to the Secretary of State that there are exceptional circumstances which render it expedient that the functions of an urban development corporation established

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for one area should be transferred to the urban development corporation established for the purposes of another area, or to a new urban development corporation to be established for the first-mentioned area, he may, by order, provide for the dissolution of the first-mentioned corporation and for the transfer of its functions, property, rights and liabilities to the urban development corporation established for the purposes of the other area or (as the case may be) to a new corporation established for the purposes of the first-mentioned area by the order.

- (3) Without prejudice to section 14 of the Interpretation Act 1978, an order under this section providing for the exercise of functions in relation to an area by the urban development corporation established for the purposes of another area, or for the transfer of such functions to such a corporation, may modify the name and constitution of that corporation in such manner as appears to the Secretary of State to be expedient, and for the purposes of this Act that corporation shall be treated as having been established for the purposes of each of those areas.
- (4) Before making an order under this section providing for the transfer of functions from or to an urban development corporation or for the exercise of any functions by such a corporation, the Secretary of State shall consult that corporation.
- (5) An order under this section shall make, with regard to a corporation on which functions are conferred by the order, the same provision as that which may be made with regard to a corporation under section 137 above.
- (6) An order under this section shall be made by statutory instrument.
- (7) No order under this section shall have effect until approved by a resolution of each House of Parliament.

#### **140 Consultation with local authorities**

- (1) An urban development corporation shall prepare a code of practice as to consultation with the relevant local authorities about the exercise of its powers.
- (2) In this section " the relevant local authorities" means local authorities the whole or any part of whose area is included in the urban development area.
- (3) Preparation of the code shall be completed not later than the expiration of the period of 12 months from the date of the establishment of the corporation.
- (4) A corporation may from time to time revise the whole or any part of its code.
- (5) A corporation shall prepare and revise its code in consultation with the relevant local authorities.

#### *Land*

#### **141 Vesting by order in corporation**

- (1) Subject to subsection (2) below, the Secretary of State may by order made by statutory instrument provide that land specified in the order which is vested in a local authority, statutory undertakers or other public body or in a subsidiary of a public body shall vest in an urban development corporation established or to be established by an order under section 135 above for an area in which the land is situated.

- (2) An order under subsection (1) above may not specify land vested in statutory undertakers which is used for the purpose of carrying on their undertakings or which is held for that purpose.
- (3) In the case of land vested in statutory undertakers the Secretary of State and the appropriate Minister shall make any order under this section.
- (4) An order under this section shall have the same effect as a declaration under section 30 of the Town and Country Planning Act 1968 or, in Scotland, section 278 of the Town and Country Planning (Scotland) Act 1972 (both of which relate to general vesting declarations) except that, in relation to such orders, the enactments mentioned in Schedule 27 shall have effect subject to the modifications specified in that Schedule.
- (5) Compensation under the Land Compensation Act 1961 or, in Scotland, the Land Compensation (Scotland) Act 1963, as applied by subsection (4) above and Schedule 27 to this Act, shall be assessed by reference to values current on the date the order under this section comes into force.
- (6) No order under this section shall have effect until approved by a resolution of each House of Parliament.
- (7) In this section—
  - " subsidiary ", in relation to a public body, means a wholly-owned subsidiary of that body ; and
  - " wholly-owned subsidiary " has the meaning assigned to it by section 150(4) of the Companies Act 1948.

## **142 Acquisition by corporation**

- (1) An urban development corporation may acquire (by agreement or, on being authorised to do so by the Secretary of State, compulsorily)—
  - (a) land in the urban development area ;
  - (b) land adjacent to the area which the corporation requires for purposes connected with the discharge of the corporation's functions in the area ;
  - (c) land, whether or not in or adjacent to the area, which the corporation requires for the provision of services in connection with the discharge of the corporation's functions in the area.
- (2) Where a corporation exercises its powers under subsection (1) above in relation to land which forms part of a common or open space or fuel or field garden allotment, the corporation may acquire (by agreement or, on being authorised to do so by the Secretary of State, compulsorily) land for giving in exchange for the land acquired.

In the application of this subsection to Scotland the words " or fuel or field garden allotment " shall be omitted.
- (3) The 1946 Act and, in Scotland, the 1947 Act shall apply (subject to section 144(2) below) in relation to the compulsory acquisition of land in pursuance of subsection (1) or (2) above as if—
  - (a) this section were contained in an Act in force immediately before the commencement of the 1946 Act or (as the case may be) the 1947 Act,
  - (b) an urban development corporation were a local authority.

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- (4) An urban development corporation which may be authorised by the Secretary of State, by means of a compulsory purchase order, to purchase any land compulsorily for any purpose may be authorised by him, by means of such an order, to purchase compulsorily for that purpose such new rights over the land as are specified in the order; and in this subsection " new rights " means rights which are not in existence when the order specifying them is made.
- (5) In subsection (4) above " compulsory purchase order" has the same meaning as in the 1946 Act.
- (6) Subsection (5) above does not apply to Scotland.
- (7) In relation to Scotland, in subsection (4) above "compulsory purchase order " has the same meaning as in the 1947 Act, and section 63 of the Land Compensation (Scotland) Act 1973 shall apply to any compulsory purchase order made by virtue of that subsection.

### **143 Acquisition by local highway authority**

- (1) This section applies where the appropriate Minister is satisfied that the construction or improvement of a road is needed—
    - (a) outside an urban development area, for the purpose of securing the development of land in that area in accordance with proposals approved by the Secretary of State under section 148 below, or
    - (b) for the purpose of providing proper means of access to such an area.
  - (2) In that case, a local highway authority may, on being authorised to do so by the appropriate Minister acquire compulsorily any land as to which he is satisfied that its acquisition by the authority 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 land abutting on or adjacent to the road.
  - (3) Where a local highway authority has been authorised under subsection (2) above to acquire compulsorily land forming part of a common or open space or fuel or field garden allotment, the authority may be authorised under that subsection to acquire compulsorily land for giving in exchange for the land acquired.
- In the application of this subsection to Scotland the words " or fuel or field garden allotment " shall be omitted.
- (4) The 1946 Act and, in Scotland, the 1947 Act shall apply (subject to section 144(2) below) in relation to the compulsory acquisition of land in pursuance of this section as if this section were contained in an Act in force immediately before the commencement of the 1946 Act or (as the case may be) the 1947 Act.
  - (5) In this section—
    - " the appropriate Minister " means—
      - (a) in England, the Minister of Transport; and
      - (b) in Scotland or Wales, the Secretary of State; and
    - " local highway authority" means a highway authority other than the appropriate Minister.

#### **144 Vesting and acquisition: supplementary**

- (1) Schedule 28 below (land) shall have effect.
- (2) Part I of the Schedule modifies the 1946 Act and the 1947 Act as applied by section 142(3) and 143(4) above.
- (3) Part II relates to the acquisition of land by agreement under section 142 above.
- (4) Part III contains supplementary provisions about land vested in or acquired by an urban development corporation or local highway authority under this Part of this Act.
- (5) Part IV (which does not apply to Scotland) contains supplementary provisions about the acquisition by an urban development corporation of rights over land under section 142(4) above.

#### **145 Land compensation**

- (1) The following paragraph shall be inserted after paragraph 4 of Schedule 1 to the Land Compensation Act 1961 (descriptions of actual or prospective development of which account is not to be taken in assessing compensation or the effect of which is to reduce compensation payable in respect of adjacent land in the same ownership which has benefited by the development) and after paragraph 4 of Schedule 1 to the Land Compensation (Scotland) Act 1963 (which makes similar provision for Scotland): —

“4A. Where any of the relevant land forms part of an area designated as an urban development area by an order under section 134 of the Local Government, Planning and Land Act 1980.

Development of any land other than the relevant land, in the course of the development or redevelopment of that area as an urban development area.”

- (2) At the end of Part II of Schedule 1 to the Land Compensation Act 1961 there shall be added: —

### **“PART III**

#### **SPECIAL PROVISIONS AS TO URBAN DEVELOPMENT AREAS**

- 10 For the avoidance of doubt it is hereby declared—
- (a) that, in assessing in the circumstances described in paragraph 4A in the first column of Part I of this Schedule the increase or diminution in value to be left out of account by virtue of section 6 of this Act, no increase or diminution in value is to be excluded from being left out of account; and
  - (b) that, in assessing in those circumstances the increase in value to be taken into account by virtue of section 7 of this Act, no increase in value is to be excluded from being taken into account, merely because it is attributable—
    - (i) to any development of land which was carried out before the area was designated as an urban development area;
    - (ii) to any development or prospect of development of land outside the urban development area;

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- (iii) to any development or prospect of development of land by an authority other than the acquiring authority, possessing compulsory purchase powers
- 11 Paragraph 10 of this Schedule shall have effect in relation to any increase or diminution in value to be left out of account by virtue of any rule of law relating to the assessment of compensation in respect of compulsory acquisition as it has effect in relation to any increase or diminution in value to be left out of account by virtue of section 6 of this Act.”.
- (3) In section 6 of the Land Compensation Act 1961—
- (a) in subsection (1)(b). for "4" substitute " 4A " ; and
- (b) add at the end of subsection (2) the words "and the provisions of Part III of that Schedule shall have effect with regard to paragraph 4A.
- (4) At the end of Part II of Schedule 1 to the Land Compensation (Scotland) Act 1963 mere shall be added ;—

### “PART III

#### SPECIAL PROVISIONS AS TO URBAN DEVELOPMENT AREAS

- 6 For the avoidance of doubt it is hereby declared—
- (a) that, in assessing in the circumstances described in paragraph 4A in the first column of Part I of this Schedule the increase or diminution in value to be left out of account by virtue of section 13 of this Act no increase or diminution of value is to be excluded from being left out of account; and
- (b) that, in assessing in those circumstances the increase in value to be taken into account by virtue of section 14 of this Act, no increase in value is to be excluded from being taken into account, merely because it is attributable—
- (i) to any development of land which was carried out before the area was designated as an urban development area;
- (ii) to any development or prospect of development of land outside the urban development area;
- (iii) to any development or prospect of development of land by an authority, other than the acquiring authority, possessing compulsory purchase powers.
- 7 Paragraph 6 of this Schedule shall have effect in relation to any increase or diminution in value to be left out of account by virtue of any rule of law relating to the assessment of compensation in respect of compulsory acquisition as it has effect in relation to any increase or diminution in value to be left out of account by virtue of section 13 of this Act.”.
- (5) In section 13 of the Land Compensation (Scotland) Act 1963—
- (a) in subsection (1)(b), for " 4 " , where it first occurs, substitute " 4A " ; and
- (b) add at the end of subsection (2A) the words " and the provisions of Part III of that Schedule shall have effect with regard to paragraph 4A. " .



## **146 Disposal by corporation**

- (1) Subject to this section and to any directions given by the Secretary of State under this Act, an urban development corporation may dispose of any land vested in or acquired by it to such persons, in such manner, and subject to such covenants or conditions, as it considers expedient for securing the regeneration of the corporation's area or for purposes connected with the regeneration of the area.
- (2) The powers of an urban development corporation with respect to the disposal of land vested in or acquired by it 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 (subject to subsection (3) below) an opportunity to obtain on it 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.
- (3) An urban development corporation shall not have any -duty to afford to a person who was carrying on a business of selling intoxicating liquor or alcoholic liquor by retail on land acquired by the corporation an opportunity of obtaining alternative accommodation for such a business.
- (4) Nothing in this Act enables an urban development corporation to dispose of land by way of gift, mortgage or charge or (in Scotland) by way of gift or in security.
- (5) References in this section to disposing of land include references to granting an interest in or right over land.
- (6) In this section "intoxicating liquor" has the meaning assigned by section 201 of the Licensing Act 1964 and "alcoholic liquor" has the meaning assigned by section 139 of the Licensing (Scotland) Act 1976.

### *Planning blight*

## **147 Planning blight**

- (1) Section 192(1) of the 1971 Act (scope of provisions about blight) and section 181(1) of the 1972 Act (which makes similar provisions for Scotland) shall have effect as if the land specified in them included land which—
  - (a) is land within an area intended to be designated as an urban development area by an order which has been made under section 134 above but which has not come into effect; or
  - (b) is land within an area which has been so designated by an order under that section which has come into effect.
- (2) No blight notice shall be served by virtue of subsection (1)(a) above at any time after the order has come into effect.
- (3) Until such time as an urban development corporation is established for the urban development area, sections 192 to 207 of the 1971 Act and sections 181 to 196 of the 1972 Act shall have effect in relation to land within subsection (1) above as if " the appropriate authority " and " the appropriate enactment " were the Secretary of State and subsection (4) below respectively.

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- (4) Until such time as aforesaid the Secretary of State shall have power to acquire compulsorily any interest in land in pursuance of a blight notice served by virtue of subsection (1) above; and where he acquires an interest as aforesaid, then—
- (a) if the land is or becomes land within subsection (1)(b) above, the interest shall be transferred by him to the urban development corporation established for the urban development area; and
  - (b) in any other case, the interest may be disposed of by him in such manner as he thinks fit.
- (5) The Land Compensation Act 1961 and, in relation to Scotland, the Land Compensation (Scotland) Act 1963 shall have effect in relation to the compensation payable in respect of the acquisition of an interest by the Secretary of State under subsection (4) above as if the acquisition were by an urban development corporation under this Part of this Act and as if, in the case of land within subsection (1)(a) above, the land formed part of the area designated as an urban development area by an order under section 134 above which has come into effect.

### *Planning functions*

## **148 Planning control**

- (1) An urban development corporation may submit to the Secretary of State proposals for the development of land within the urban development area, and the Secretary of State, after consultation with the local planning authority within whose area (or in Scotland the regional, general and district planning authorities within whose areas) the land is situated and with any other local authority which appears to him to be concerned, may approve any such proposals either with or without modification.
- (2) Without prejudice to the generality of the powers conferred by section 24 of the 1971 Act or section 21 of the 1972 Act, a special development order made by the Secretary of State under that section with respect to an urban development area may grant permission for any development of land in accordance with proposals approved under subsection (1) above, subject to such conditions, if any, (including conditions requiring details of any proposed development to be submitted to the local planning authority, or in Scotland the planning authority exercising district planning functions within the meaning of section 172 of the Local Government (Scotland) Act 1973), as may be specified in the order.
- (3) The Secretary of State shall give to an urban development corporation such directions with respect to the disposal of land vested in or acquired by it under this Act and with respect to the development by it 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 1971 Act (which relates to the compilation or approval by the Secretary of State of lists of buildings of special architectural or historic interest) or under section 52(1) of the 1972 Act (which makes similar provision for Scotland).
- (4) References in this section to the local planning authority are—
  - (a) in relation to land outside Greater London, references to the district planning authority and also (in relation to proposals for any development which is

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- a county matter, as defined in paragraph 32 of Schedule 16 to the Local Government Act 1972) to the county planning authority; and
- (b) in relation to land in Greater London, references to the authority which is the local planning authority as ascertained in accordance with Schedule 3 to the Town and Country Planning Act 1971.

#### **149 Corporation as planning authority**

- (1) If the Secretary of State so provides by order, an urban development corporation shall be the local planning authority for the whole or any portion of its area in place of any authority which would otherwise be the local planning authority for such purposes of Part III of the 1971 Act, and in relation to such kinds of development, as may be prescribed.
- (2) The order may provide—
  - (a) that any enactment relating to local planning authorities shall not apply to the corporation; and
  - (b) that any such enactment which applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- (3) If the Secretary of State so provides by order—
  - (a) an urban development corporation specified in the order shall have, in the whole or any portion of its area and in place of any authority (except the Secretary of State) which would otherwise have them, the functions conferred by such of the provisions of the 1971 Act mentioned in Part I of Schedule 29 to this Act as are specified in the order;
  - (b) such of the provisions of the 1971 Act specified in Part II of that Schedule as are mentioned in the order shall have effect, in relation to an urban development corporation specified in the order and to land in that corporation's area, subject to the modifications there specified.
- (4) An order under subsection (3) above may provide—
  - (a) that any enactment relating to local planning authorities shall apply to the urban development corporation specified in the order for the purposes of any of the provisions specified in Schedule 29 to this Act which relate to land in the urban development area by virtue of the order; and
  - (b) that any such enactment which so applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- (5) In relation to an urban development corporation which is the local planning authority by virtue of an order under subsection (1) above, section 270 of the 1971 Act (application to local planning authorities of provisions as to planning control and enforcement) shall have effect for the purposes of Part III of the 1971 Act prescribed by that order, and in relation to the kinds of development so prescribed, as if—
  - (a) in subsection (1), the reference to the development by local authorities of land in respect of which they are the local planning authorities included a reference to the development by the corporation of land in respect of which it is the local planning authority;
  - (b) in subsection (2)—
    - (i) in paragraph (a) the words " the corporation " were substituted for the words " such an authority " and the word " corporation " were substituted for the words " local planning authority " ; and

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- (ii) in paragraph (b) the word " corporation" were substituted for the words " local planning authority ".
- (6) In Scotland, if the Secretary of State so provides by order, an urban development corporation shall be the planning authority for the whole or any portion of its area in place of any authority which would otherwise be the planning authority for such purposes of Part III of the 1972 Act as are district planning functions (within the meaning of section 172 of the Local Government (Scotland) Act 1973), and in relation to such kinds of development, as may be prescribed.
- (7) An order under subsection (6) above may provide—
- (a) that any enactment relating to planning authorities shall not apply to the corporation ; and
  - (b) that any such enactment which applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- (8) If the Secretary of State so provides by order—
- (a) an urban development corporation specified in the order shall have, in the whole or any portion of its area and in place of any authority (except the Secretary of State) which would otherwise have them, the functions conferred by such of the provisions of the 1972 Act mentioned in Part I of Schedule 30 to this Act as are specified in the order ;
  - (b) such of the provisions of the 1972 Act specified in Part II of that Schedule as are mentioned in the order shall have effect, in relation to an urban development corporation specified in the order and to land in that corporation's area, subject to the modifications there specified.
- (9) An order under subsection (8) above may provide—
- (a) that any enactment relating to planning authorities shall apply to the urban development corporation specified in the order for the purposes of any of the provisions specified in Schedule 30 to this Act which relate to land in the urban development area by virtue of the order; and
  - (b) that any such enactment which so applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- (10) In relation to an urban development corporation which is the planning authority by virtue of an order under subsection (6) above, section 256 of the 1972 Act (application to planning authorities of provisions as to planning control and enforcement) shall have effect for the purposes of Part III of the 1972 Act prescribed by that order, and in relation to the kinds of development so prescribed, as if—
- (a) in subsection (1), the reference to the development by local authorities of land in respect of which they are the planning authorities included a reference to the development by the corporation of land in respect of which it is the planning authority;
  - (b) in subsection (2)—
    - (i) in paragraph (a) the words " the corporation " were substituted for the words " such an authority " and the word " corporation " were substituted for the words " local planning authority " ; and
    - (ii) in paragraph (b) the word " corporation" were substituted for the words " local planning authority ".
- (11) An order under this section shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.

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- (12) The power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) In this section "prescribed" means prescribed by an order under this section.

#### **150 Planning: corporation and local highway authority**

- (1) The reference to the local planning authority in paragraph 17 of Schedule 16 to the Local Government Act 1972 (duty to include in a development order under section 24 of the 1971 Act provision enabling a local highway authority to impose restrictions on the grant by the local planning authority of planning permission for certain descriptions of development) shall not be construed as including a reference to an urban development corporation who are the local planning authority by virtue of an order under section 149 above, and no provision of a development order which is included in it by virtue of that paragraph is to be construed as applying to such a corporation.
- (2) The Secretary of State may include in a development order under section 24 of the 1971 Act provision enabling a local highway authority to impose restrictions on the grant by an urban development corporation who are the local planning authority of planning permission under the 1971 Act for such descriptions of development as may be specified in the order.

*Building control etc.*

#### **151 Building control**

- (1) The Secretary of State may make an order under this section directing that, subject to the provisions of the order, building control functions in an urban development area or in any portion of such an area shall be exercisable by the urban development corporation.
- (2) An order under this section shall identify by reference to a map the area to which the order relates.
- (3) In this section "building control functions" means—
- (a) as regards England and Wales other than inner London boroughs, functions under or in connection with building regulations or any enactment (including a local Act) relating to such regulations ;
  - (b) as regards inner London boroughs, functions exercisable under the London building legislation or, as the case may be, under or in connection with building regulations and any enactment relating to such regulations;
  - (c) as regards Scotland, the jurisdiction and functions conferred, in such a case, on local authorities by the Building (Scotland) Acts 1959 and 1970.
- (4) An order under this section may provide that the London building legislation shall not have effect in the area to which the order relates but that building regulations and any enactment relating to such regulations shall have effect instead.
- (5) An order under this section may provide for all or any of the following, namely—
- (a) that the corporation shall have only such of the building control functions as may be specified in the order;

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- (b) that any building legislation under which the corporation is to exercise building control functions (or, in Scotland, that any of the jurisdiction and functions referred to in subsection (3)(c) above) shall apply, in relation to the corporation, as modified by the order,  
and this section shall have effect accordingly.
- (6) An order under this section shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.
- (7) The power to make an order under this section shall be exercisable by statutory instrument.
- (8) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section—
  - " building legislation " means—
    - (a) the London building legislation ;
    - (b) any other enactments under which the corporation is to exercise building control functions ; and
    - (c) building regulations;
  - " the London building legislation " means—
    - (a) the London Building Acts 1930 to 1978 ;
    - (b) any byelaws made under those Acts;
    - (c) subsections (2) and (3) of section 70 of the Health and Safety at Work etc. Act 1974 and any regulations made under the said subsection (3).

## **152 Fire precautions and home insulation**

- (1) The Secretary of State may make an order under this section directing that, subject to the provisions of the order, an urban development corporation shall have in its area (or in such part of its area as may be specified in the order)—
  - (a) the functions of a fire authority under the Fire Precautions Act 1971;
  - (b) the power of a local authority under section 36 of that Act (power to make loans to meet expenditure on certain alterations to buildings occasioned by the Act); and
  - (c) the functions of a local authority under any scheme made by virtue of section 1 of the Homes Insulation Act 1978 (schemes for the making of grants towards the cost of works undertaken to improve the thermal insulation of dwellings).
- (2) On the order coming into force, the corporation shall have the functions conferred in relation to the area (or part) instead of or concurrently with any such authority, depending on the terms of the order.
- (3) The order may provide that any enactment under which the corporation is to exercise functions by virtue of the order shall have effect in relation to the corporation and, where the corporation is to have any function concurrently with another authority, in relation to that authority, as modified by the order.
- (4) The order shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.

- (5) The power to make an order under this section shall be exercisable by statutory instrument.
- (6) No order under this section shall have effect until approved by a resolution of each House of Parliament.

*Housing, etc.*

**153 Corporation as housing authority**

- (1) If the Secretary of State so provides by order, an urban development corporation shall have in its area (or in such part of its area as may be specified in the order)—
  - (a) the functions conferred on a local authority by the Housing Acts 1957 to 1975 and the Housing Act 1980 or by the Housing (Scotland) Acts 1966 to 1978 and the Tenants' Rights, Etc. (Scotland) Act 1980; and
  - (b) the functions conferred on the authority who are the relevant authority for the purposes of sections 39 to 41 of the Land Compensation Act 1973 or sections 36 to 38 of the Land Compensation (Scotland) Act 1973 (which relate to the rehousing of displaced residential occupiers);or such of those functions as the order may specify.
- (2) On the order coming into force, the corporation shall have the functions concerned in relation to the area (or part) instead of or concurrently with any such authority, depending on the terms of the order.
- (3) The order may provide that any enactment under which the corporation is to exercise functions by virtue of the order shall have effect in relation to the corporation and, where the corporation is to have any function concurrently with any other authority, in relation to that authority, as modified by the order.
- (4) The order shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.
- (5) The power to make an order under this section shall be exercisable by statutory instrument.
- (6) No order under this section shall have effect until approved by a resolution of each House of Parliament.

**154 Rent rebates**

- (1) It shall be the duty of every urban development corporation to bring into operation and to maintain a scheme for granting, to persons who occupy as their homes dwellings let to them by the corporation rebates from rent, calculated in accordance with the provisions of the scheme by reference to their needs and their resources.
- (2) No rebate from the rent for any dwelling shall be granted by virtue of this section to any person—
  - (a) if he occupies the dwelling in England and Wales under a licence which was granted as a temporary expedient to a person who entered it, or any other land, as a trespasser (whether or not before the grant another licence of that or any other dwelling has been granted to him); or

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- (b) if he occupies the dwelling in pursuance of a contract of service with the corporation the terms of which require that he shall be provided with a dwelling at a rent specified in the contract; or
  - (c) if Part II of the Landlord and Tenant Act 1954 (security of business tenants) applies to his tenancy.
- (3) The corporation shall perform the duty to bring a scheme into force which is imposed on them by subsection (1) above as soon as practicable after it first lets dwellings as there mentioned, and then so much of Part II of the Housing Finance Act 1972 or of Part II of the Housing (Financial Provisions) (Scotland) Act 1972 as relates to rent rebates shall apply (with the necessary modifications) as if a corporation were a housing authority.

### **155 Rent**

- (1) In section 14 of the Rent Act 1977 (tenancy not protected when landlord's interest belongs to certain bodies), there shall be inserted after paragraph (f) “or
- (g) an urban development corporation within the meaning of Part XVI of the Local Government, Planning and Land Act 1980 ;”.
- (2) In section 5 of the Rent (Scotland) Act 1971 (which makes similar provision for Scotland) there shall be inserted after paragraph (d) “and
- (e) an urban development corporation within the meaning of Part XVI of the Local Government, Planning and Land Act 1980”.

### **156 Other provisions relating to corporations as landlords**

- (1) Chapter I of Part I of the Housing Act 1980 (in this section referred to as " the Act of 1980 ") shall apply to an urban development corporation as if it were a landlord specified in paragraph 2 of Schedule 1 to that Act (landlords against whom the right to buy cannot be exercised in certain circumstances).
- (2) Chapter II of that Part of the Act of 1980 shall have effect—
- (a) as if the landlord condition were satisfied where the interest of the landlord belongs to an urban development corporation; and
  - (b) as if a reference to such a corporation were included in any reference to a development corporation in the following provisions: —
    - (i) section 42(1) (meaning of " landlord authority ");
    - (ii) section 45(1) (exemption certificates); and
    - (iii) paragraph 2(1) of Schedule 3 (bodies whose employees' tenancies are not secure if their contract of employment requires them to occupy a dwelling-house for the better performance of their duties).
- (3) Section 140 of the Act of 1980 (exclusion of shared ownership tenancies from the Leasehold Reform Act 1967) shall have effect in relation to a lease granted by an urban development corporation which complies with the conditions set out in subsection (3) of that section.
- (4) Parts I, II and III of the Tenants' Rights, Etc. (Scotland) Act 1980 shall have effect as if a reference to an urban development corporation were included in any reference in those provisions to a development corporation established by an order made, or having effect as if made, under the New Towns (Scotland) Act 1968.



## *Highways*

### **157 Highways**

- (1) When any street works have been executed in a private street (or part of a private street) in an urban development area, the urban development corporation may serve a notice on the street works authority requiring it to declare the street (or part) to be a highway which for the purposes of the Highways Act 1959 is a highway maintainable at the public expense.
- (2) The street works authority may, within two months from the service of the notice, apply to a magistrates' court for an order setting aside the notice on the ground that the works (including lighting) executed in the street (or part) are not of a standard at least equivalent to that of works in other comparable streets in the urban development area.
- (3) The magistrates' court may set aside the notice, but the corporation may serve a subsequent one under this section as regards the street (or part).
- (4) If no order is made to set aside the notice on such an application and no appeal against the magistrates' decision is brought within two months from the decision, the street (or part) shall become a highway maintainable at the public expense on the expiry of that time.
- (5) If an appeal is brought against or arises out of the magistrates' decision, or an appeal arises out of that appeal, the street (or part) shall become a highway maintainable at the public expense on the final determination of the matter in favour of the corporation or on the abandonment of the appeal by the authority.
- (6) In this section "private street" and "street works authority" have the same meanings as in Part IX of the Highways Act 1959.
- (7) This section does not extend to Scotland.

## *Sewerage, etc.*

### **158 Sewerage**

- (1) Section 15 of the Water Act 1973 (arrangements for discharge of sewerage functions) shall be amended as mentioned in subsection (2) below.
- (2) In subsection (10) (definition of relevant authority for discharge of functions): —
  - (a) in paragraph (a) after "New Towns Act 1965" insert "or an area designated as an urban development area under Part XVI of the Local Government, Planning and Land Act 1980";
  - (b) after paragraph (b) insert "and"
  - (c) in relation to an urban development area—
    - (i) the urban development corporation; or
    - (ii) any such council within whose area the urban development area is wholly or partly situated; or
    - (iii) both that corporation and any such council,and the body or bodies to be the relevant authority shall be determined by the water authority."

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- (3) In section 16 of the Water Act 1973 (water authority's duty to provide sewer)—
- (a) at the end of subsection (1)(c) there shall be added “or
  - (d) if—
    - (i) the premises are in an area designated as an urban development area under Part XVI of the Local Government, Planning and Land Act 1980; and
    - (ii) the owners or occupiers of the premises require the authority to provide a public sewer otherwise than for the drainage of new buildings which they propose to erect on the premises; and
    - (iii) the conditions specified in subsection (4A) below are satisfied.”;
  - (b) the following subsection shall be inserted after subsection (4): —
 

“(4A) The conditions mentioned in paragraph (d) of subsection (1) above are that the persons making the requisition—

    - (a) agree severally with the water authority to pay the reckonable charges in respect of the premises for three years at least from the date on which the laying of the sewer is completed; and
    - (b) undertake to meet any relevant deficit.”; and
  - (c) in subsections (5) and (9), for the words “ or (4)” there shall be substituted the words “ , (4) or (4A) ”.
- (4) This section does not extend to Scotland.

## **159 Public health etc.**

- (1) The Secretary of State may by order provide that an urban development corporation shall have in its area (or in such part of its area as may be specified in the order) the functions conferred on a local authority—
- (a) by sections 83 and 84 of the Public Health Act 1936 and sections 35 to 37 of the Public Health Act 1961 (all of which relate to filthy or verminous premises or articles) or in relation to Scotland by section 40 of the Public Health (Scotland) Act 1897 (which makes similar provision for Scotland);
  - (b) by any enactment contained in Part III (nuisances and offensive trades) or IX (common lodging-houses) of the Public Health Act 1936 or in relation to Scotland by Parts II or V of the Public Health (Scotland) Act 1897 (which respectively make similar provision for Scotland) ;
  - (c) by so much of Part XII of the Public Health Act 1936 as relates to any of the enactments mentioned in paragraphs (a) and (b) above ; and
  - (d) by Part I of the Prevention of Damage by Pests Act 1949 (rats and mice).
- (2) On the order coming into force, the corporation shall have the functions conferred in relation to the area (or part) instead of or concurrently with any such authority, depending on the terms of the order.
- (3) The order may provide that any enactment under which the corporation is to exercise functions by virtue of the order shall have effect in relation to the corporation and, where the corporation is to have any function concurrently with another authority, in relation to that authority, as modified by the order.

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- (4) The order shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.
- (5) The power to make an order under this section shall be exercisable by statutory instrument.
- (6) No order under this section shall have effect until approved by a resolution of each House of Parliament.

### *Loans for building*

#### **160 Loans for building**

- (1) For the purpose of enabling any person to whom an urban development corporation has sold or let any land to erect a building on the land, the corporation may, subject to this section, lend money to that person.
- (2) A loan made under this section, together with interest on the loan, shall be secured by a mortgage of the land (or in Scotland a standard security over the land) in respect of which the loan is made.
- (3) The amount of the principal of a loan made under this section shall not exceed whichever of the following is less: —
  - (a) three quarters of the value of the mortgaged security (or in Scotland the security subjects) at the time the loan is made;
  - (b) one half of the value which it is estimated the mortgaged security (or in Scotland the security subjects) will bear when the building for the erection of which the loan is made has been erected.
- (4) A loan made under this section shall carry interest at such rate as may be specified by the Treasury.
- (5) The mortgage deed (or in Scotland standard security) securing a loan made under this section shall provide—
  - (a) for repayment being made, subject to paragraphs (c) and (d) below, within such period, not exceeding 30 years, as may be specified in the deed (or standard security);
  - (b) for repayment being made, subject to paragraphs (c) and (d) below, either by instalments of principal or by an annuity of principal and interest combined ;
  - (c) that, in the event of any of the conditions subject to which the loan is made not being complied with, the balance for the time being unpaid shall become repayable on demand by the corporation;
  - (d) that the said balance, or such part of it as may be provided for in the mortgage (or standard security), may, in any event other than that specified in paragraph (c) above, be repaid on any such conditions as may be specified in the mortgage (or standard security) after one month's written notice of intention to repay has been given to the corporation ;
  - (e) where repayment is to be made by an annuity of principal and interest combined, for determining the amount by which the annuity or the life of the annuity is to be reduced when a part of the loan is paid off otherwise than by way of an instalment of the annuity.

## **161 Loans in pursuance of building agreements**

- (1) This section applies where an urban development corporation enters into an agreement with a person ("the builder ") by which provision is made—
  - (a) authorising the builder to enter on land belonging to the corporation for the purpose of the builder erecting a building on the land ;
  - (b) for the sale of the land to the builder, if the building is erected to the satisfaction of the corporation, or, as the agreement may provide, for the grant of a lease to him if the building is so erected ;
  - (c) for the corporation to lend money to the builder for the purpose of enabling him to erect the building;
  - (d) for securing that, on such a sale or, as the case may be, grant of a lease, any amount lent as mentioned in paragraph (c) above will, together with the interest on the loan, be secured by a mortgage of the land (or in Scotland standard security over the land).
- (2) In that case the corporation may, subject to this section, lend money to the builder for the purpose mentioned in subsection (1)(c) above.
- (3) The amount of the principal of a loan made under this section shall not exceed whichever of the following is less: —
  - (a) three quarters of the value of the land at the time the agreement mentioned in subsection (1) above is made;
  - (b) one half of the amount which it is estimated will be the value of the security for the mortgage (or in Scotland of the security subjects) for which the agreement provides when the building for the erection of which the loan is made has been erected.
- (4) Subsections (4) and (5) of section 160 above apply to a loan made under this section as to one made under that.

### *Inner urban areas*

## **162 Inner urban areas**

- (1) In this section "the 1978 Act" means the Inner Urban Areas Act 1978, and "designated district" and "designated district authority" have the same meanings as in that Act
- (2) In this section "relevant land " means an area of land which is at the same time situated in both an urban development area and a designated district.
- (3) An urban development corporation shall have (as regards relevant land) the same power as the designated district authority has (as regards the designated district) under the provisions of the 1978 Act mentioned in subsection (4) below; and the sections which are or contain those provisions shall apply accordingly (with the necessary modifications).
- (4) The provisions are: —
  - section 2(1) (loans for acquiring land etc.)
  - section 3(1) (loans and grants for co-operative enterprises etc.)
  - sections 4 to 6 (loans and grants in improvement areas)
  - sections 8 to 11 (loans and grants in special areas).

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- (5) Subsections (6) and (7) below apply where—
- (a) the Secretary of State or Ministers wish to enter into arrangements under subsection (1) of section 7 of the 1978 Act as respects any district (arrangements to determine action in case of special social need), and
  - (b) any area of land is situated both in an urban development area and that district
- (6) In that case, arrangements under that subsection may be entered into with—
- (a) the urban development corporation, or
  - (b) the council or councils mentioned in paragraph (a) of that subsection, or
  - (c) subject to subsection (7) below, both the urban development corporation and the council or councils mentioned in that paragraph.
- (7) Arrangements under that subsection which are entered into by virtue of subsection (6) (c) above may not be entered into jointly with the urban development corporation and the council or councils.
- (8) Where arrangements under that subsection are entered into by virtue of subsection (6) above, they may also be entered into with such other person or persons (if any) as may appear to the Secretary of State or the Ministers appropriate.

*Supply of goods, etc, to Urban Development Corporations*

**163 Supply of goods etc. by local authorities**

- (1) Subject to subsection (2) below, in the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) "public body" shall include any urban development corporation.
- (2) The provisions of subsection (1) above shall have effect as if made by an order under section 1(5) of the Local Authorities (Goods and Services) Act 1970 (power to provide that a person or description of persons shall be a public body for the purposes of that Act).
- (3) An order under the said section 1(5) may accordingly vary or revoke the provisions of subsection (1) above as they apply to an urban development corporation specified in the order.

*Finance, accounts, reports, etc.*

**164 Finance, accounts, reports, etc.**

- (1) Schedule 31 below (finance, accounts, reports, etc. in relation to urban development corporations) shall have effect.
- (2) The expenses of the Secretary of State in respect of the administration of this Part of this Act shall be paid out of money provided by Parliament.

*Transfer of corporations' undertakings*

**165 Power to transfer undertaking**

- (1) Subject to this section, an urban development corporation may, by an agreement made with any local authority or any statutory undertakers and approved by the Secretary of State with the Treasury's concurrence: —
  - (a) transfer to the local authority the whole or any part of the corporation's undertaking, or
  - (b) transfer to the statutory undertakers the whole or any part of the corporation's undertaking which consists of a statutory undertaking,upon such terms as may be prescribed by the agreement.
- (2) Subsection (1) above is without prejudice to the powers of an urban development corporation under this Act to dispose of any of its property, including any trade or business carried on by it.
- (3) Where—
  - (a) an agreement is made or is about to be made under subsection (1)(a) above; and
  - (b) after the transfer under it takes or has taken place only liabilities are or will be vested in the corporation,the Secretary of State may by order vest those liabilities in himself.
- (4) Before approving an agreement under this section the Secretary of State shall consult each local authority in whose area all or part of the urban development area is situated (except, in the case of an agreement made with such an authority, the authority with whom it is made).
- (5) Before approving an agreement under this section for the transfer of a statutory undertaking, the Secretary of State shall publish in the London Gazette (or, in the case of an urban development area in Scotland, the Edinburgh Gazette), and in one or more newspapers circulating in the urban development area, a notice stating that the agreement has been submitted for approval and describing the general effect of the agreement.
- (6) If within 28 days from publication of the notice in the London Gazette or Edinburgh Gazette in accordance with sub section (5) above any objection to the agreement is made by any statutory undertakers who, within the urban development area or any area adjacent to it, are carrying on or authorised to carry on a statutory undertaking similar to that proposed to be transferred by the agreement, subsection (1) above shall apply in relation to the agreement as if for the reference to the Secretary of State there were substituted a reference to him and the appropriate Minister.
- (7) If the Secretary of State is satisfied that it is expedient, having regard to any agreement made or proposed to be made under this section, that the liability of the urban development corporation in respect of advances made to it by the Secretary of State under this Part of this Act should be reduced, he may, by order made with the consent of the Treasury, reduce that liability to such extent as may be specified in the order.
- (8) An order under subsection (7) above shall be of no effect until it is approved by a resolution of the House of Commons.
- (9) The following are local authorities for the purposes of this section, namely—

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- (a) (in the application of the section to England and Wales) a county council, a district council, a London borough council, the Greater London Council, and the Common Council of the City of London ;
- (b) (in the application of the section to Scotland) a regional council and a district council.

### *Dissolution of corporations*

#### **166 Dissolution of corporations**

- (1) Where all the property and undertakings of an urban development corporation have been transferred under an agreement or agreements made under section 165 above, with or without an order under subsection (3) of that section, the Secretary of State may make an order by statutory instrument under this section.
- (2) Before making such an order the Secretary of State shall consult each local authority in whose area all or part of the urban development area is situated.
- (3) On the order coming into force, the corporation shall cease to act except for the purpose of preparing its final accounts and report and winding up its affairs.
- (4) The corporation shall (without more) be dissolved on a date specified in, or ascertained by reference to the provisions of, the order.
- (5) Subsection (9) of section 165 above applies for the purposes of this section as for those of that.

### *Miscellaneous*

#### **167 Power to survey land etc.**

- (1) A person to whom this subsection applies may at any reasonable time: —
  - (a) survey any land, or estimate its value, in connection with a proposal by an urban development corporation to acquire the land compulsorily ;
  - (b) for the purpose of surveying, or estimating the value of, any land in pursuance of paragraph (a) above, enter on the land and other land.
- (2) Subsection (1) above applies—
  - (a) to a person authorised in writing by the urban development corporation; and
  - (b) to an officer of the Valuation Office.
- (3) The power to survey land conferred by subsection (1) above includes power for a person to whom that subsection applies by virtue of subsection (2)(a) above to search and bore on and in the land for the purpose of ascertaining the nature of the subsoil or whether minerals are present in the subsoil, and the power to enter on land conferred by that subsection includes power for such a person to place and leave, on or in the land, apparatus for use in connection with the survey in question and to remove the apparatus.
- (4) A person authorised by an urban development corporation to enter on land in pursuance of subsection (1) above—
  - (a) shall, if so required before or after entering on the land, produce evidence of his authority to enter ;

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- (b) may take with him on to the land such other persons and such equipment as are necessary for the survey in question;
  - (c) shall not (if the land is occupied) demand admission to the land as of right unless notice of the intended entry has been served by the corporation on the occupier not less than 28 days before the demand;
  - (d) shall (if the land is unoccupied when he enters or the occupier is then temporarily absent) leave the land as effectually secured against trespassers as he found it;
  - (e) shall not place or leave apparatus on or in the land or remove apparatus from the land—
    - (i) unless notice of his intention to do so has been served by the corporation on an owner of the land, and if the land is occupied on the occupier, not less than 28 days before he does so, and
    - (ii) if the land is held by a local authority or statutory undertakers who within that period serve on the corporation a notice stating that they object to the placing or leaving or removal of the apparatus on the ground that to do so would be seriously detrimental to the performance of any of their functions or, as the case may be, the carrying on of their undertakings unless he has a written Ministerial authorisation to do so;
  - (f) shall not search or bore on or in the land which is the subject of the survey in question if the land is held by a local authority or statutory undertakers—
    - (i) unless notice of his intention to do so has been served by the corporation on the authority or undertakers not less than 28 days before he does so, and
    - (ii) if within that period the authority or undertakers serve on the corporation a notice stating that they object to the searching or boring on the ground that to do so would be seriously detrimental to the performance of any of their functions or, as the case may be, the carrying on of their undertaking, unless he has a written Ministerial authorisation to do so.
- (5) In subsection (4) above " Ministerial authorisation" means—
- (a) in relation to land held by a local authority, the authorisation of the Secretary of State ; and
  - (b) in relation to land held by statutory undertakers, the authorisation of the Secretary of State and the appropriate Minister.
- (6) In exercising the powers of this section to survey land held by a local authority or statutory undertakers a person to whom subsection (1) above applies shall comply with all reasonable conditions imposed by the authority or undertakers with regard to the entry on, surveying of, searching or boring on or in the land, or placing or leaving on, or removal of apparatus from the land.
- (7) Where it is proposed to search or bore in pursuance of this section in a street or controlled land within the meaning of the Public Utilities Street Works Act 1950, section 26 of that Act (which imposes obligations on undertakers executing works likely to affect other undertakers' apparatus) shall have effect in relation to the searching or boring as if it were works to which that section applies and as if the person intending to do the searching or boring were operating undertakers within the meaning of that section.



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- (8) If, in connection with such a proposal of a corporation as is mentioned in subsection (1) (a) above, a person interested in any land suffers damage in consequence of the exercise of a power conferred by subsection (1) or (4) (b) above or a failure to perform the duty imposed by subsection (4)(d) above in respect of the land, he shall be entitled to recover compensation for the damage from the corporation.
- (9) Any dispute as to a person's entitlement to compensation in pursuance of subsection (8) above or as to the amount of the compensation shall be determined by the Lands Tribunal, and sections 2(2) to (5) and 4 of the Land Compensation Act 1961 (which relate to the conduct of certain proceedings before the Tribunal and costs) shall with the necessary modifications apply in relation to the determination by the Tribunal of such a dispute.
- (10) If a person—
- (a) wilfully obstructs another person in the exercise of a power conferred on the other person by subsection (1) or (4)(b) above; or
  - (b) while another person is on any land in pursuance of the said subsection (4)(b), wilfully obstructs him in doing things connected with the survey in question; or
  - (c) removes or otherwise interferes with apparatus left on or in land in pursuance of this section,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.
- (11) If a person who has entered on any land in pursuance of this section discloses to another person information obtained by him there about a manufacturing process or trade secret, then, unless the disclosure is made in the course of performing his duty in connection with the purposes for which he was authorised to enter on the land, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.
- (12) It is hereby declared that references to surveying in this section include references to surveying from the air.
- (13) In the application of this section to Scotland, for the reference in subsection (9) to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland, and for the reference in that subsection to sections 2(2) to (5) and 4 of the Land Compensation Act 1961 there shall be substituted a reference to sections 9(2) to (5) and 11 of the Land Compensation (Scotland) Act 1963 (which make similar provision for Scotland).
- (14) In this section—
- " the statutory maximum ", in relation to a fine on summary conviction, means—
    - (a) in England and Wales, the prescribed sum within the meaning of section 28 of the Criminal Law Act 1977 (at the passing of this Act £1,000); and
    - (b) in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (at the passing of this Act £1,000); and
  - " the Valuation Office " means the Valuation Office of the Inland Revenue Department.

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- (15) The reference to section 28 of the Criminal Law Act 1977 in subsection (14) above shall be construed after the commencement of the Magistrates' Courts Act 1980 as a reference to section 32 of that Act.

### **168 Service of notices**

- (1) This section has effect in relation to any notice required or authorised by this Part of this Act to be served on any person by an urban development corporation.
- (2) Any such notice may be served on the person in question either by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.
- (3) Any such notice may—
- (a) in the case of a body corporate, be given to or served on the secretary or clerk of that body;
  - (b) in the case of a partnership, be given to or served on a partner or a person having the control or management of the partnership business.
- (4) For the purposes of this section and of section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person to or on whom a notice is to be given or served shall be his last known address, except that—
- (a) in the case of a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of that body ;
  - (b) in the case of a partnership or a person having the control or management of the partnership business, it shall be that of the principal office of the partnership;
- and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be its principal office within the United Kingdom.
- (5) If the person to be given or served with any notice mentioned in subsection (1) above has specified an address within the United Kingdom other than his proper address within the meaning of subsection (4) above as the one at which he or someone on his behalf will accept documents of the same description as that notice, that address shall also be treated for the purposes of this section and section 7 of the Interpretation Act 1978 as his proper address.
- (6) If the name or address of any owner, lessee or occupier of land to or on whom any notice mentioned in subsection (1) above is to be served cannot after reasonable inquiry be ascertained, the document may be served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land.

### **169 Ecclesiastical property**

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

- (2) Where under this Part of this Act any notice, other than a notice to treat, is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.
- (3) This section does not extend to Scotland.

#### **170 Interpretation: statutory undertakers etc.**

- (1) In this Part of this Act, unless the context otherwise requires, " statutory undertakers " means—
  - (a) persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water,
  - (b) the British Airports Authority, the Civil Aviation Authority, the National Coal Board, the Post Office and any other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for any of the purposes of the 1971 Act or of the 1972 Act,
  - (c) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph, and
  - (d) any wholly-owned subsidiary (within the meaning assigned by section 150(4) of the Companies Act 1948) of any person, authority, body or undertakers mentioned in paragraphs (a) and (b) above or specified in an order made under paragraph (c) above,and " statutory undertaking " shall be construed accordingly.
- (2) In section 141 above " statutory undertakers " also includes British Shipbuilders, the British Steel Corporation and the National Enterprise Board, and any wholly-owned subsidiary (within the meaning assigned by section 150(4) of the Companies Act 1948) of any of them.
- (3) In this Part of this Act the expression "the appropriate Minister ", and any reference to the Secretary of State and the appropriate Minister—
  - (a) in relation to any statutory undertakers who are also statutory undertakers for the purposes of any provision of Part XI of the 1971 Act or Part XI of the 1972 Act, shall have the same meanings as in the said Part XI, and
  - (b) in relation to any other statutory undertakers, shall have the meanings given by an order made by the Secretary of State under this subsection.
- (4) If, in relation to anything required or authorised to be done under this Part of this Act, any question arises as to which Minister is the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury.
- (5) An order made under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament

#### **171 Interpretation: general**

In this Part of this Act, except in so far as the context otherwise requires—

" ecclesiastical property " means land belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop, of

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*Status: This is the original version (as it was originally enacted).*

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any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction;

" the 1946 Act" means the Acquisition of Land (Authorisation Procedure) Act 1946;

" the 1947 Act" means the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ;

"the 1971 Act" means the Town and Country Planning Act 1971;

" the 1972 Act" means the Town and Country Planning (Scotland) Act 1972;

" urban development area " means an area designated by an order under section 134 above;

"urban development corporation" means a corporation established by an order under section 135 above.

## **172    Extent of Part XVI**

This Part of this Act (except paragraph 18 of Schedule 26) does not extend to Northern Ireland.