



# Housing and Town Development (Scotland) Act 1957

1957 CHAPTER 38 5 and 6 Eliz 2

## PART II

PROVISION OF HOUSING ACCOMMODATION AND ASSOCIATED  
TOWN DEVELOPMENT IN RELIEF OF OVER-POPULATED DISTRICTS

### *Town development schemes*

#### **10 Town development schemes.**

- (1) Where a receiving authority consider it expedient that, in conjunction with any housing accommodation proposed to be provided [<sup>F1</sup>or already provided] in their district in pursuance of arrangements such as are mentioned in subsection (1) of section eight of this Act there should be carried out other development, including the provision of all or any of the following, namely, accommodation for the carrying on of industrial or other activities, appropriate public services, facilities for public worship, recreation and amenity and other requirements, they may, subject to the following provisions of this Part of this Act, make and submit to the Secretary of State a scheme containing proposals for that development related to the proposals as to the housing accommodation [<sup>F1</sup>and related also to the housing accommodation already provided, if any]; and on approval by the Secretary of State any such scheme (hereinafter referred to as a “town development scheme”) shall have effect for the purposes of this Part of this Act, and any duty which it proposes should be undertaken by the receiving [<sup>F2</sup>authority or Scottish Water] shall be a duty of that authority [<sup>F3</sup>or, as the case may be, Scottish Water].
- (2) A town development scheme may be extended or amended by a subsequent town development scheme.
- (3) The provisions of the Second Schedule to this Act shall have effect with respect to the contents, submission and approval of, and other matters connected with, town development schemes.

*Changes to legislation: There are currently no known outstanding effects for the Housing and Town Development (Scotland) Act 1957, Cross Heading: Town development schemes. (See end of Document for details)*

- (4) The Secretary of State shall not approve any town development scheme unless he is satisfied—
  - (a) that the execution of the scheme will be consistent with the proper planning of the area to which the scheme relates, and
  - (b) that if he were to withhold approval the development proposed therein, either by itself or along with commitments already undertaken or proposed to be undertaken by way of overspill agreements or other town development schemes by the receiving authority, would impose an unreasonable burden on the financial resources of the receiving authority.
- (5) Subject to the foregoing provisions of this section and to the provisions of the Second Schedule to this Act, the Secretary of State may approve a town development scheme without modification or with such modifications as appear to him to be expedient, so however that no such modification shall impose on any authority [<sup>F4</sup>or Scottish Water] any duty other than a duty relating to any water supply or sewerage service required for the purposes of the scheme.
- (6) References in this Part of, and in the Second Schedule to, this Act to a receiving or exporting authority in relation to a town development scheme are references respectively to the receiving authority who promoted, or are promoting, the scheme and to the exporting authority to meet the needs of whose district the housing accommodation to which the scheme relates is, or is to be, provided.

**Textual Amendments**

**F1** Words inserted by [Housing Act 1964 \(c. 56\), s. 100](#)

**F2** Words in s. 10(1) substituted (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\), art. 1, Sch. para. 2\(2\)\(a\)\(i\)](#)

**F3** Words in s. 10(1) inserted (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\), art. 1, Sch. para. 2\(2\)\(a\)\(ii\)](#)

**F4** Words in s. 10(5) inserted (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\), art. 1, Sch. para. 2\(2\)\(b\)](#)

<sup>F5</sup>**11 Provision of water supplies and sewerage services under town development schemes.**

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**Textual Amendments**

**F5** [S. 11](#) repealed (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\), art. 1, Sch. para. 2\(3\)](#)

<sup>F6</sup>**12 Allocation of expenditure on water supplies and sewerage services under town development schemes.**

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### Textual Amendments

- F6** S. 12 repealed (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\)](#), art. 1, **Sch. para. 2(3)**

## 13 Powers as to acquisition and use of land for the purposes of town development schemes.

- (1) Where as respects any land which is—
- (a) comprised in an area to which a town development scheme relates, . . . <sup>F7</sup>
  - (b) . . . . . <sup>F7</sup>
- the Secretary of State is satisfied that it is necessary for the proper execution of the town development scheme that the land should be acquired by the receiving authority under this section he may authorise that authority to acquire the land compulsorily in accordance with this section.
- (2) The <sup>M1</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply to the compulsory acquisition of land under this section and, accordingly, shall have effect as if this section had been in force immediately before the commencement of that Act.
- (3) This section shall, for the purposes of any enactment containing a reference to section thirty-five of the Town and Country Planning (Scotland) Act, 1947 (which relates to the acquisition of land for planning purposes) be treated as forming part of the said section thirty-five, and shall in particular be so treated for the purposes of . . . <sup>F8</sup>, subsection (1) of section thirty-seven, and subsection (2) of section forty-two of that Act, and of subsection (1) of section eighteen of the <sup>M2</sup>Town and Country Planning (Scotland) Act, 1945; . . . <sup>F9</sup>
- (4) This section shall be construed as one with Part III of the Town and Country Planning (Scotland) Act, 1947 (which contains provisions as to the acquisition and disposal of land for planning purposes).
- (5) In relation to the acquisition of land under this section, and to any land acquired under this section or appropriated for any purpose for which land can be acquired under this section,—
- (a) section nineteen of the Town and Country Planning (Scotland) Act, 1945, and the enactments referred to in this section shall have effect as if any reference therein to a local planning authority included a reference to a receiving authority who are not a local planning authority; and
  - (b) subsection (2) of section eighteen of the said Act of 1945 shall have effect as if for any reference therein to the best use of land or to the proper planning of the area of the authority there were substituted a reference to the proper execution of the town development scheme.

### Textual Amendments

- F7** S. 13(1)(b) and “and” repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), s. 1, **Sch. Pt. V**
- F8** Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), s. 1, **Sch. Pt. V**
- F9** Words repealed by [Town and Country Planning \(Scotland\) Act 1959 \(c. 70\)](#), **Sch. 8**

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**Changes to legislation:** There are currently no known outstanding effects for the Housing and Town Development (Scotland) Act 1957, Cross Heading: Town development schemes. (See end of Document for details)

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**Modifications etc. (not altering text)**

- C1** S. 13 extended by [Town and Country Planning \(Scotland\) Act 1959 \(c. 70\), s. 50\(4\)](#); modified by [Land Compensation \(Scotland\) Act 1963 \(c. 51\), s. 17, Sch. 2 para. 1\(1\)](#)
- C2** S. 13(1) extended by [Town and Country Planning \(Scotland\) Act 1959 \(c. 70\), s. 45\(1\)](#)

**Marginal Citations**

- M1** 1947 c. 42.
- M2** 1945 c. 33.

**14** ..... **F10**

**Textual Amendments**

- F10** S. 14 repealed by [S.I. 1986/672, arts. 2, 3, Sch. 1](#)

**Changes to legislation:**

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