



# New Towns Act 1981

## 1981 CHAPTER 64

### PART I

#### NEW TOWNS AND THEIR DEVELOPMENT CORPORATIONS

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

#### <sup>F1</sup>19 Power to override easements and other rights.

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#### Textual Amendments

**F1** S. 19 omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 19 para. 4](#); [S.I. 2016/733](#), reg. 3(m)

#### 20 Consecrated land and burial grounds.

(1) Any consecrated land, whether including a building or not, which has been acquired for the purposes of this Act by a development corporation or local highway authority, or which has been acquired under this Act by the Secretary of State, may, subject to this section—

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

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

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- (2) Any use of consecrated land authorised by subsection (1) above—
- (a) 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
  - (b) 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 of it, remains on the land,
- and the use of any land, not being consecrated land, acquired as mentioned in subsection (1), which at the time of acquisition included a church or other building used or formerly used for religious worship, or its site, shall be subject to compliance with the requirements mentioned in paragraph (a) above.
- (3) Any regulations made for the purposes of subsection (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 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 subsection (2) such as appear to the Secretary of State requisite for securing that the provisions of that subsection shall be complied with in relation to the use of the land; and
  - (c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Secretary of State to be expedient for the purposes of the regulations.
- (4) Any land consisting of a burial ground or part of a burial ground, which has been acquired as mentioned in subsection (1) may—
- (a) in the case of land acquired by a development corporation or local highway authority, be used by them in any manner in accordance with planning permission, and
  - (b) in the case of land acquired by the 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.
- (5) Subsection (4) above does 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 and upon the land have been complied with.
- (6) Provision shall be made by any regulations for the purposes of subsections (2) and (5) 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;

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- (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.
- (7) Subject to any such regulations, no faculty shall be required—
- (a) for the removal and reinterment in accordance with the regulations of any human remains, or
- (b) for the removal or disposal of any monuments,
- and section 25 of the <sup>M1</sup>Burial Act 1857 (which prohibits the removal of human remains without the Secretary of State’s licence except in certain cases) does not apply to a removal carried out in accordance with the regulations.
- (8) Any power conferred by this section to use land in the manner so provided 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.
- (9) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such obligation, restriction or enactment as is mentioned in subsection (1) or subsection (4).
- [<sup>F2</sup>(10) Nothing in this section shall be construed as authorising any act or omission on the part of a development corporation or local highway authority, or of any body corporate, in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the corporation, authority or body.]
- (11) In this section—
- “burial ground” includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment; and
- “monument” includes a tombstone or other memorial.

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**Textual Amendments**

**F2** S. 20(10) substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\), s. 216\(3\), Sch. 19 para. 5](#); S.I. 2016/733, reg. 3(m)

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**Marginal Citations**

**M1** 1857 c. 81.

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## 21 Open spaces.

- (1) Any land being, or forming part of, a common, open space or fuel or field garden allotment, which has been acquired for the purposes of this Act by a development corporation or local highway authority, or which has been acquired under this Act by the Secretary of State, may—
- (a) in the case of land acquired by such a corporation or authority, be used by them, or by any other person, in any manner in accordance with planning permission, and
  - (b) in the case of land acquired by the 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 section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such enactment as is mentioned in subsection (1) above.
- [<sup>F3</sup>(3) Nothing in this section shall be construed as authorising any act or omission on the part of a development corporation or local highway authority, or of any body corporate, in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the corporation, authority or body.]

### Textual Amendments

- F3** S. 21(3) substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 19 para. 6](#); [S.I. 2016/733](#), reg. 3(m)

## 22 Possession of houses.

If the Secretary of State certifies that possession of a house—

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

is immediately required for those purposes, nothing in the <sup>M2</sup>Rent (Agriculture) Act 1976 or the <sup>M3</sup>Rent Act 1977 [<sup>F4</sup>or Part I of the Housing Act 1988] shall prevent that corporation or authority from obtaining possession of the house.

### Textual Amendments

- F4** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 para. 31](#)

### Marginal Citations

- M2** 1976 c. 80.  
**M3** 1977 c. 42.

## 23 Extinguishment of public rights of way.

- (1) Where any land—

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- (a) has been acquired for the purposes of this Act by a development corporation or local highway authority and is for the time being held by that corporation or authority for those purposes, or
  - (b) has been acquired under this Act by the Secretary of State and is for the time being held for the purposes for which he acquired it,
- 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 section, he shall publish in such manner as appears to him to be requisite a notice—
- (a) stating the effect of the order, and
  - (b) specifying the time (not being less than 28 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 [<sup>F5</sup>or, in the case of land in Wales, the local planning authority] in whose area the land is situated; and
  - (ii) [<sup>F6</sup>if different] on the relevant highway authority.
- In this subsection “the relevant highway authority” means any authority who are a highway authority in relation to the right of way proposed to be extinguished by the order, other than an authority who have applied for the order to be made.
- (3) Where an objection to a proposal to make an order under this section is duly made and is not withdrawn, Schedule 8 to this Act shall have effect in relation to the proposal.
- (4) For the purposes of this section an objection to such a proposal shall not be treated as duly made unless—
- (a) it is made within the time and in the manner specified in the notice required by this section; and
  - (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.
- (5) Where—
- (a) it is proposed to make an order under this section extinguishing a public right of way over a road on land acquired for the purposes of this Act by a development corporation, and
  - (b) compensation in respect of restrictions imposed under section 1 or section 2 of the <sup>M4</sup>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 <sup>M5</sup>Trunk Roads Act 1936),
- the order may provide for the payment by the development corporation to that authority, in respect of the compensation so paid, of such sums as the Secretary of State, with the Treasury’s consent, 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 section of a public right of way, section 11 above 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 subsection (1) of that section.

<sup>F7</sup>(7) .....

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#### Textual Amendments

- F5** Words in s. 23(2)(i) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 63(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F6** Words in s. 23(2)(ii) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 63(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F7** S. 23(7) repealed by **Telecommunications Act 1984 (c. 12, SIF 96)**, **Sch. 7 Pt. I**

#### Marginal Citations

- M4** 1935 c. 47.
- M5** 1936 c. 5. (1 Edw. 8 & 1 Geo. 6.).

[<sup>F8</sup>24

- (1) Where an order under section 23 of this Act extinguishing a public right of way is made on the application of a development corporation or local highway authority, and at the time of the publication of the notice required by subsection (2) of that section any [<sup>F9</sup>electronic communications apparatus] was kept installed for the purposes of [<sup>F10</sup>an electronic communications code network] under, in, over, along or across the land over which the right of way subsisted—
- (a) the power of the operator of [<sup>F11</sup>the network] to remove the apparatus shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished and shall be exercisable in respect of the whole or any part of the apparatus after the end of that period if before the end of that period the operator of [<sup>F11</sup>the network] has given notice to the corporation or authority of his intention to remove the apparatus or that part of it, as the case may be;
  - (b) the operator of [<sup>F11</sup>the network] may by notice given in that behalf to the corporation or authority not later than the end of that period of three months abandon the [<sup>F9</sup>electronic communications apparatus] or any part of it;
  - (c) subject to paragraph ( b ) above, the operator of [<sup>F11</sup>the network] shall be deemed at the end of that period to have abandoned any part of the apparatus which he has then neither removed nor given notice of his intention to remove;
  - (d) the operator of [<sup>F11</sup>the network] shall be entitled to recover from the corporation or authority the expenses of providing, in substitution for the apparatus and any other [<sup>F9</sup>electronic communications apparatus] connected with it which is rendered useless in consequence of the removal or abandonment of the first-mentioned apparatus, any [<sup>F9</sup>electronic communications apparatus] in such other place as the operator may require;
  - (e) where under the preceding provisions of this subsection the operator of [<sup>F11</sup>the network] has abandoned the whole or any part of any [<sup>F9</sup>electronic communications apparatus], that apparatus or that part of it shall vest in the corporation or authority and shall be deemed, with its abandonment, to cease to be kept installed for the purposes of [<sup>F10</sup>an electronic communications code network].
- (2) Where the Secretary of State makes an order under section 23 above in circumstances in which subsection (1) above applies in relation to the operator of [<sup>F10</sup>an electronic communications code network], the Secretary of State shall send a copy of the order to the operator.]

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#### Textual Amendments

- F8** S. 24 substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch. 4 para. 79\(4\)\(5\)](#), [Sch. 5 para. 45](#)
- F9** Words in s. 24 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 57\(1\)\(c\)\(2\)\(c\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)
- F10** Words in s. 24 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 57\(1\)\(c\)\(2\)\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)
- F11** Words in s. 24 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 57\(1\)\(c\)\(2\)\(f\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)

## 25 Special power to create trunk roads.

The Secretary of State may direct that any road constructed by him on land transferred to or acquired by him under this Act shall, on such date as may be specified in the direction, become a trunk road within the meaning of the <sup>M6</sup>Highways Act 1980; and the provisions of that Act relating to trunk roads shall apply to the road accordingly.

#### Marginal Citations

- M6** 1980 c. 66.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1A(1) omitted by [2023 c. 55 Sch. 16 para. 7\(3\)](#)
- s. 1A(2) omitted by [2023 c. 55 Sch. 16 para. 7\(3\)](#)
- s. 1A(4) word inserted by [2023 c. 55 Sch. 16 para. 7\(4\)\(b\)](#)
- s. 1A(4) words substituted by [2023 c. 55 Sch. 16 para. 7\(4\)\(a\)](#)
- s. 1A(5)(a) words substituted by [2023 c. 55 Sch. 16 para. 7\(5\)\(a\)](#)
- s. 1ZA1ZB inserted by [2023 c. 55 s. 172\(2\)](#)
- s. 2(1A) inserted by [2023 c. 55 Sch. 16 para. 8](#)
- s. 3(2B)-(2D) inserted by [2023 c. 55 s. 172\(3\)\(c\)](#)
- s. 3(2ZA)(2ZB) inserted by [2023 c. 55 s. 178\(2\)\(b\)](#)
- s. 7A7B inserted by [2023 c. 55 s. 175\(2\)](#)
- s. 60(1A) inserted by [2023 c. 55 s. 179\(2\)\(b\)](#)
- s. 77(3E) inserted by [2023 c. 55 Sch. 17 para. 1\(3\)](#)
- Sch. 3 para. 10A10B and cross-heading inserted by [2023 c. 55 s. 175\(3\)](#)
- Sch. 4 para. 5A inserted by [2023 c. 55 s. 190\(3\)\(a\)](#)
- Sch. 5 para. 5A inserted by [2023 c. 55 s. 190\(3\)\(b\)](#)