



New Towns (Scotland) Act 1968

1968 CHAPTER 16

Statutory undertakers

28 Extension or modification of functions of statutory undertakers.

- (1) The powers conferred by this section shall be exercisable where, on a representation made by statutory undertakers, it appears to the Secretary of State and the appropriate Minister to be expedient that the powers and duties of those undertakers should be extended or modified, in order—
 - (a) to secure the provision of services which would not otherwise be provided, or satisfactorily provided, for the purposes of a new town under this Act, or
 - (b) to facilitate an adjustment of the carrying on of the undertaking necessitated by any of the acts and events mentioned in subsection (2) below.
- (2) The said acts and events are—
 - (a) the acquisition under this Act of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking;
 - (b) the extinguishment of a right or the imposition of any requirement by virtue of section 26 of this Act.
- (3) The powers conferred by this section shall also be exercisable where, on a representation made by a development corporation, it appears to the Secretary of State and the appropriate Minister to be expedient that the powers and duties of statutory undertakers should be extended or modified, in order to secure the provision of new services, or the extension of existing services, for the purposes of a new town under this Act.
- (4) Where the powers conferred by this section are exercisable, the Secretary of State and the appropriate Minister may, if they think fit, by order provide for such extension or modification of the powers and duties of the statutory undertakers as appears to them to be requisite in order to secure the provision of the services in question, as mentioned in subsection (1)(a) or (3) above, or to facilitate the adjustment in question, as mentioned in subsection (1)(b) above, as the case may be.

Changes to legislation: There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, Section 28. (See end of Document for details)

- (5) Without prejudice to the generality of subsection (4) above, an order under this section may make provision—
- (a) for empowering the statutory undertakers to acquire (whether compulsorily or by agreement) any land specified in the order, and to erect or construct any building or works so specified;
 - (b) for applying, in relation to the acquisition of any such land or the construction of any such works, enactments relating to the acquisition of land and the construction of works;
 - (c) where it has been represented that the making of the order is expedient for the purposes mentioned in subsection (1)(a) or (3) above, for giving effect to such financial arrangements between the development corporation and the statutory undertakers as they may agree, or as, in default of agreement, may be determined to be equitable in such manner and by such tribunal as may be specified in the order;
 - (d) for such incidental and supplemental matters (including the amendment or repeal of any provision in any local enactment) as appear to the Secretary of State and the appropriate Minister to be expedient for the purposes of the order.

Changes to legislation:

There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, Section 28.