



# Leasehold Reform, Housing and Urban Development Act 1993

## 1993 CHAPTER 28

### PART III

#### DEVELOPMENT OF URBAN AND OTHER AREAS

##### *The Urban Regeneration Agency*

#### **158 The Agency**

- (1) There shall be a body corporate to be known as the Urban Regeneration Agency (“the Agency”) for the purpose of exercising the functions conferred on it by the following provisions of this Part.
- (2) Schedule 17 to this Act shall have effect with respect to the constitution of the Agency and Schedule 18 to this Act shall have effect with respect to the finances of the Agency.
- (3) It is hereby declared that, except as provided by section 175, the Agency 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 its property is not to be regarded as the property of, or property held on behalf of, the Crown.

#### **159 Objects of Agency**

- (1) The main object of the Agency shall be to secure the regeneration of land in England—
  - (a) which is land of one or more of the descriptions mentioned in subsection (2); and
  - (b) which the Agency (having regard to guidance, and acting in accordance with directions, given by the Secretary of State under section 167) determines to be suitable for regeneration under this Part.
- (2) The descriptions of land referred to in subsection (1)(a) are—

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- (a) land which is vacant or unused;
- (b) land which is situated in an urban area and which is under-used or ineffectively used;
- (c) land which is contaminated, derelict, neglected or unsightly; and
- (d) land which is likely to become derelict, neglected or unsightly by reason of actual or apprehended collapse of the surface as the result of the carrying out of relevant operations which have ceased to be carried out;

and in this subsection “relevant operations” has the same meaning as in section 1 of the Derelict Land Act 1982.

- (3) The Agency shall also have the object of securing the development of land in England which the Agency—
  - (a) having regard to guidance given by the Secretary of State under section 167;
  - (b) acting in accordance with directions given by the Secretary of State under that section; and
  - (c) with the consent of the Secretary of State,
 determines to be suitable for development under this Part.
- (4) The objects of the Agency are to be achieved in particular by the following means (or by such of them as seem to the Agency to be appropriate in any particular case), namely—
  - (a) by securing that land and buildings are brought into effective use;
  - (b) by developing, or encouraging the development of, existing and new industry and commerce;
  - (c) by creating an attractive and safe environment;
  - (d) by facilitating the provision of housing and providing, or facilitating the provision of, social and recreational facilities.

## **160 General powers of Agency**

- (1) Subject to the following provisions of this Part, for the purpose of achieving its objects the Agency may—
  - (a) acquire, hold, manage, reclaim, improve and dispose of land, plant, machinery, equipment and other property;
  - (b) carry out the development or redevelopment of land, including the conversion or demolition of existing buildings;
  - (c) carry out building and other operations;
  - (d) provide means of access, services or other facilities for land;
  - (e) seek to ensure the provision of water, electricity, gas, sewerage and other services;
  - (f) carry on any business or undertaking for the purposes of its objects;
  - (g) with the consent of the Secretary of State, form, or acquire interests in, bodies corporate;
  - (h) act with other persons, whether in partnership or otherwise;
  - (i) give financial assistance to other persons;
  - (j) act as agent for other persons;
  - (k) provide advisory or other services and facilities; and
  - (l) generally do anything necessary or expedient for the purposes of its objects or for purposes incidental to those purposes.

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- (2) Nothing in section 159 or this section shall empower the Agency—
- (a) to provide housing otherwise than by acquiring existing housing accommodation and making it available on a temporary basis for purposes incidental to the purposes of its objects;
  - (b) to acquire an interest in a body corporate which at the time of the acquisition is carrying on a trade or business, if the effect of the acquisition would be to make the body corporate a subsidiary of the Agency; or
  - (c) except with the consent of the Secretary of State, to dispose of any land otherwise than for the best consideration which can reasonably be obtained.
- (3) For the avoidance of doubt it is hereby declared that subsection (1) relates only to the capacity of the Agency as a statutory corporation and nothing in section 159 or this section authorises it to disregard any enactment or rule of law.
- (4) In this section—
- “improve”, in relation to land, includes refurbish, equip and fit out;
  - “subsidiary” has the meaning given by section 736 of the Companies Act 1985;
- and in this section and the following provisions of this Part references to land include land not falling within subsection (1) or (3) of section 159.

## **161 Vesting of land by order**

- (1) Subject to subsections (2) and (3), the Secretary of State may by order provide that land specified in the order which is vested in a local authority, statutory undertakers or other public body, or in a wholly-owned subsidiary of a public body, shall vest in the Agency.
- (2) An order under subsection (1) may not specify land vested in statutory undertakers which is used for the purpose of carrying on their statutory undertakings or which is held for that purpose.
- (3) In the case of land vested in statutory undertakers, the power to make an order under subsection (1) shall be exercisable by the Secretary of State and the appropriate Minister.
- (4) An order under subsection (1) shall have the same effect as a declaration under the Compulsory Purchase (Vesting Declarations) Act 1981 except that, in relation to such an order, the enactments mentioned in Schedule 19 to this Act shall have effect with the modifications specified in that Schedule.
- (5) Compensation under the Land Compensation Act 1961, as applied by subsection (4) and Schedule 19 to this Act, shall be assessed by reference to values current on the date the order under subsection (1) comes into force.
- (6) No compensation is payable, by virtue of an order under subsection (1), under Part IV of the Land Compensation Act 1961.
- (7) In this section—
- “the appropriate Minister”—
  - (a) in relation to statutory undertakers who are or are deemed to be statutory undertakers for the purposes of any provision of Part XI of the Town

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and Country Planning Act 1990, shall be construed as if contained in that Part;

- (b) in relation to any other statutory undertakers, shall be construed in accordance with an order made by the Secretary of State;

and the reference to the Secretary of State and the appropriate Minister shall be similarly construed;

“local authority” means a county council, a district council, a London borough council or the Common Council of the City of London;

“statutory undertakers”, except where the context otherwise requires, 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 hydraulic power;
- (b) British Shipbuilders, the Civil Aviation Authority, the British Coal Corporation and the Post Office;
- (c) any other authority, body or undertakers specified in an order made by the Secretary of State;
- (d) any wholly-owned subsidiary of any person, authority or body mentioned in paragraphs (a) and (b) or of any authority, body or undertakers specified in an order made under paragraph (c);

and “statutory undertaking” shall be construed accordingly;

“wholly-owned subsidiary” has the meaning given by section 736 of the Companies Act 1985.

- (8) If 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.
- (9) An order under subsection (1) shall be made by statutory instrument but no such order shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (10) An order under subsection (7) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **162 Acquisition of land**

- (1) The Agency may, for the purpose of achieving its objects or for purposes incidental to that purpose, acquire land by agreement or, on being authorised to do so by the Secretary of State, compulsorily.
- (2) The Agency may, for those purposes, be authorised by the Secretary of State, by means of a compulsory purchase order, to acquire compulsorily such new rights over land as are specified in the order.
- (3) Where the land referred to in subsection (1) or (2) forms part of a common, open space or fuel or field garden allotment, the Agency 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 or, as the case may be, rights acquired.
- (4) Subject to section 169, the Acquisition of Land Act 1981 shall apply to the compulsory acquisition of land by virtue of subsection (1) or (3).

- (5) Schedule 3 to that Act shall apply to the compulsory acquisition of a right by virtue of subsection (2) but with the modification that the reference in paragraph 4(3) to statutory undertakers includes a reference to the Agency.
- (6) The provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than section 31, shall apply to the acquisition by the Agency of land by agreement; and in that Part as so applied “land” has the meaning given by the Interpretation Act 1978.
- (7) In subsection (2)—
  - “new rights over land” means rights over land which are not in existence when the order specifying them is made;
  - “compulsory purchase order” has the same meaning as in the Acquisition of Land Act 1981.

### **163 Power to enter and survey land**

- (1) Any person who is duly authorised in writing by the Agency may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with—
  - (a) any proposal to acquire that land or any other land; or
  - (b) any claim for compensation in respect of any such acquisition.
- (2) The power to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals in it.
- (3) A person authorised under this section to enter any land—
  - (a) shall, if so required, produce evidence of his authority before entry, and
  - (b) shall not demand admission as of right to any land which is occupied unless 28 days' notice of the intended entry has been given to the occupier by the Agency.
- (4) Any person who wilfully obstructs a person acting in exercise of his powers under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) If any person who, in compliance with the provisions of this section, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him in it as to any manufacturing process or trade secret, he shall be guilty of an offence.
- (6) Subsection (5) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the premises.
- (7) A person who is guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.
- (8) Where any land is damaged—
  - (a) in the exercise of a right of entry under this section, or
  - (b) in the making of any survey under this section,

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compensation in respect of that damage may be recovered by any person interested in the land from the Agency.

- (9) The provisions of section 118 of the Town and Country Planning Act 1990 (determination of claims for compensation) shall apply in relation to compensation under subsection (8) as they apply in relation to compensation under Part IV of that Act.
- (10) No person shall carry out under this section any works authorised by virtue of subsection (2) unless notice of his intention to do so was included in the notice required by subsection (3).
- (11) The authority of the appropriate Minister shall be required for the carrying out of any such works if—
- (a) the land in question is held by statutory undertakers; and
  - (b) they object to the proposed works on the ground that the execution of the works would be seriously detrimental to the carrying on of their undertaking;
- and expressions used in this subsection have the same meanings as they have in section 325(9) of the Town and Country Planning Act 1990 (supplementary provisions as to rights of entry).

#### **164 Financial assistance**

- (1) The consent of the Secretary of State is required for the exercise of the Agency's power to give financial assistance; and such assistance—
- (a) may be given by the Agency only in respect of qualifying expenditure; and
  - (b) may be so given on such terms and conditions as the Agency, with the consent of the Secretary of State, considers appropriate.
- (2) Expenditure incurred in connection with any of the following matters is qualifying expenditure—
- (a) the acquisition of land;
  - (b) the reclamation, improvement or refurbishment of land;
  - (c) the development or redevelopment of land, including the conversion or demolition of existing buildings;
  - (d) the equipment or fitting out of land;
  - (e) the provision of means of access, services or other facilities for land;
  - (f) environmental improvements.
- (3) Financial assistance may be given in any form and may, in particular, be given by way of—
- (a) grants;
  - (b) loans;
  - (c) guarantees; or
  - (d) incurring expenditure for the benefit of the person assisted;
- but the Agency shall not in giving financial assistance purchase loan or share capital in a company.
- (4) A consent under subsection (1) may be given only with the approval of the Treasury.
- (5) The terms and conditions on which financial assistance is given may, in particular, include provision as to—

- (a) the circumstances in which the assistance must be repaid, or otherwise made good, to the Agency, and the manner in which that is to be done;
  - (b) the circumstances in which the Agency is entitled to recover the proceeds or part of the proceeds of any disposal of land in respect of which the assistance was provided.
- (6) Any person receiving financial assistance shall comply with the terms and conditions on which it is given and compliance may be enforced by the Agency.

## **165 Connection of private streets to highway**

- (1) For the purpose of achieving its objects or for purposes incidental to that purpose, the Agency may serve a notice (a “connection notice”) on the local highway authority requiring the authority to connect a private street to an existing highway (whether or not it is a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense).
- (2) A connection notice must specify—
- (a) the private street and the existing highway;
  - (b) the works which appear to the Agency to be necessary to make the connection; and
  - (c) the period within which those works should be carried out.
- (3) Before serving a connection notice the Agency shall consult the local highway authority about the proposed contents of the notice.
- (4) Within the period of two months beginning with the date on which the connection notice was served, the local highway authority may appeal against the notice to the Secretary of State.
- (5) After considering any representations made to him by the Agency and the local highway authority, the Secretary of State shall determine an appeal under subsection (4) by setting aside or confirming the connection notice (with or without modifications).
- (6) A connection notice becomes effective—
- (a) where no appeal is made within the period of two months referred to in subsection (4), upon the expiry of that period;
  - (b) where an appeal is made within that period but is withdrawn before it has been determined by the Secretary of State, on the date following the expiry of the period of 21 days beginning with the date on which the Secretary of State is notified of the withdrawal;
  - (c) where an appeal is made and the connection notice is confirmed by a determination under subsection (5), on such date as the Secretary of State may specify in the determination.
- (7) Where a connection notice becomes effective, the local highway authority shall carry out the works specified in the notice within such period as may be so specified and may recover from the Agency the expenses reasonably incurred by them in doing so.
- (8) If the local highway authority do not carry out the works specified in the notice within such period as may be so specified, the Agency may itself carry out or complete those works or arrange for another person to do so.

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- (9) In this section “local highway authority” has the same meaning as in the Highways Act 1980.

*The Agency: supplemental*

**166 Consents of Secretary of State**

A consent of the Secretary of State under the foregoing provisions of this Part—

- (a) may be given unconditionally or subject to conditions;
- (b) may be given in relation to a particular case or in relation to such descriptions of case as may be specified in the consent; and
- (c) except in relation to anything already done or agreed to be done on the authority of the consent, may be varied or revoked by a notice given by the Secretary of State to the Agency.

**167 Guidance and directions by Secretary of State**

- (1) The Agency shall have regard to guidance from time to time given by the Secretary of State in deciding—
  - (a) which land is suitable for regeneration or development under this Part; and
  - (b) which of its functions under this Part it is to exercise for securing the regeneration or development of any particular land and how it is to exercise those functions.
- (2) Without prejudice to any of the foregoing provisions of this Part requiring the consent of the Secretary of State to be obtained for anything to be done by the Agency, he may give directions to the Agency—
  - (a) for restricting the exercise by it of any of its functions under this Part; or
  - (b) for requiring it to exercise those functions in any manner specified in the directions.
- (3) Directions under subsection (2) may be of a general or particular nature and may be varied or revoked by subsequent directions.

**168 Validity of transactions**

- (1) A transaction between a person and the Agency shall not be invalidated by reason only of any failure by the Agency to observe its objects or the requirement in subsection (1) of section 160 that the Agency shall exercise the powers conferred by that subsection for the purpose of achieving its objects, and such a person shall not be concerned to see or enquire whether there has been any such failure.
- (2) A transaction between a person and the Agency acting in purported exercise of its functions under this Part shall not be invalidated by reason only that it was carried out in contravention of any direction given under subsection (2) of section 167, and such a person shall not be concerned to see or enquire whether any directions under that subsection have been given or complied with.

**169 Supplementary provisions as to vesting and acquisition of land**

- (1) Schedule 20 to this Act shall have effect.



- (2) Part I of that Schedule modifies the Acquisition of Land Act 1981 as applied by section 162.
- (3) Part II of that Schedule contains supplementary provisions about land vested in or acquired by the Agency under this Part.
- (4) Part III of that Schedule contains supplementary provisions about the acquisition by the Agency of rights over land by virtue of section 162(2).

### *Designation orders and their effect*

#### **170 Power to make designation orders**

- (1) Where, as respects any area in England which is an urban area or which, in the opinion of the Secretary of State, is suitable for urban development, it appears to the Secretary of State—
  - (a) that all or any of the provisions authorised by section 171 should be made in relation to the whole or any part of it; or
  - (b) that either or both of sections 172 and 173 should apply in relation to it,the Secretary of State may by order designate that area and either so make the provision or provisions, or direct that the section or sections shall so apply, or (as the case may require) do both of those things.
- (2) In this Part “designation order” means an order under this section and “designated area” means, subject to subsection (5), an area designated by a designation order.
- (3) Before making a designation order the Secretary of State shall consult every local authority any part of whose area is intended to be included in the proposed designated area.
- (4) A designation order—
  - (a) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and
  - (b) may contain such savings and transitional and supplementary provisions as may be specified in the order.
- (5) The power to amend a designation order conferred by section 14 of the Interpretation Act 1978 includes power to amend the boundaries of the designated area; and where any such amendment is made, any reference in this Part to a designated area is a reference to the designated area as so amended.
- (6) In this section “local authority” means a county council, a district council, a London borough council or the Common Council of the City of London.

#### **171 Agency as local planning authority**

- (1) If a designation order so provides, the Agency shall be the local planning authority for the whole or any part of the designated area—
  - (a) for such purposes of Part III of the Town and Country Planning Act 1990 and sections 67 and 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as may be specified in the order; and
  - (b) in relation to such kinds of development as may be so specified.

- (2) A designation order making such provision as is mentioned in subsection (1) may also provide—
- (a) that any enactment relating to local planning authorities shall not apply to the Agency; and
  - (b) that any such enactment which applies to the Agency shall apply to it subject to such modifications as may be specified in the order.
- (3) If a designation order so provides—
- (a) subject to any modifications specified in the order, the Agency shall have, in the whole or any part of the designated area, such of the functions conferred by the provisions mentioned in subsection (4) as may be so specified; and
  - (b) such of the provisions of Part VI and sections 249 to 251 and 258 of the Town and Country Planning Act 1990 and sections 32 to 37 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as are mentioned in the order shall have effect, in relation to the Agency and to land in the designated area, subject to the modifications there specified.
- (4) The provisions referred to in subsection (3)(a) are—
- (a) sections 171C, 171D, 172 to 185, 187 to 202, 206 to 222, 224, 225, 231 and 320 to 336 of, and paragraph 11 of Schedule 9 to, the Town and Country Planning Act 1990;
  - (b) Chapters I, II and IV of Part I and sections 54 to 56, 59 to 61, 66, 68 to 72, 74 to 76 and 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and
  - (c) sections 4 to 15, 17 to 21, 23 to 26AA, 36 and 36A of the Planning (Hazardous Substances) Act 1990.
- (5) A designation order making such provision as is mentioned in subsection (3) may also provide that, for the purposes of any of the provisions specified in the order, any enactment relating to local planning authorities shall apply to the Agency subject to such modifications as may be so specified.

## **172 Adoption of private streets**

- (1) Where—
- (a) this section applies in relation to a designated area; and
  - (b) any street works have been executed on any land in the designated area which was then or has since become a private street (or part of a private street),
- the Agency may serve a notice (an “adoption notice”) on the street works authority requiring the authority to declare the street (or part) to be a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense.
- (2) Within the period of two months beginning with the date on which the adoption notice was served, the street works authority may appeal against the notice to the Secretary of State.
- (3) After considering any representations made to him by the Agency and the street works authority, the Secretary of State shall determine an appeal under subsection (2) by setting aside or confirming the adoption notice (with or without modifications).
- (4) Where, under subsection (3), the Secretary of State confirms the adoption notice—

- (a) he may at the same time impose conditions (including financial conditions) upon the Agency with which it must comply in order for the notice to take effect; and
  - (b) with effect from such date as the Secretary of State may specify, the street (or part) shall become a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense.
- (5) Where a street works authority neither complies with the adoption notice, nor appeals under subsection (2), the street (or part) shall become, upon the expiry of the period of two months referred to in subsection (2), a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense.
- (6) In this section “street works” and “street works authority” have the same meanings as in Part XI of the Highways Act 1980.

### **173 Traffic regulation orders for private streets**

- (1) Where—
- (a) this section applies in relation to a designated area;
  - (b) the Agency submits to the Secretary of State that an order under this section should be made in relation to any road in the designated area which is a private street; and
  - (c) it appears to the Secretary of State that the traffic authority do not intend to make an order under section 1 or, as the case may be, section 6 of the Road Traffic Regulation Act 1984 (orders concerning traffic regulation) in relation to the road,
- the Secretary of State may by order under this section make in relation to the road any such provision as he might have made by order under that section if he had been the traffic authority.
- (2) The Road Traffic Regulation Act 1984 applies to an order under this section as it applies to an order made by the Secretary of State under section 1 or, as the case may be, section 6 of that Act in relation to a road for which he is the traffic authority.
- (3) In this section “road” and “traffic authority” have the same meanings as in the Road Traffic Regulation Act 1984.

#### *Other functions of Secretary of State*

### **174 Financial assistance for urban regeneration**

For section 27 of the Housing and Planning Act 1986 (power to give financial assistance) there shall be substituted the following section—

#### **“27 Power to give assistance**

- (1) The Secretary of State may, with the consent of the Treasury, give financial assistance to any person in respect of expenditure incurred in connection with activities contributing to the regeneration of an urban area.
- (2) Activities contributing to the regeneration of an urban area include in particular—

- (a) securing that land and buildings are brought into effective use;
- (b) developing, or encouraging the development of, existing and new industry and commerce;
- (c) creating an attractive and safe environment;
- (d) providing housing or social and recreational facilities so as to encourage people to live or work in the area;
- (e) providing employment for people who live in the area;
- (f) providing training, educational facilities or health services for people who live in the area.”

### **175 Power to appoint Agency as agent**

- (1) The Secretary of State may, on such terms as he may with the approval of the Treasury specify, appoint the Agency to act as his agent in connection with such of the functions mentioned in subsection (2) as he may specify; and where such an appointment is made, the Agency shall act as such an agent in accordance with the terms of its appointment.
- (2) The functions referred to in subsection (1) are—
  - (a) functions under section 1 of the Derelict Land Act 1982 or any enactment superseded by that section (grants for reclaiming or improving land or bringing land into use), other than the powers to make orders under subsections (5) and (7) of that section; and
  - (b) so far as exercisable in relation to England, functions under sections 27 to 29 of the Housing and Planning Act 1986 (financial assistance for urban regeneration).
- (3) In so far as an appointment under subsection (1) relates to functions mentioned in subsection (2)(b), the terms of the appointment shall preclude the Agency from giving financial assistance in respect of expenditure which is not qualifying expenditure within the meaning of section 164.

### **176 Power to direct disposal of unused etc. land held by public bodies**

- (1) In subsection (1) of section 98 (disposal of land by public bodies at direction of Secretary of State) of the Local Government, Planning and Land Act 1980 (“the 1980 Act”)—
  - (a) in paragraph (a), for the words “is for the time being entered on a register maintained by him under section 95 above” there shall be substituted the words “for the time being satisfies the conditions specified in section 95(2) above”; and
  - (b) in paragraph (b), for the words “is for the time being entered on such a register” there shall be substituted the words “for the time being satisfies those conditions”.
- (2) In section 99A of that Act (powers of entry), subsection (2) (which precludes entry on land which is not for the time being entered on a register maintained under section 95) shall cease to have effect.

### *Urban development corporations*

#### **177 Power to act as agents of Agency**

- (1) The Agency may, with the consent of the Secretary of State, appoint an urban development corporation, on such terms as may be agreed, to act as its agent in connection with such of its functions (other than its power to give financial assistance) as may be specified in the appointment; and where such an appointment is made, the urban development corporation shall act as such an agent in accordance with the terms of its appointment.
- (2) For the purpose of assisting the Agency to carry out any of its functions, an urban development corporation, on being so requested by the Agency, may arrange for any of its property or staff to be made available to the Agency for such period and on such other terms as it thinks fit.
- (3) In this section “urban development corporation” means a corporation established by an order under section 135 of the 1980 Act.

#### **178 Powers with respect to private streets**

For section 157 of the 1980 Act (highways) there shall be substituted the following sections—

##### *“Private streets*

#### **157 Adoption of private streets**

- (1) Where any street works have been executed on any land in an urban development area which was then or has since become a private street (or part of a private street), the urban development corporation may serve a notice (an “adoption notice”) on the street works authority requiring the authority to declare the street (or part) to be a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense.
- (2) Within the period of two months beginning with the date on which the adoption notice was served, the street works authority may appeal against the notice to the Secretary of State.
- (3) After considering any representations made to him by the corporation and the street works authority, the Secretary of State shall determine an appeal under subsection (2) above by setting aside or confirming the adoption notice (with or without modifications).
- (4) Where, under subsection (3) above, the Secretary of State confirms the adoption notice—
  - (a) he may at the same time impose conditions (including financial conditions) upon the corporation with which it must comply in order for the notice to take effect; and
  - (b) with effect from such date as the Secretary of State may specify, the street (or part) shall become a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense.

- (5) Where a street works authority neither complies with the adoption notice, nor appeals under subsection (2) above, the street (or part) shall become, upon the expiry of the period of two months referred to in subsection (2) above, a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense.
- (6) In this section—  
“highway” has the same meaning as in the Highways Act 1980;  
“private street”, “street works” and “street works authority” have the same meanings as in Part XI of that Act.
- (7) This section does not extend to Scotland.

### **157A Connection of private streets to highway**

- (1) An urban development corporation may serve a notice (a “connection notice”) on the local highway authority requiring the authority to connect a private street in the urban development area to an existing highway (whether or not it is a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense).
- (2) A connection notice must specify—  
(a) the private street and the existing highway;  
(b) the works which appear to the corporation to be necessary to make the connection; and  
(c) the period within which those works should be carried out.
- (3) Before serving a connection notice an urban development corporation shall consult the local highway authority about the proposed contents of the notice.
- (4) Within the period of two months beginning with the date on which the connection notice was served, the local highway authority may appeal against the notice to the Secretary of State.
- (5) After considering any representations made to him by the corporation and the local highway authority, the Secretary of State shall determine an appeal under subsection (4) above by setting aside or confirming the connection notice (with or without modifications).
- (6) A connection notice becomes effective—  
(a) where no appeal is made within the period of two months referred to in subsection (4) above, upon the expiry of that period;  
(b) where an appeal is made within that period but is withdrawn before it has been determined by the Secretary of State, on the date following the expiry of the period of 21 days beginning with the date on which the Secretary of State is notified of the withdrawal;  
(c) where an appeal is made and the connection notice is confirmed by a determination under subsection (5) above, on such date as the Secretary of State may specify in the determination.
- (7) Where a connection notice becomes effective, the local highway authority shall carry out the works specified in the notice within such period as may be

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so specified and may recover from the corporation the expenses reasonably incurred by them in doing so.

- (8) If the local highway authority do not carry out the works specified in the notice within such period as may be so specified, the corporation may themselves carry out or complete those works or arrange for another person to do so.
- (9) In this section—  
“highway” and “local highway authority” have the same meanings as in the Highways Act 1980;  
“private street” has the same meaning as in Part XI of that Act.
- (10) This section does not extend to Scotland.

### **157B Traffic regulation orders for private streets**

- (1) Where—
- (a) an urban development corporation submits to the Secretary of State that an order under this section should be made in relation to any road in the urban development area which is a private street; and
  - (b) it appears to the Secretary of State that the traffic authority do not intend to make an order under section 1 or, as the case may be, section 6 of the Road Traffic Regulation Act 1984 (orders concerning traffic regulation) in relation to the road,
- the Secretary of State may by order under this section make in relation to the road any such provision as he might have made by order under that section if he had been the traffic authority.
- (2) The Road Traffic Regulation Act 1984 applies to an order under this section as it applies to an order made by the Secretary of State under section 1 or, as the case may be, section 6 of that Act in relation to a road for which he is the traffic authority.
- (3) In this section—  
“private street” has the same meaning as in Part XI of the Highways Act 1980;  
“road” and “traffic authority” have the same meanings as in the Road Traffic Regulation Act 1984.
- (4) This section does not extend to Scotland.”

### **179 Adjustment of areas**

- (1) After subsection (3) of section 134 (urban development areas) of the 1980 Act there shall be inserted the following subsections—
- “(3A) The Secretary of State may by order alter the boundaries of any urban development area so as to exclude any area of land.
- (3B) Before making an order under subsection (3A) above, the Secretary of State shall consult any local authority the whole or any part of whose area is included in the area of land to be excluded by the order.”

- (2) In subsection (4) of that section, for the words “this section” there shall be substituted the words “subsection (1) above”.
- (3) After that subsection there shall be inserted the following subsection—
- “(5) The power to make an order under subsection (3A) above—
- (a) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and
  - (b) shall include power to make such incidental, consequential, transitional or supplementary provision as the Secretary of State thinks fit.”
- (4) In section 135(2) of that Act (establishment of urban development corporations), for the words “section 134” there shall be substituted the words “section 134(1)”.
- (5) In section 171 of that Act (interpretation of Part XVI: general), for the definition of “urban development area” there shall be substituted the following definition—
- ““urban development area” means so much of an area designated by an order under subsection (1) of section 134 above as is not excluded from it by an order under subsection (3A) of that section;”.

## **180 Transfers of property, rights and liabilities**

- (1) In subsection (1) of section 165 of the 1980 Act (power to transfer undertaking of urban development corporation), after the words “local authority”, in both places where they occur, there shall be inserted the words “or other body”.
- (2) Subsection (3) of that section (transfer of liabilities by order) shall cease to have effect; and after that section there shall be inserted the following section—

### **“165A Transfer of property, rights and liabilities by order**

- (1) Subject to this section, the Secretary of State may at any time by order transfer to himself, upon such terms as he thinks fit, any property, rights or liabilities which—
- (a) are for the time being vested in an urban development corporation, and
  - (b) are not proposed to be transferred under an agreement made under section 165 above and approved by the Secretary of State with the Treasury’s concurrence.
- (2) An order under this section may terminate—
- (a) any appointment of the corporation under subsection (1) of section 177 of the Leasehold Reform, Housing and Urban Development Act 1993 (power of corporations to act as agents of the Urban Regeneration Agency); and
  - (b) any arrangements made by the corporation under subsection (2) of that section.
- (3) Before making an order 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.



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

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- (4) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In subsection (9) of that section—
  - (a) after the words “this section” there shall be inserted the words “and sections 165A and 166 below”;
  - (b) for the words “the section”, in both places where they occur, there shall be substituted the words “the sections”.
- (4) For subsection (1) of section 166 of that Act (dissolution of urban development corporations) there shall be substituted the following subsection—
  - “(1) Where all property, rights and liabilities of an urban development corporation have been transferred under or by one or more relevant instruments, the Secretary of State may make an order by statutory instrument under this section.”
- (5) For subsection (5) of that section there shall be substituted the following subsection—
  - “(5) In this section “relevant instrument” means an agreement made under section 165 above or an order made under section 165A above.”

#### *Miscellaneous*

### **181 No compensation where planning decision made after certain acquisitions**

- (1) Section 23(3) of the Land Compensation Act 1961 (no compensation where planning decision made after certain acquisitions) shall be amended as follows.
- (2) After paragraph (a) there shall be inserted the following paragraph—
  - “(aa) under section 104 of that Act (acquisition by the Land Authority for Wales);”.
- (3) After paragraph (c) there shall be inserted the words “or
  - (d) under Part III of the Leasehold Reform, Housing and Urban Development Act 1993 (acquisition by the Urban Regeneration Agency).”
- (4) Subsection (2) above shall apply to an acquisition or sale of an interest in land if the date of completion (within the meaning of Part IV of that Act) falls on or after the day on which this Act is passed.

### **182 Powers of housing action trusts with respect to private streets**

- (1) In subsection (1) of section 69 of the Housing Act 1988 (powers of housing action trusts with respect to private streets), for the words “in a private street (or part of a private street) in a designated area” there shall be substituted the words “on any land in a designated area which was then or has since become a private street (or part of a private street)”.
- (2) In subsection (2) of that section, the words from “on grounds” onwards shall be omitted.

*Supplemental***183 Notices**

- (1) This section has effect in relation to any notice required or authorised by this Part to be given to or served on any person.
- (2) Any such notice may be given to or 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; and
  - (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; and
  - (b) in the case of a partnership, a partner 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) has specified an address within the United Kingdom other than his proper address within the meaning of subsection (4) 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) 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.

**184 Dissolution of English Industrial Estates Corporation**

- (1) The English Industrial Estates Corporation shall cease to exist on the commencement of this section.
- (2) All the property, rights and liabilities to which that Corporation was entitled or subject immediately before that commencement shall become by virtue of this section property, rights and liabilities of the Agency.

## **185 Interpretation of Part III**

In this Part—

“the 1980 Act” means the Local Government, Planning and Land Act 1980;

“the Agency” means the Urban Regeneration Agency;

“designation order” and “designated area” have the meanings given by section 170;

“highway” has the same meaning as in the Highways Act 1980;

“private street” has the same meaning as in Part XI of that Act.