



New Towns (Scotland) Act 1968

1968 CHAPTER 16

New towns and their development corporations

1 Designation of site of new town.

- (1) If the Secretary of State is satisfied, after consultation with any local authorities who appear to him to be concerned, that it is expedient in the national interest that any area of land should be developed as a new town by a corporation established under this Act, he may make an order designating that area as the site of the proposed new town.
- (2) An order under this section may include in the area designated as the site of the proposed new town any existing town or other centre of population; and references in this Act to a new town or proposed new town shall be construed accordingly.
- (3) The provisions of Schedule 1 to this Act shall have effect with respect to the procedure to be followed in connection with the making of orders under this section and with respect to the validity and date of operation of such orders.
- (4) As soon as may be after an order under this section becomes operative, the Secretary of State shall record it in the Register of Sasines.
- (5) Section 10(4) of this Act applies where it is proposed to make an order under this section.
- (6) Section 46(5) of this Act applies to any order under this section which designates an area as the site of a proposed new town, and to certain orders for extending the area of a new town.

Modifications etc. (not altering text)

- C1** S. 1. modified by [Land Compensation \(Scotland\) Act 1973 \(c. 56, SIF 28:2\)](#), s. 47(1)

Changes to legislation: There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, Cross Heading: New towns and their development corporations. (See end of Document for details)

[^{F1}1A Reduction of designated areas.

- (1) The Secretary of State may make an order excluding any land specified in the order from the area of a new town if, after consulting—
 - (a) the development corporation for the town, and
 - (b) [^{F2}the local authority]in whose area the land is situated,
 he is satisfied that it is expedient to make the order.
- (2) Subject to subsections (3) and (4) below, on the coming into force of an order under subsection (1) above—
 - (a) the land specified in the order shall cease to be contained in the area of the new town; and
 - (b) the order made under section 1 above designating the land shall cease to operate as regards that land.
- (3) The Secretary of State may in an order under this section make such provision by way of savings and transitional provisions (including provisions amending provisions made by or under an enactment) as he thinks fit, and subsection (2) above applies subject to any such savings and transitional provisions.
- (4) Schedule 1A to this Act applies with respect to the effect of an order under this section.
- (5) As soon as may be after an order under this section becomes operative, the Secretary of State shall record it in the Register of Sasines or the Land Register of Scotland, as the case may be.
- (6) 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.]

Textual Amendments

- F1** S. 1A inserted by new Towns and Urban Development corporation Act 1985 (c. 5, SIF 123:3, 4), s. 10(1)
- F2** Words in s. 1A(1)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 73(2)**; S.I. 1996/323, **art. 4(1)(c)**

2 Establishment of development corporation for new town.

- (1) For the purposes of the development of each new town the site of which is designated under section 1 of this Act, the Secretary of State shall by order establish a corporation (in this Act called a development corporation) consisting of a chairman, a deputy chairman and such number of other members, not exceeding seven, as may be prescribed by the order; and every such corporation shall be a body corporate by such name as may be prescribed by the order, with perpetual succession and a common seal.
- (2) The provisions of Schedule 2 to this Act shall have effect with respect to the constitution and proceedings of any development corporation established under this Act.
- (3) Nothing in this Act shall be construed as exempting a development corporation from liability for any tax, duty, rate, levy or other charge whatsoever, whether general or local.

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3 Objects and general powers of development corporation.

- (1) The objects of a development corporation established for the purposes of a new town shall be to secure the laying out and development of the new town in accordance with proposals approved in that behalf under the following provisions of this Act.
- (2) Subject to section 4 of this Act, every such corporation shall, for the purpose of securing the laying out and development of the new town as aforesaid, have power—
 - (a) to acquire, hold, manage and dispose of land and other property;
 - (b) to carry out building and other operations;
 - (c) to provide water, electricity, gas, sewerage and other services;
 - (d) to carry on any business or undertaking in or for the purposes of the new town, and generally to do anything necessary or expedient for the purposes of the new town or for purposes incidental thereto.
- (3) Without prejudice to the generality of the powers conferred on development corporations by this Act, a development corporation—
 - (a) may, with the consent of the Secretary of State, contribute such sums as the Secretary of State, with the concurrence of the Treasury, may determine towards expenditure incurred or to be incurred by any local authority or statutory undertakers in the performance, in relation to the new town, of any of their statutory functions, 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 for the new town.
- (4) For the avoidance of doubt it is hereby declared that subsection (2) above relates only to the capacity of a development corporation as a statutory corporation; and nothing in this section shall be construed as authorising the disregard by a development corporation of any enactment or rule of law.
- (5) For the avoidance of doubt it is hereby also declared—
 - (a) that the power of acquiring land conferred by subsection (2) above on a development corporation established for the purposes of a new town includes power to acquire any land within the area of the new town, whether or not it is proposed to develop that particular land; and
 - (b) that the power of disposing of land conferred by that subsection on such a development corporation includes, in relation to any land within the area of the new town, power to dispose of that land whether or not the development of that particular land has been proposed or approved under section 6(1) of this Act.

4 Restrictions on powers of development corporation.

- (1) A development corporation shall not have power to borrow money except [^{F3}in accordance with sections 37 and 37A of] this Act.
- (2) 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 a development corporation, the Secretary of State may give directions to any such corporation for restricting the exercise by them of any of their powers under this Act or for requiring them to exercise those powers in any manner specified in the directions.

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- (3) Before giving any directions to a development corporation under subsection (2) above the Secretary of State shall consult with the chairman of the corporation, or, if the chairman is not available, with the deputy chairman, unless he is satisfied that, on account of urgency, such consultation is impracticable.
- (4) A transaction between a person and a development corporation acting in purported exercise of their powers under this Act shall not be void by reason only that it was carried out in contravention of a direction given by the Secretary of State under subsection (2) above unless that person had actual notice of that direction.
- (5) Without prejudice to section 3(4) of this Act, nothing in this Act shall be construed as authorising a development corporation to carry on any undertaking for the supply of water, electricity or gas, or any railway, light railway, tramway or trolley vehicle undertaking except under the authority of an enactment not contained in this Act specifically authorising them to do so or, in the case of a trolley vehicle undertaking, under the authority of such an enactment or of an order under section 32 of this Act.

Textual Amendments

- F3** Words substituted by [Statutory Corporations \(Financial Provisions\) Act 1974 \(c. 8, SIF 99:6\), Sch. 3 para. 5](#)

5 Allocation or transfer of new town functions to existing or new development corporation.

- (1) If it appears to the Secretary of State, in the case of the area of any new town, that there are exceptional circumstances which render it expedient that the functions of a development corporation under this Act should be performed by the development corporation established for the purposes of any other new town instead of by a separate corporation established for the purpose, he may instead of establishing such a separate corporation, by order direct that the said functions shall be performed by the development corporation established for the said other new town.
- (2) If it appears to the Secretary of State that there are exceptional circumstances which render it expedient that the functions of a development corporation established for the purposes of a new town should be transferred to the development corporation established for the purposes of any other new town, or to a new development corporation to be established for the purposes of the first-mentioned new town, 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 development corporation established for the purposes of the said other new town, or, as the case may be, to a new corporation established for the purposes of the first-mentioned new town by the order.
- (3) Without prejudice to the provisions of this Act with respect to the variation of orders made thereunder, an order under this section providing for the exercise of functions in relation to a new town by the development corporation established for the purposes of another new town, 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 new towns.

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- (4) Before making an order under this section providing for the transfer of functions from or to a development corporation or for the exercise of any functions by such a corporation, the Secretary of State shall consult with that corporation.

Changes to legislation:

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